2018/0228(COD)

COLUMN TABLE FOR INTERINSTITUTIONAL NEGOTIATIONS – WORKING DOCUMENT

Proposal for a regulation of the European Parliament and the Council on Establishing the Connecting Europe Facility (COM(2018)0438 – C8-0225/2018 – 2018/0228(COD))

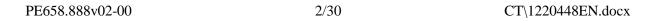
Date of the trilogue: 26.10.2020

Committee on Industry, Research and Energy Committee on Transport and Tourism – Negotiating team

NB: this cover page has been added for technical reasons only.

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	COMMISSION PROPOSAL COM(2018) 438 FINAL	EP FIRST READING POSITION	COUNCIL NEGOTIATION MANDATE ST 10418/3/20	COMMON UNDERSTANDING / COMPROMISE TEXT
		REC	CITALS	
20.	(4) Reflecting the importance			
	of tackling climate change in line			
	with Union's commitments to			
	implement the Paris Agreement,			
	and the commitment to the			
	United Nations Sustainable	United Nations Sustainable	United Nations Sustainable	United Nations Sustainable
	Development Goals, this	Development Goals, this	Development Goals, this	Development Goals, this
	Regulation should therefore	Regulation should therefore	Regulation should therefore	Regulation should therefore
	mainstream climate action and			
	lead to the achievement of an			
	overall target of 25% of the EU	overall target of 25% of the EU	overall target of <u>30%</u> of the EU	overall target of <u>30%</u> of the EU
	budget expenditures supporting	budget expenditures supporting	budget expenditures supporting	budget expenditures supporting
	climate objectives ³ . Actions under	climate objectives ¹ . Actions under	climate objectives ⁴ . Actions under	climate objectives ⁴ . Actions under
	this Programme are expected to	this Programme <i>should</i>	this Programme should	this Programme should
	contribute 60% of the overall			
	financial envelope of the			
	Programme to climate objectives,			
	based inter alia on the following	based <i>inter alia</i> on the following	based <i>inter alia</i> on the following	based <i>inter alia</i> on the following
	Rio markers:	Rio markers: (i) 100% for the	Rio markers: i) 100% for the	Rio markers: i) 100% for the
	i) 100% for the expenditures	expenditures relating to railway	expenditures relating to railway	expenditures relating to railway
	relating to railway infrastructure,	infrastructure, <i>charging</i>	infrastructure, <i>charging</i>	infrastructure, <i>charging</i>
	alternative fuels, clean urban	<i>infrastructure</i> alternative <i>and</i>	<i>infrastructure</i> alternative <i>and</i>	<i>infrastructure</i> alternative <i>and</i>
	transport, electricity transmission,	<i>sustainable</i> fuels, clean urban	<i>sustainable</i> fuels, clean urban	<i>sustainable</i> fuels, clean urban

¹ COM(2018)0321, p. 13.

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electricity storage, smart grids, CO₂ transportation and renewable energy; ii) 40% for inland waterways and multimodal transport, and gas infrastructure - if enabling increased use of renewable hydrogen or bio-methane. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. In order to prevent that infrastructure is vulnerable to potential long term climate change impacts and to ensure that the cost of greenhouse gas emissions arising from the project is included in the project's economic evaluation, projects supported by the Programme should be subject to climate proofing in accordance with guidance that should be developed by the Commission coherently with the guidance developed for other programmes of the Union where

transport, electricity transmission, electricity storage, smart grids, CO₂ transportation and renewable energy; (ii) 40% for inland waterways and multimodal transport, and gas infrastructure if enabling increased use of renewable hydrogen or biomethane. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. In order to prevent that infrastructure is vulnerable to potential long term climate change impacts and to ensure that the cost of greenhouse gas emissions arising from the project is included in the project's economic evaluation, projects supported by the Programme should be subject to climate proofing in accordance with guidance that should be developed by the Commission coherently with the guidance developed for other programmes

