

Proposed resolution to define the methodology and criteria for the selection of projects in the ERDF / ESF+ multi-fund program for the 2021-2027 funding period

European Regional Development Fund (ERDF) and European Social Fund Plus (ESF+) in the program areas of the regional categories "more developed region" (SER) and "transition region" (ÜR)

Provisionally approved by the Multifund Monitoring Committee (BGA) for the 2014-2020 funding period on November 11, 2021 and subject to final approval by the BGA for the 2021-2027 funding period.

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1. Preliminary remarks

This document summarizes the relevant legal bases for determining the selection criteria and defines the resulting requirements for determining the methodology and criteria for the selection of projects.

Every project funded under the multi-fund program must undergo a transparent and non-discriminatory selection procedure. The managing authority is responsible for implementing the procedure and the associated criteria.

In order to ensure that the projects that make the greatest contribution to achieving the objectives set out in the program are selected, guideline-specific quality criteria for the selection of projects are defined in the guidelines. For reasons of transparency, the weighting of the quality criteria is defined and published in the form of a scoring model as an annex to the guidelines.

In the 2021 to 2027 funding period, the scoring procedure will also be standardized across all guidelines and funds. This uniformity increases the comparability and transparency of the selection process.

The methodology and criteria for the selection of projects in the individual guidelines must be approved by the Monitoring Committee before the start of funding.

For individual guidelines, it may be necessary to adapt the selection criteria and/or the methodology for project selection in order to achieve a technically meaningful implementation of the legal requirements (in particular in accordance with Article 73 of Regulation 2021/1060) and to deviate from the requirements in Chapters 4 and 5 of these guidelines. However, these deviations can only be made in well-founded exceptional cases.

For the territorial instruments "Regions of the Future in Lower Saxony" and "Development of Resilient Inner Cities", provisions deviating from these guidelines apply due to the provisions in Article 29(3) of the Common Provisions Regulation for the Structural Funds (REGULATION (EU) 2021/1060).

2. Legal basis

The projects supported by the multi-fund program must comply with Union law and the relevant national law in relation to its implementation (applicable law).

In particular, the following regulations as amended from time to time must be observed:

- Regulation (EU) 2021/1060 (Common Provisions Regulation) of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those funds and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy
- Regulation (EU) 2021/1057 of the European Parliament and of the Council of June 24, 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013
- Regulation (EU) 2021/1058 of the European Parliament and of the Council of June 24, 2021 on the European Regional Development Fund (ERDF) and the Cohesion Fund
- the delegated and implementing acts of the European Commission that refer to the aforementioned EU regulations
- the provisions of state aid law
- the provisions of public procurement law
- the State Budget Code (LHO), in particular §§ 23 and 44 as well as the administrative regulations issued in this regard
- the ANBest EFRE/ESF+
- the Lower Saxony Multifund Program for the 2021-2027 funding period
- the respective funding guidelines and any decrees issued in this regard

3. Legal framework for determining eligibility criteria

General requirements for the selection of projects are set out in Article 73 of the Common Provisions Regulation for the Structural Funds (REGULATION (EU) 2021/1060). Accordingly, the selection criteria must in particular be defined in such a way that they:

- ensure that projects are selected that make a maximum contribution to achieving the objectives of the program with the resources used (technical criteria);
- are non-discriminatory and transparent;
- Ensure accessibility and gender equality;
- the Charter of Fundamental Rights of the EU;
- take into account the principle of sustainable development and the Union's environmental policy in accordance with Article 11 and Article 191(1) TFEU.