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	relevant.	of the Union where relevant.	of the Union where relevant.	of the Union where relevant.
	COM(2018) 321, page 13	COM(2018) 321, page 13	 (4) COM(2018) 321, page 13	
45.	(13) In order to improve the completion of transport projects in less developed parts of the	(13) In order to improve the completion of transport projects in less developed parts of the	(13) In order to improve the completion of transport projects in less developed parts of the	
	network, a Cohesion Fund	network, a Cohesion Fund	network, a Cohesion Fund	
	allocation should be transferred	allocation should be transferred	allocation should be transferred	
	to the Programme to finance transport projects in the Member	to the Programme to finance transport projects in the Member	to the Programme to finance transport projects in the Member	
	States eligible for financing from	States eligible for financing from	States eligible for financing from	
	the Cohesion Fund. In an initial	the Cohesion Fund. In an initial	the Cohesion Fund. In an initial	
	phase and within a limit of 70%	phase [] the selection of	phase and within a limit of 70% of	
	of the transferred envelope, the	projects eligible for financing	the transferred envelope, the	
	selection of projects eligible for	should respect the national	selection of projects eligible for	
	financing should respect the	allocations under the Cohesion	financing should respect the	
	national allocations under the	Fund. [] <i>At the end</i> of the <i>initial</i>	national allocations under the	
	Cohesion Fund. The remaining	<i>phase, resources</i> transferred <i>to</i>	Cohesion Fund. The remaining	
	30% of the transferred envelope	the Programme which have not	30% of the transferred envelope	
	should be allocated on a	been committed to a transport	should be allocated on a	
	competitive basis to projects	<i>infrastructure project</i> should be	competitive basis to projects	
	located in the Member States	allocated on a competitive basis	located in the Member States	
	eligible for financing from the	to projects located in the Member	eligible for financing from the	
	Cohesion Fund with priority to	States eligible for financing from	Cohesion Fund with priority to	
	cross-border links and missing	the Cohesion Fund with priority	cross-border links and missing	
	links. The Commission should	to cross-border links and missing	links. The Commission should	
	support Member States eligible	links. The Commission should	support Member States eligible	
	for financing from the Cohesion	support Member States eligible	for financing from the Cohesion	
	Fund in their efforts to develop	for financing from the Cohesion	Fund in their efforts to develop an	

	an appropriate pipeline of	Fund in their efforts to develop an	appropriate pipeline of projects,	
	projects, in particular by	appropriate pipeline of projects,	in particular by strengthening the	
	strengthening the institutional	in particular by strengthening the	institutional capacity of the public	
	capacity of the public	institutional capacity of the public	administrations concerned. <u>In</u>	
	administrations concerned.	administrations concerned.	addition, with a view to	
			improve more specifically the	
			completion of cross-border	
			railway projects in less	
			developed parts of the	
			network, a dedicated amount	
			of the envelope from the	
			European Strategic Investment	
			cluster shall be used for	
			projects for the completion of	
			missing major cross-border	
			railway links between Member	
			states eligible for funding from	
			the Cohesion Fund.	
91.			(33a) The CEF should be	
			established for a period of	
			seven years to align its duration	
			with that of the multiannual	
			financial framework laid down	
			in Council Regulation (EU,	
			Euratom) No [reference to the	
			Laratonn, 140 lielelelice to the	

95.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.
95a.	Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	Rules adopted on the basis of Article 322 TFEU also concern other conditionalities to protect the budget. The protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	

OJ C 373, 20.12.2013, p. 1.

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- Third countries which are 97. (38)members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.
- Third countries which are (38)members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.
- Third countries which are (38)members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the **Agreement of the European** Economic Area³ EEA agreement, which provides for the implementation of the programmes by on the basis of a decision **adopted** under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation requiring third **countries** to grant the necessary rights for and access required for to-the authoriszing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European and the Court of Auditors to comprehensively exert exercise their respective competences.
- Third countries which are (38)members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the **Agreement of the European Economic Area**⁴, which provides for the implementation of the programmes on the basis of a decision adopted under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation requiring third **countries** to grant the necessary rights and access required for the authorising officer responsible, the European Anti-Fraud Office (OLAF) and the Court of Auditors to comprehensively **exercise** their respective competences.

³ OJ L 1, 3.1.1994, p. 3.

⁴ OJ L 1, 3.1.1994, p. 3.