4. Basic information and guidelines on the selection criteria

In the 2021 to 2027 funding period, the scoring procedure will also be designed uniformly across all guidelines and funds. In order to achieve this, the following requirements apply to the structure of scoring. The classification of regionally significant measures is regulated by decree and is based on the classification made for the 2014 to 2020 funding period.

a) Maximum achievable points

A maximum of 100 points will be awarded for the evaluation of the projects applied for. The 100 points are divided into at least two separate evaluation blocks: "Directive-specific technical criteria" and "Cross-cutting objectives".

i. Measures not of regional significance

The assessment block "Guideline-specific technical criteria" comprises 70 maximum points and the assessment block "Cross-cutting objectives" 30 maximum points.

ii. Regionally significant measures

For measures of regional significance, the "Directive-specific technical criteria" evaluation block comprises 55 maximum points, the "Regional technical component" evaluation block 25 maximum points and the "Cross-cutting objectives" evaluation block 20 maximum points.

b) Minimum number of points to achieve eligibility

For a project to be eligible for funding, at least half of the possible points in this evaluation block must be achieved in the technical quality criteria, which assess the contribution to achieving the technical objectives.

i. Measures not of regional significance

In measures that are not of regional significance, at least 40 points must be achieved in the "Directive-specific technical criteria" evaluation block and at least 20 points in the "Cross-cutting objectives" evaluation block in order to be considered eligible for funding. A total of at least 60 points must be achieved.

These minimum scores must be achieved in each case for a project to be funded. It is not possible to compensate for missing points in one of the two areas with points in the other area.

ii. Regionally significant measures

For measures of regional significance, the following are required for eligibility in the evaluation blocks "Guideline-specific technical criteria" and "regional technical evaluation component" together to achieve at least 48 points. A minimum score of 12 points applies in the "cross-sectional objectives" assessment block. A total of at least 60 points must be achieved.

These minimum scores must be achieved in each case for a project to be funded. It is not possible to compensate for a lack of points in one of the two areas with points in the other area.

c) Definition of the selection criteria

All criteria are defined in such a way that a comprehensible assessment and uniform evaluation practice can be ensured.

5. Notes and specifications for the individual assessment blocks

a) Guideline-specific technical criteria

"Guideline-specific technical criteria" account for the largest share of the overall assessment with 70 and 55 out of 100 maximum points respectively.

The evaluation criteria in this block are determined individually for each guideline. They are set in such a way that projects are selected that contribute as much as possible to achieving the program's objectives with the resources used.

The evaluation block "Guideline-specific technical criteria" is subdivided into main criteria / sub-blocks. Maximum points are set for these main criteria / sub-blocks. It is not mandatory to set minimum scores for these upper criteria/sub-blocks.

In principle, the following areas are taken into account as part of the "guideline-specific technical criteria":

A) Initial situation and objectives

This includes "guideline-specific technical criteria", which are used to assess the extent to which the projects contribute to the corresponding specific objective. Sub-criteria are, for example, the expected effects. The consideration of thematic priorities or cross-cutting fields of the RIS3 strategy for projects in PO 1 also falls under this overall criterion.

B) Quality of the implementation concept

These include "guideline-specific technical criteria", within the framework of which the quality of the planned project is assessed, taking into account the relationship between the funding amount and the expected output and contributions to the achievement of objectives. Sub-criteria are, for example, the evaluation of the selected methodology, the coherence and quality of the project schedules or the presentation of special elements (e.g. the quality of planned collaborations).

C) Quality of project management (if appropriate for the guideline)

This includes evaluation criteria relating to the quality of project management. These include, for example, the suitability of the applicant with regard to the chosen topic, the suitability of the personnel and the coherence of the financial planning. If necessary, this aspect is integrated into the overall criterion "Quality of the implementation concept".

b) RIS3 strategy (only in PZ 1)

Article 73(2)(a) of the Common Provisions Regulation for the Structural Funds (REGULATION (EU) 2021/1060) stipulates that the selected projects must be in line with the relevant strategies on which the program is based. For SC 1 and SC 2 in Political Objective 1, this is in particular the Lower Saxony Regional Innovation Strategy for Intelligent Specialization (RIS 3 Strategy). This should also provide orientation for SC 1.3. The guideline-specific technical selection criteria for measures in PZ 1 are therefore in line with the objectives of the RIS3 strategy.