102. (40)In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council 17, Council Regulation (Euratom, EC) No 2988/95¹⁸, Council Regulation (Euratom, EC) No 2185/96¹⁹ and Council Regulation (EU) 2017/193²⁰, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has

In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council 17, Council Regulation (Euratom, EC) No 2988/95¹⁸, Council Regulation (Euratom, EC) No 2185/96¹⁹ and Council Regulation (EU) 2017/193²⁰, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has

(40) In accordance with **Regulations (EU, Euroatom) 2018/1046**¹⁹ (the "Financial Regulation") and, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council 19, Council Regulations (Euratom, EC) No 2988/95²⁰ and (Euratom, EC) No 2185/96²¹ and Council Regulation (EU) 2017/193²², the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities **including and** fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulations (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations,

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(40) In accordance with **Regulations (EU, Euroatom) 2018/1046**¹⁹ (the "Financial Regulation") and, (EU, Euratom) No 883/2013 of the European Parliament and of the Council 19, Council Regulations (Euratom, EC) No 2988/95²⁰ and (Euratom, EC) No 2185/96²¹ and Council Regulation (EU) 2017/193²², the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities **including** fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulations (EU, Euratom) No 883/2013 and (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to

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been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²¹. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the European Public Prosecutor's Office (EPPO) and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

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(17) Regulation (EU, Euratom) No 883/2013 of the European inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²³. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the **Union's** financial interests of the Union, to grant the necessary rights and access to the Commission, OLAF, the European Public Prosecutor's Office (EPPO) in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, and the European Court of

establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²³. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, to grant the necessary rights and access to the Commission, OLAF, EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) **2017/1939**, and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation

(17) Regulation (EU, Euratom)

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No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1

Council Regulation (EC, Euratom) No 2988/95 of 18
December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

(19) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning onthe-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.1996, p.2).

(20) Council Regulation (EU) 2017/1939 of 12 October 2017

Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1

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Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced

Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

(18a) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Regulation (EU, Euratom)
No 883/2013 of the European
Parliament and of the Council of
11 September 2013 concerning
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(18a) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Regulation (EU, Euratom)
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(OLAF) and repealing Regulation
(EC) No 1073/1999 of the
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Council and Council Regulation

implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1).

Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1).

of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

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(21) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning onthe-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.1996, p.2).

(22) Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1).

of the European Parliament and of the Council of 5 July 2017 on

(Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1

Council Regulation (EC, Euratom) No 2988/95 of 18
December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

(21) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning onthe-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.1996, p.2).

Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1).

Of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's

the fight against fraud to the	financial interests by means of
Union's financial interests by	criminal law (OJ L 198, 28.7.2017,
means of criminal law (OJ L 198,	p. 29).
28.7.2017, p. 29).	

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(43a) The Commission's
Communication of 3 October
2017 'Making Public
Procurement work in and for
Europe¹, notes that the EU is
the world's most open market
for procurement, but access for
our companies in other
countries is not always
reciprocal. Beneficiaries of CEF
should therefore make full use
of the strategic procurement
possibilities offered by
Directive 2014/25/EU.

109.

1 COMMUNICATION FROM THE
COMMISSION TO THE
EUROPEAN PARLIAMENT, THE
COUNCIL, THE EUROPEAN
ECONOMIC AND SOCIAL
COMMITTEE AND THE
COMMITTEE OF THE REGIONS
Making Public Procurement
work in and for Europe
COM/2017/0572 final

(43a) The Commission's
Communication of October 2017
'Making Public Procurement work
in and for Europe'¹, notes that the
EU is the world's most open market
for procurement, but access for our
companies in other countries is not
always reciprocal. Beneficiaries of
CEF should therefore make full use
of the strategic procurement
possibilities offered by
Directive 2014/25/EU.

¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Making Public Procurement work in and for Europe COM/2017/0572 final

(43a) The Commission's Communication of October 2017 'Making Public Procurement work in and for Europe'¹, notes that the EU is the world's most open market for procurement, but access for our companies in other countries is not always reciprocal. Beneficiaries of CEF should therefore make full use of the strategic procurement possibilities offered by Directive 2014/25/EU.

¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Making Public Procurement work in and for Europe COM/2017/0572 final

125.	CHAPTER I GENERAL PROVISIONS						
126.		Article 1 Subject matter					
127.	This Regulation establishes the Connecting Europe Facility (the 'Programme').	This Regulation establishes the Connecting Europe Facility (the 'Programme').	This Regulation establishes the Connecting Europe Facility (the 'Programme') for the period from 1 January 2021 to 31 December 2027.				
181.			ticle 4 udget				
183.	1. The financial envelope for the implementation of the Programme for the period 2021-2027 is set at EUR 42,265,493,000 in current prices.	1. The financial envelope for the implementation of the Programme for the period 2021-2027 is set at <i>EUR 43 850 768 000 in constant prices</i> (<i>EUR XXX in current prices</i>).	1. The financial envelope for the implementation of the Programme for the period 2021-2027 is set at EUR 33,710,000,000 in current prices.				
184.	2. The distribution of this amount shall be as follows:	2. The distribution of this amount shall be as follows:	2. The distribution of this amount shall be as follows:	2. The distribution of this amount shall be as follows:			
186.	(a) up to EUR 30,615,493,000 for the specific objectives referred to in Article 3(2)(a), of which:	(a) EUR 33 513 524 000 in constant prices (EUR XXX in current prices) for the specific objectives referred to in Article 3(2)(a), of which:	(a) EUR <u>25,807,000,000</u> for the specific objectives referred to in Article 3(2)(a), of which:				
188.	(i) EUR 12,830,000,000 from the European Strategic Investment cluster;	(i) EUR 17 746 000 000 in constant prices (EUR XXX in current prices) from the European Strategic Investment cluster;	(i) EUR 12,830,000,000 from the European Strategic Investment cluster, out of which EUR 1,559,800,000 to be spent exclusively for the completion of missing major cross-border				

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		(")	railway links between Member States eligible for funding from the Cohesion Fund;	
190.	(ii) EUR 11,285,493,000 transferred from the Cohesion Fund to be spent in line with this Regulation exclusively in Member States eligible for funding from the Cohesion Fund;	(ii) EUR 10 000 000 000 in constant prices (EUR 11,285,493,000 in current prices) transferred from the Cohesion Fund to be spent in line with this Regulation exclusively in Member States eligible for funding from the Cohesion Fund;	(ii) EUR 11,286,000,000 transferred from the Cohesion Fund to be spent in line with this Regulation exclusively in Member States eligible for funding from the Cohesion Fund;	(ii) [EUR 11,286,000,000] transferred from the Cohesion Fund to be spent in line with this Regulation exclusively in Member States eligible for funding from the Cohesion Fund;
192.	(iii) EUR 6,500,000,000 from the Defence cluster for the specific objective referred to in Article 3(2)(a)(ii);	(iii) EUR 5 767 524 000 in constant prices (EUR 6,500,000,000 in current prices) from the Defence cluster for the specific objective referred to in Article 3(2)(a)(ii).	(iii) EUR <u>1,691,000,000</u> from the Defence cluster for the specific objective referred to in Article 3(2)(a)(ii);	
194.	(b) up to EUR 8,650,000,000 for the specific objectives referred to in Article 3(2)(b), out of which up to 10% for the cross-border projects in the field of renewable energy	(b) EUR 8 650 000 000 for the specific objectives referred to in Article 3(2)(b), out of which 15%, subject to market uptake, for cross border projects in the field of renewable energy. If the 15% threshold is reached, the European Commission shall increase this amount up to 20%, subject to market uptake.	(b) EUR <u>5,838,000,000</u> for the specific objectives referred to in Article 3(2)(b), out of which 15%, subject to market uptake, for cross border projects in the field of renewable energy. If the 15% threshold is reached, the European Commission shall increase this amount up to 20%, subject to market uptake.	
195.	(c) up to EUR 3,000,000,000 for the specific objectives referred to in Article 3(2)(c).	(c) EUR 2 662 000 000 in constant prices (EUR 3 000 000 000 in current prices) for the specific objectives referred to in Article 3(2)(c).	(c) EUR <u>2,065,000,000</u> for the specific objectives referred to in Article 3(2)(c).	
196.	3. The Commission shall not depart from the amount referred to	3. The Commission shall not depart from the amount referred to	3. The Commission shall not depart from the amount referred to	3. The Commission shall not depart from the amount referred to