The key objective of the RIS3 strategy is intelligent specialization in selected fields of specialization among the seven named areas of strength¹. The cross-sectional field "Digital Economy" must always be linked to one of the seven areas of strength.

In the guidelines, this focus is achieved either through topic-related calls or by taking the RIS3 strategy into account in the scoring of the guideline. In these cases, a total of 15 maximum points are provided for this sub-item.

c) Cross-cutting objectives

When implementing EU Structural Fund support, compliance with the cross-cutting objectives "Equality between women and men", "Non-discrimination and equal opportunities" and "Sustainable development" has an important role to play (see, among other things, Article 9 of the Common Provisions Regulation for the Structural Funds (REGULATION (EU) 2021/1060)). The cross-cutting objective of "good work" is also taken into account.

The special consideration of cross-cutting objectives is taken into account through the mandatory integration into the scoring system as part of the eligibility assessment.

A maximum of 30 points is provided for the "cross-cutting objectives" evaluation block if the measure is not of regional significance. In regionally significant measures, 20 maximum points are provided for the cross-cutting objectives. In principle, each cross-cutting objective is taken into account in each guideline.

The maximum points are distributed accordingly across the four cross-cutting objectives. For each directive, a cross-cutting objective is defined that is of particular relevance to the measure in question.

For this so-called "priority cross-cutting objective", 15 maximum points are awarded for measures that are not of regional importance. There are 5 maximum points for each of the other three cross-cutting objectives. In regionally significant measures, 11 maximum points are awarded for the priority cross-cutting objective and three points each for the other cross-cutting objectives.

The definition of the priority cross-cutting objective ensures that the cross-cutting objective that can best be addressed by the projects in the respective directive is given a high weighting, while the other cross-cutting objectives are also taken into account in the design of the projects.

¹ The seven areas of strength are: Mobility, Life Sciences, Energy Technologies and Systems, Agriculture and Food Industry, New Materials, Production Technology and Maritime Economy.

A total of at least 20 points must be achieved in the cross-cutting objectives assessment block for eligibility if the measure is not of regional significance. At least 12 points must be achieved for projects in regionally significant measures. The minimum scores of 20 and 12 points respectively ensure that an eligible project must contribute to at least two of the four cross-cutting objectives and cannot achieve all the necessary points through one cross-cutting objective alone.

For directives with investments in infrastructure and larger investment projects, a minimum number of points is set for the cross-cutting objective of environmental sustainability (sustainable development). This ensures that only projects that make a positive contribution to the cross-cutting objective are supported. The selection criteria ensure that significant negative environmental impacts are prevented or significantly reduced and at least offset by the projects supported by the multifund. This is a requirement that arises from the Strategic Environmental Assessment, as a fundamental prerequisite, and the implementation of the do-no-significant-harm principle (avoidance of significant negative environmental impacts).

Cross-cutting objective Equal opportunities and non-discrimination: Accessibility is a central aspect of this cross-cutting objective. It is defined as relevant for evaluation when selecting projects under the cross-sectional objective "Equal opportunities and non-discrimination".

d) Regional assessment component

The evaluation block "Regional technical component" with evaluation by the offices for regional development and the involvement of the municipal steering committees has 25 points in the coming funding period.

In the 2021 to 2027 funding period, the regional evaluation component is made up of four evaluation parts. The extent to which the project contributes to the operational objectives defined in the respective regional action strategy and whether the project is characterized by a cooperative approach is evaluated. Furthermore, the contribution to cross-border cooperation is assessed and up to five points are awarded for particularly exemplary projects.

e) Cross-border cooperation

The evaluation criterion of cross-border cooperation is evaluated for measures classified as regionally significant as part of the regional technical evaluation component and is taken into account as part of the guideline-specific technical criteria for other suitable guidelines.

The 5 points for contributions to cross-border cooperation provide an incentive for project promoters to enter into cooperation with partners from other countries. This evaluation criterion results from Article 22(3)(d)(vi) of Regulation (EU) 2021/1060.

6. Sample matrix

a) Sample matrix for measures that are not of regional significance

| | Quality criterion | Minimum score <i>(The project is only eligible for funding if this score is achieved in the respective evaluation block. In order for a project to be funded, this minimum score, which is determined on a block-by-block basis, must be achieved. become).</i> | Maximum number of points <i>(This is the maximum number of points that can be achieved in the respective evaluation criteria).</i> | Explanations |
|----|--|--|---|--|
| 1. | Directive-specific technical Criteria | 40 | 70 | <p>The guideline-specific technical criteria are defined individually for each guideline, taking into account the principles described in the previous chapters. They should be divided into different assessment blocks, for which individual minimum scores can be set.</p> <p>The evaluation aspects addressed under A) Initial situation and objectives and B) Quality of the implementation concept should generally be reflected in this evaluation block.</p> |
| A) | Initial situation and objectives <i>(guideline-specific technical criteria, within the framework of which it is assessed whether the projects are geared to the corresponding specific objective)</i> | | | |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| B) | Quality of the implementation concept <i>(Directive-specific criteria, within the framework of which the quality of the planned project is assessed, taking into account the relationship between the funding amount and the expected output and contributions to the objective of the project. achievement is evaluated)</i> | | | |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| 2. | Cross-cutting objectives | 20 | 30 | In principle, each of the four QSZs must be taken into account for each guideline. |
| | Equality* | - | 15 | |
| | Equal opportunities and non-dis-Criminalization | - | 5 | |

| | | | | |
|--|---|--|-----|--|
| | Ecological sustainability (sustainable development) | 2 (only for infrastructure measures and major investment projects) | 5 | A priority QAA must be defined for each guideline. A maximum of 15 points are awarded for this QAA. Up to 5 points are awarded for each of the other three QAAs. In this case, the sample QSZ Equality was defined as a priority QSZ. and therefore with a marked with an asterisk). |
| | Good work | - | 5 | |
| | | | | |
| | In total | 60 | 100 | A total of at least 60 points must be awarded for eligibility. can be achieved. |

b) Sample matrix for regionally significant measures

| | Quality criterion | Minimum score (Only if this Score in the respective evaluations tion block is promote the project worthy. So that a project has been be promoted can, this fixed in blocks set minimum score achieved become). | Maximum score (This score can be used in the respective valuation criteria maximum of criteria be handed). | Explanations |
|----|---|---|---|--|
| 1. | Directive-specific technical criteria | 33 (optional) | 55 | The guideline-specific technical criteria rien are, under be-consideration of the in the previous chapters described basic for each directive determined individually. They are to be divided into The following evaluation blocks be subdivided, for which in turn individually elle minimum scores |
| A) | Initial situation and objectives (Directive-specific technical criteria, in the context of which rer is assessed significantly, whether the projects are geared to the Specific objective deposit) | | | |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| B) | Quality of the implementation | | | |

| | | | | |
|--|-------------------|--|--|--|
| | concept zeptes | | | |
|--|-------------------|--|--|--|