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	in subparagraph 2 (a) (ii).	in subparagraph 2 (a) (ii).	in subparagraph 2(a)(ii).	in subparagraph 2(a)(ii).
198.	4. The amount referred to in	4. Up to 1% of the amount	4. Up to 1% of the amount	4. Up to 1% of the amount
	paragraph 1 may be used for	referred to in paragraph 1 may be	referred to in paragraph 1 may be	referred to in paragraph 1 may be
	technical and administrative	used for technical and administrative	used for technical and	used for technical and
	assistance for the implementation	assistance for the implementation of	administrative assistance for the	administrative assistance for the
	of the Programme and the sector-	the Programme and the sector-	implementation of the Programme	implementation of the Programme
	specific guidelines, such as	specific guidelines, such as	and the sector-specific guidelines,	and the sector-specific guidelines,
	preparatory, monitoring, control,	preparatory, monitoring, control,	such as preparatory, monitoring,	such as preparatory, monitoring,
	audit and evaluation activities	audit and evaluation activities	control, audit and evaluation	control, audit and evaluation
	including corporate information and	including corporate information and	activities including corporate	activities including corporate
	technology systems. This amount	technology systems. This amount	information and technology	information and technology
	may also be used to finance	may also be used to finance	systems. This amount may also be	systems. This amount may also be
	accompanying measures to support	accompanying measures to support	used to finance accompanying	used to finance accompanying
	the preparation of projects.	the preparation of projects in	measures to support the	measures to support the
		particular to provide advisory to	preparation of projects in particular	preparation of projects in particular
		project promoters on funding	to provide advisory to project	to provide advisory to project
		opportunities in order to assist in	promoters on funding opportunities	promoters on funding
		the structuring of their project	in order to assist in the structuring	opportunities in order to assist in
		finance.	of their project finance.	the structuring of their project
				finance.
199.	5. Budgetary commitments for	5. Budgetary commitments for	5. Budgetary commitments for	5. Budgetary commitments for
	actions extending over more than	actions extending over more than	actions extending over more than	actions extending over more than
	one financial year may be broken	one financial year may be broken	one financial year may be broken	one financial year may be broken
	down over several years into annual	down over several years into annual	down over several years into annual	down over several years into annual
	instalments.	instalments.	instalments.	instalments.
202.	6. Without prejudice to the	6. Without prejudice to the	6. Without prejudice to the	6. Without prejudice to the
	Financial Regulation, expenditure	Financial Regulation, expenditure for	Financial Regulation, expenditure for	Financial Regulation, expenditure
	for actions resulting from projects	actions resulting from projects	actions resulting from projects	for actions resulting from projects
	included in the first work	included in the first work	included in the first work	included in the first work
	programme may be eligible as from	programme may be eligible as from	programme may be eligible as from	programme may be eligible as from
	1 January 2021.	1 January 2021.	1 January 2021.	1 January 2021.

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203.	7. The amount transferred	7. The amount transferred	7. The amount transferred	7. The amount transferred
	from the Cohesion Fund shall be	from the Cohesion Fund shall be	from the Cohesion Fund shall be	from the Cohesion Fund shall be
	implemented in accordance with	implemented in accordance with this	implemented in accordance with	implemented in accordance with
	this Regulation, subject to	Regulation, subject to paragraph 8	this Regulation, subject to paragraph	this Regulation, subject to
	paragraph 8 and without prejudice	and without prejudice to Article	8 and without prejudice to Article	paragraph 8 and without prejudice
	to Article 14(2)(b).	14(2)(b).	14(2)(b).	to Article 14(2)(b).

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205.	8. As regards the amounts	8. As regards the amounts	8. As regards the amounts	
	transferred from the Cohesion Fund,	transferred from the Cohesion Fund,	transferred from the Cohesion Fund,	
	30% of these amounts shall be	until 31 December 2022, the	30% of these amounts shall be made	
	made available immediately to all	selection of projects eligible for	available immediately to all Member	
	Member States eligible for funding	financing shall respect the national	States eligible for funding from the	
	from the Cohesion Fund to finance	allocations under the Cohesion Fund	Cohesion Fund to finance transport	
	transport infrastructure projects in	. As of 1 January 2023 , resources	infrastructure projects in accordance	
	accordance with this Regulation,	transferred to the Programme which	with this Regulation, with priority to	
	with priority to cross-border and	have not been committed to a	cross-border and missing links. Until	
	missing links. Until 31 December	transport infrastructure project shall	31 December 2023, the selection of	
	2023, the selection of projects	be made available, on a competitive	projects eligible for financing shall	
	eligible for financing shall respect	<i>basis,</i> to all Member States eligible	respect the national allocations	
	the national allocations under the	for funding from the Cohesion Fund	under the Cohesion Fund with	
	Cohesion Fund with regard to 70%	to finance transport infrastructure	regard to 70% of the resources	
	of the resources transferred. As of 1	projects in accordance with this	transferred. As of 1 January 2024,	
	January 2024, resources transferred	Regulation.	resources transferred to the	
	to the Programme which have not		Programme which have not been	
	been committed to a transport		committed to a transport	
	infrastructure project shall be made		infrastructure project shall be made	
	available to all Member States		available to all Member States	
	eligible for funding from the		eligible for funding from the	
	Cohesion Fund to finance transport		Cohesion Fund to finance transport	
	infrastructure projects in		infrastructure projects in accordance	
	accordance with this Regulation.		with this Regulation.	
206.		8a. The amount transferred	8a. The amount transferred	8a. The amount transferred
		from the Cohesion Fund shall not be	from the Cohesion Fund shall not	from the Cohesion Fund shall not
		used to finance cross-sectoral work	be used to finance cross-sectoral	be used to finance cross-sectoral
		programmes and blending	work programmes and blending	work programmes and blending
		operations.	operations.	operations.

208.	9. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The Commission shall implement those resources directly in accordance with [point (a) of Article 62(1)] of the Financial Regulation or indirectly in accordance with point (c) of that Article. Where possible those resources shall be used for the benefit of the Member State concerned.	9. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The Commission shall implement those resources directly in accordance with [point (a) of Article 62(1)] of the Financial Regulation or indirectly in accordance with point (c) of that Article. Those resources shall be used for the benefit of the Member State concerned.	9. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The Commission shall implement those resources directly in accordance with point (a) of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that Article. Those resources shall be used for the benefit of the Member State concerned.	9. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The transfer is subject to the conditions set out in Article 21 of the CPR Regulation. The Commission shall implement those resources directly in accordance with point (a) of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that Article. Those resources shall be used for the benefit of the Member State concerned.
208a		9a. Without prejudice to Article 4 paragraph 9, in the digital sector, resources allocated to Member States under shared management may, at their request, be transferred to the Programme, including to complement the funding of eligible actions under Article 9 paragraph 4 up to 100% of the total eligible cost where possible, without prejudice to the co-financing principle laid in Article 190 of the Financial Regulation and to the State Aid Rules. Those resources shall be used for the	10. Without prejudice to Article 4 paragraph 9, in the digital sector, resources allocated to Member States under shared management may, at their request, be transferred to the Programme, including to complement the funding of eligible actions under Article 9 paragraph 4 up to 100% of the total eligible cost where possible, without prejudice to the co-financing principle laid in Article 190 of the Financial Regulation and to the State Aid Rules. Those resources shall be used for the benefit of the Member	10. Without prejudice to Article 4 paragraph 9, in the digital sector, resources allocated to Member States under shared management may, at their request, be transferred to the Programme, including to complement the funding of eligible actions under Article 9 paragraph 4 up to 100% of the total eligible cost where possible, without prejudice to the co-financing principle laid in Article 190 of the Financial Regulation and to the State Aid Rules. Those resources shall be used for the benefit of the Member

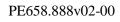
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benefit of the Member State

State concerned only.

State concerned only.

	concerned only.	