| | | | | |
|----|--|---|----|--|
| | <i>(Directive-specific criteria within the framework of which the quality of the planned project is assessed, taking into account the relationship between the funding amount and the expected output and contributions to the achievement of objectives) is evaluated)</i> | | | can be determined. The evaluation aspects addressed under A) Initial situation and objectives and B) Quality of the implementation concept should be included in this evaluation block. |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| | Criterion XXX | | | |
| 2. | Regional technical evaluation component | None of its own, but 48 together with the guideline-specific technical criteria | 25 | |
| A) | Regional development <i>(It is assessed whether the project contributes to regional development in accordance with the Regional Development Strategy. action strategy).</i> | | 10 | In the 2021 to 2027 funding period, the regional evaluation component is made up of four evaluation parts. The extent to which the project contributes to the operational objectives set out in the respective regional action strategy and whether the project is characterized by a cooperative approach is assessed. The contribution to cross-border cooperation is also assessed and up to five points are awarded for particularly exemplary projects. |
| B) | Cooperation <i>(It is assessed whether the project is characterized by a cooperative approach (e.g. Cooperation several regional authorities, relevant stakeholders from business, science, civil society, etc.))</i> | | 5 | |
| C) | Cross-border cooperation (The project contributes to cross-border cooperation in Europe. ropa) | | 5 | |
| D) | Additional criterion of model character The project makes a particularly important contribution to overcoming region-specific challenges and/or implementing the regional action strategy (e.g. a particularly integrative approach, particularly good cooperation project, exemplary and transferable approach). This is | | 5 | |

| | | | | |
|----|---|--|-----|--|
| | in the application accordingly justify. | | | |
| | Common minimum number of points for the guideline-specific technical and regional professional criteria | 48 | 80 | |
| 2. | Cross-cutting objectives | 12 | 20 | In principle, each of the four QSZs must be taken into account for each guideline. A priority QAA must be defined for each guideline. A maximum of 11 points are awarded for this QAA. Up to 3 points are awarded for each of the other three QAAs. In this case, the Equalization QSZ was defined as a priority QSZ and therefore marked with a star. marked). |
| | Equality* | - | 11 | |
| | Equal opportunities and non-discrimination Discrimination | - | 3 | |
| | Ecological sustainability | 2 (only for infrastructure measures and major investment projects) | 3 | |
| | Good work | - | 3 | |
| | | | | |
| | In total | 60 | 100 | A total of at least 60 points must be awarded for eligibility. can be achieved. |

7. Methodology

The departments responsible for the guidelines specify the selection criteria in accordance with the guidelines formulated in this document.

The scoring is included in the application assessment as an eligibility check.

Projects are selected and evaluated by the NBank as part of the application and approval process, taking into account comments and votes if this is provided for in the guidelines.

Expert opinions may be obtained from specialist bodies to provide technical support to the NBank. These expert bodies are named in the respective guideline (in the section on procedural instructions). When submitting their guidelines, the departments responsible for the guidelines shall provide the BGA with a list of the body or bodies designated to provide technical support to the NBank and briefly explain the tasks of these bodies within the framework of the evaluation procedure.

The decision on funded measures is made exclusively by the NBank as the intermediary body. If it is necessary for the highest state authorities to agree on the budget to be made available for the provision of budget funds before a funding decision is made,

only the names of the eligible projects, their respective funding requirements and the respective source of funds may be communicated in the lists submitted. Neither the names of project sponsors nor the qualitative ranking of the projects may be visible in the lists in order to ensure a non-discriminatory procedure.

Only in exceptional cases, if there is no subordinate or third-party body that has the necessary expertise to issue the opinions required for the evaluation, can a supreme state authority be involved in the preparation of opinions. In such cases, it must be ensured that the unit issuing the opinion is not involved in issues relating to the provision of funds and is not bound by instructions for the opinion.

For the territorial instruments "Regions of the Future" and "Development of Resilient Inner Cities", provisions deviating from these guidelines apply due to the provisions in Article 29(3) of the Common Provisions Regulation for the Structural Funds (REGULATION (EU) 2021/1060). The decision on the eligibility of projects for funding is made by steering groups in the cities or future regions on the basis of the territorial strategies recognized by the managing authority. Eligibility for funding is checked by the NBank as the approval body. The procedure is described in the guidelines.



ITEM 8

Information and resolution on the guidelines on the methodology and criteria for the selection of projects



ITEM 8

Only the NBank, as the intermediary body, decides on funding. This also applies to territorial instruments. Here, the steering committees only determine eligibility for funding, not eligibility.

Every project funded under the multifund program must undergo a transparent and non-discriminatory selection process.