209.	Article 5 Third countries associated to the Programme			
210.	The Programme shall be open to the following third countries:	The Programme shall be open to the following third countries:	The Programme shall be open to the following third countries:	The Programme shall be open to the following third countries:
211.	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;
212.	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and them;	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and them;	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation of those countries in Union programmes established in the respective framework agreements and association Association council Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and themthose countries;	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
213.	(c) countries covered by the European Neighbourhood Policy, in	(c) countries covered by the European Neighbourhood Policy, in	(c) countries covered by the European Neighbourhood Policy,	(c) countries covered by the European Neighbourhood Policy,

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	accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;	accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;	in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association Association council Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;	in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
214.	(d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:	(d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:	(d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:	(d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:
215.	 ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes; 	 ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes; 	(i) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;	(i) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
216.	 lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their 	 lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their 	(ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their	(ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their

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	administrative costs. These	administrative costs. These	administrative costs. These	administrative costs. These
	contributions shall constitute	contributions shall constitute	contributions shall constitute	contributions shall constitute
	assigned revenues in accordance	assigned revenues in accordance	assigned revenues in accordance	assigned revenues in accordance
	with Article [21(5)] of the Financial	with Article [21(5)] of the Financial	with Article [21(5)] of the Financial	with Article [21(5)] of the Financial
	Regulation;	Regulation;	Regulation;	Regulation;
217.	 does not confer to the third 	 does not confer to the third 	(iii) does not confer to the third	(iii) does not confer to the third
	country a decisional power on the	country a decisional power on the	country a decisional power on the	country a decisional power on the
	programme;	programme;	programme;	programme;
218.	 guarantees the rights of the 	 guarantees the rights of the 	(iv) guarantees the rights of the	(iv) guarantees the rights of the
	Union to ensure sound financial	Union to ensure sound financial	Union to ensure sound financial	Union to ensure sound financial
	management and to protect its	management and to protect its	management and to protect its	management and to protect its
	financial interests.	financial interests.	financial interests.	financial interests.
220.		AM 74		
		 provide reciprocity in 		
		accesing similar programmes in the		
		third country, especially public		
		procurement.		

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- 222. 2. The third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest and under the conditions set in the work programmes referred to in Article 19.
- 2. The third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest and under the conditions set in the work programmes referred to in Article 19 and according to the provisions set by Article 8 of Regulation (EU) No 1315/2013.
- 2. Without prejudice to Article 8 of Regulation (EU) No 1315/2013, the third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest and under the conditions set in the work programmes referred to in Article 19.
- 2. Without prejudice to Article 8 of Regulation (EU) No 1315/2013, the third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest or a cross-border renewable energy project and under the conditions set in the work programmes referred to in Article 19.

389.		Art	icle 14	
		Co-fina	ncing rates	
391.	2. For works in the transport sector, the following maximum cofinancing rates shall apply:	2. For works in the transport sector, the following maximum cofinancing rates shall apply:	2. For works in the transport sector, the following maximum cofinancing rates shall apply:	2. For works in the transport sector, the following maximum cofinancing rates shall apply:
397.	(b) as regards the amounts transferred from the Cohesion Fund, the maximum co-financing rates shall be those applicable to the Cohesion Fund as referred to in the Regulation (EU) XXX [CPR]. These cofinancing rates may be increased to a maximum of 85% for actions relating to cross-border links under the conditions specified in point (c) of this paragraph;	(b) as regards the amounts transferred from the Cohesion Fund, the maximum co-financing rates shall be those applicable to the Cohesion Fund as referred to in the Regulation (EU) XXX [CPR]. These cofinancing rates may be increased to a maximum of 85% for actions relating to cross-border links under the conditions specified in point (c) of this paragraph <i>and actions</i> relating to missing links;	(b) as regards the amounts transferred from the Cohesion Fund, and as regards the amount from the European Strategic Investment cluster that will be used for the completion of missing major cross-border railway links between Member states eligible for funding from the Cohesion Fund as of Article 4, paragraph 2, point (a) (i), the maximum co-financing rate shall not exceed 85% of the total eligible costs shall be those applicable to the Cohesion Fund as referred to in the Regulation (EU) XXX [CPR]. These co-financing rates may be increased to a maximum of 85% for actions relating to cross-border links under the conditions specified in point (c) of this paragraph and actions relating to missing links;	

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434.	Article 18				
	Cumulative, complement	ary and combined funding	Cumulative <u>and Alternative</u> funding	Cumulative <u>and Alternative</u> funding	
438.	a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.	1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The implementation shall respect the rules provided in Article 62 of the Financial Regulation. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.	1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The implementation shall respect the rules provided in Article 62 of the Financial Regulation. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.	1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The implementation shall respect the rules provided in Article 62 of the Financial Regulation. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.	