The projects that make the greatest contribution to achieving the objectives set out in the program must be selected.

technical and cross-cutting objectives → usually ranking



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Scorings are generally standardized across all guidelines and funds. This ensures comparability and transparency of the selection process.



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Selection criteria are defined in such a way that they:

- ensure that projects contribute as much as possible to achieving the objectives of the program (technical criteria);
 - are non-discriminatory and transparent;
 - Ensure accessibility and gender equality;
-
- the Charter of Fundamental Rights of the EU;
 - take into account the principle of sustainable development and the Union's environmental policy in accordance with Article 11 and Article 191(1) TFEU.



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- A maximum of 100 points are awarded, divided into two separate assessment blocks:
"Directive-specific technical criteria" and "Cross-cutting objectives".
- In the case of guidelines of regional significance, the "technical criteria" evaluation block is divided into two sub-blocks: "technical criteria specific to the guideline" and "technical criteria of regional significance"
- **Minimum points** must be achieved in the "technical" and "cross-sectional objectives" blocks.
- The "technical" block has the larger share in order to focus on the topic of "technical achievement of the program's objectives".



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As the regional significance of the technicality also has an effect, the technical block remains the leading one and always has more points than anything else.

This takes account of the EPSA test requirement.

The reference to cross-border cooperation within the EU demanded by DG REGIO is part of the regionally significant block.



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Technical criteria are drawn up on a guideline-specific basis

Mandatory sub-criterion in PZ 1 (where applicable):

RIS3 Strategy

In the guidelines, this focus can be achieved either via topic-related calls or by taking the RIS3 strategy into account in the scoring of the guideline



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Cross-cutting objectives

Compliance with the cross-cutting objectives

- "Equality between women and men",
- "Non-discrimination and equal opportunities" and
- "Sustainable development"

is ascribed a significant role.

Accessibility must be included in the cross-cutting objective
"Non-discrimination and equal opportunities" must always
be explicitly named and taken into account.

In addition, the ESSR has its own cross-cutting objective

- "Good work"

In principle, every cross-cutting objective must be taken into account in every directive.



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Optimization of operationalization

- A cross-cutting objective with particular relevance to the directive is defined for each directive.
 - There are 15 maximum points within the 30 points for this "priority cross-cutting objective".
 - The other three get five maximum points each
 - The 20 minimum points ensure **that at least two** cross-cutting objectives must achieve full points or that all cross-cutting objectives must achieve points.
-

In regionally significant measures, there are eleven maximum points for the priority cross-cutting objective and three points for each of the other cross-cutting objectives.



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Regional assessment component

The evaluation block "Regional technical component" is evaluated by the offices for regional development and the involvement of the municipal steering committees and delivered to the NBank as a statement.

Each item is evaluated as a separate sub-item:

- Accuracy of fit with the operational technical objectives defined in the respective regional action strategy
- cooperative approach
- Cross-border cooperation
- Model character



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The Scoringproduction in Overvice

| | grundsätzlich | | Regional bedeutsam | | |
|---|---------------|------------|--------------------|------------|-----------------|
| | Maximal | Mindestens | Maximal | Mindestens | |
| Fachliche Kriterien (anhand der Spezifischen Ziele) | 70 | 40 | 55 | 48 | Fachlich > 50 % |
| regional fachlich | | | 25 | | |
| 4 Querschnittsziele | 30 | 20 | 20 | 12 | QSZ > 50 % |
| (Davon für prioritäres QSZ) | (15) | | (11) | | |
| Gesamt | 100 | 60 | 100 | 60 | |

It is not possible to compensate for a lack of minimum points in one of the two blocks with points in the other area. For QSZ, at least 2 with full points or several with partial points must be achieved.

This means that a project is always in competition. At least with the minimum number of points.



Item 8 - Proposed resolution

See document:

"TOP 8 Draft resolution Selection of projects Nds."

(uploaded to the protected area on 29.10.2021)