440.	2. Actions which comply with the following cumulative,	2. Actions which comply with the following cumulative,	2. Actions <u>awarded a Seal of</u> <u>Excellence certification under this</u>	
	comparative, conditions:	comparative, conditions:	programme by complying, which	
			comply -with the following	
			cumulative comparative conditions:	
441.	(a) they have been assessed in a	(a) they have been assessed in a call	(a) they have been assessed in a	(a) they have been assessed in a
	call for proposals under the	for proposals under the Programme;	call for proposals under the	call for proposals under the
	Programme;		Programme;	Programme;
442.	(b) they comply with the minimum	(b) they comply with the minimum	(b) they comply with the minimum	(b) they comply with the minimum
	quality requirements of that call for	quality requirements of that call for	quality requirements of that call for	quality requirements of that call for
	proposals;	proposals;	proposals;	proposals;
443.	(c) they may not be financed under	(c) they may not be financed under	(c) they may not be financed under	(c) they may not be financed under
	that call for proposals due to	that call for proposals due to	that call for proposals due to	that call for proposals due to
	budgetary constraints;	budgetary constraints;	budgetary constraints;	budgetary constraints;
445.	may receive support from the	may receive support from the	may receive support from	
	European Regional Development	European Regional Development	the [European Regional	
	Fund or the Cohesion Fund in	Fund or the Cohesion Fund in	Development Fund] or the Cohesion	
	accordance with [paragraph 5 of	accordance with [Article 67(5)] of	Fund in accordance with [paragraph	
	Article 67] of Regulation (EU) XXX	Regulation (EU) XXX [CPR], without	5 of Article 67] of Regulation (EU)	
	[CPR], provided that such actions	any further assessment, and	XXX [CPR], without any further	
	are consistent with the objectives of	provided that such actions are	assessment , and provided that such	
	the programme concerned. The	consistent with the objectives of the	actions are consistent with the	
	rules of the Fund providing support	programme concerned. The rules of	objectives of the programme	
	shall apply.	the Fund providing support shall	concerned. The rules of the Fund	
		apply.	providing support shall apply.	

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Article 26 516. Protection of the financial interests of the Union Where a third country participates Where a third country participates in Where a third country participates 518. Where a third country participates in in the programme by a decision the programme by a decision under the programme by a decision under in the programme by a decision under an international agreement an international agreement or by an international agreement or by under an international agreement or by virtue of any other legal virtue of any other legal instrument, virtue of any other legal instrument, or by virtue of any other legal instrument, the third country shall the third country shall grant the the third country shall grant the instrument, the third country shall grant the necessary rights and necessary rights and access required necessary rights and access required grant the necessary rights and for the authorizing officer for the authorizing officer access required for the authorizing access required for the authorizing officer responsible, the European responsible, the European Antiresponsible, the European Antiofficer responsible, the European Anti-Fraud Office (OLAF), the Fraud Office (OLAF), the European Fraud Office (OLAF), the European Anti-Fraud Office (OLAF), the European Court of Auditors to Court of Auditors to Court of Auditors to European Court of Auditors to comprehensively exert their comprehensively exert their comprehensively exert their comprehensively exert their respective competences. In the case of OLAF, such rights shall include of OLAF, such rights shall include the of OLAF, such rights shall include the of OLAF, such rights shall include the the right to carry out investigations, including on-the-spot checks and including on-the-spot checks and including on-the-spot checks and including on-the-spot checks and inspections, provided for in inspections, provided for in inspections, provided for in inspections, provided for in Regulation (EU, Euratom) No Regulation (EU, Euratom) No Regulation (EU, Euratom) No Regulation (EU, Euratom) No 883/2013 of the European 883/2013 of the European 883/2013 of the European 883/2013. Parliament and of the Council Parliament and of the Council Parliament and of the Council concerning investigations concerning investigations concerning investigations conducted conducted by the European Anticonducted by the European Antiby the European Anti-Fraud Office Fraud Office (OLAF). Fraud Office (OLAF). (OLAF).