

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: 22.1.2021

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

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

2018/0228 (COD)
Proposal for a Regulation of the European Parliament and of the Council
establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014
(Text with EEA relevance)

	COMMISSION PROPOSAL COM(2018) 438 FINAL	EP FIRST READING POSITION	COUNCIL NEGOTIATION MANDATE ST 10418/3/20	COMMON UNDERSTANDING / COMPROMISE TEXT
RECITALS				
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 Development Goals, this Regulation should therefore mainstream climate action and lead to the achievement of an overall target of 25% of the EU budget expenditures supporting climate objectives ³ . Actions under this Programme are expected to contribute 60% of the overall financial envelope of the Programme to climate objectives, based <i>inter alia</i> on the following Rio markers:	(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 Development Goals, this Regulation should therefore mainstream climate action and lead to the achievement of an overall target of 25% of the EU budget expenditures supporting climate objectives ¹ . Actions under this Programme should contribute 60% of the overall financial envelope of the Programme to climate objectives, based <i>inter alia</i> on the following Rio markers: (i) 100% for the expenditures relating	(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 Development Goals, this Regulation should therefore mainstream climate action and lead to the achievement of an overall target of 30% of the EU budget expenditures supporting climate objectives ⁴ . Actions under this Programme should contribute 60% of the overall financial envelope of the Programme to climate objectives, based <i>inter alia</i> on the following Rio markers: i) 100% for the expenditures relating	Part of Common understanding. CONS new proposal (yellow text) accepted by EP + "at least" from IIA (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 Development Goals, this Regulation should therefore mainstream climate action and lead to the achievement of an overall target of at at least 30% of the EU budget expenditures supporting climate objectives ⁴ . Actions under this Programme should contribute 60% of the

¹ COM(2018)0321, p. 13.

<p>i) 100% for the expenditures relating to railway infrastructure, alternative fuels, clean urban transport, electricity transmission, electricity storage, smart grids, CO₂ transportation and renewable energy;</p> <p>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</p>	<p>to railway infrastructure, charging infrastructure alternative and sustainable fuels, clean urban 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 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</p>	<p>to railway infrastructure, charging infrastructure alternative and sustainable fuels, clean urban 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 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</p>	<p>overall financial envelope of the Programme to climate objectives, based <i>inter alia</i> on the following Rio markers: i) 100% for the expenditures relating to railway infrastructure, charging infrastructure alternative and sustainable fuels, clean urban 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 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</p>
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<p>developed for other programmes of the Union where relevant.</p> <p>⁽³⁾ COM(2018) 321, page 13</p>	<p>of the Union where relevant.</p> <p>⁽¹⁾ COM(2018) 321, page 13</p>	<p>of the Union where relevant.</p> <p>⁽⁴⁾ COM(2018) 321, page 13</p>	<p>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 relevant.</p> <p>New EP POSITION Addition to Recital (4)</p> <p><i>The programme should be subject, when available, to the methodologies set out by the Commission for monitoring expenditure contributing to halting and reversing the decline of biodiversity in view of working towards the ambition of providing 7.5% of annual spending under the MFF to biodiversity objectives in the year 2024 and 10% of annual spending under the MFF to biodiversity objectives in 2026 and 2027 and for measuring the relevant expenditure at programme level in the 2021-2027 MFF regarding the promotion of equality between women and men as well as rights and equal opportunities for all, and the mainstreaming of these objectives as well as gender-mainstreaming, including by strengthening the assessment of gender impacts under the Better</i></p>
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				<p>Regulation framework in impact assessments and evaluations.</p>
45.	<p>(13) In order to improve the completion of transport projects in less developed parts of the network, a Cohesion Fund allocation should be transferred to the Programme to finance transport projects in the Member States eligible for financing from the Cohesion Fund. In an initial phase and within a limit of 70% of the transferred envelope, the selection of projects eligible for financing should respect the national allocations under the Cohesion Fund. The remaining 30% of the transferred envelope should be allocated on a competitive basis to projects located in the Member States eligible for financing from the Cohesion Fund with priority to cross-border links and missing links. The Commission should support Member States eligible for financing from the Cohesion Fund in their efforts to develop an appropriate pipeline of projects, in particular by strengthening the institutional capacity of the public</p>	<p>(13) In order to improve the completion of transport projects in less developed parts of the network, a Cohesion Fund allocation should be transferred to the Programme to finance transport projects in the Member States eligible for financing from the Cohesion Fund. In an initial phase [...] the selection of projects eligible for financing should respect the national allocations under the Cohesion Fund. [...] At the end of the initial phase, resources transferred to the Programme which have not been committed to a transport infrastructure project should be allocated on a competitive basis to projects located in the Member States eligible for financing from the Cohesion Fund with priority to cross-border links and missing links. The Commission should support Member States eligible for financing from the Cohesion Fund in their efforts to develop an appropriate pipeline of projects, in particular by strengthening the</p>	<p>(13) In order to improve the completion of transport projects in less developed parts of the network, a Cohesion Fund allocation should be transferred to the Programme to finance transport projects in the Member States eligible for financing from the Cohesion Fund. In an initial phase and within a limit of 70% of the transferred envelope, selection of projects eligible for financing should respect the national allocations under the Cohesion Fund. The remaining 30% of the transferred envelope should be allocated on a competitive basis to projects located in the Member States eligible for financing from the Cohesion Fund with priority to cross-border links and missing links. The Commission should support Member States eligible for financing from the Cohesion Fund in their efforts to develop an appropriate pipeline of projects, in particular by strengthening the institutional capacity of the public administrations concerned.</p>	<p>New EP POSITION</p> <p>(13) In order to improve the completion of transport projects in less developed parts of the network, a Cohesion Fund allocation should be transferred to the Programme to finance transport projects in the Member States eligible for financing from the Cohesion Fund. In an initial phase and within a limit of 70% of the transferred envelope, selection of projects eligible for financing should respect the national allocations under the Cohesion Fund. The remaining 30% of the transferred envelope should be allocated on a competitive basis to projects located in the Member States eligible for financing from the Cohesion Fund with priority to cross-border links and missing links. One Member State may benefit of an amount up to 10 % of the amount allocated for the competition. Unallocated amounts following competition</p>

	administrations concerned.	institutional capacity of the public administrations concerned.		<p>should return to the Member States that did not benefit of the competition. The Commission should support Member States eligible for financing from the Cohesion Fund in their efforts to develop an appropriate pipeline of projects, in particular by strengthening the institutional capacity of the public administrations concerned.</p>
45a			<p>CONS new proposal in addition to Recital 13</p> <p><u>In 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.</u></p>	<p>New EP POSITION</p> <p>In addition, with a view to accelerate in the period 2021-2027 improve more specifically the completion of cross-border railway projects in less developed parts of the network, as an exception, a dedicated amount of the envelope from the MFF 2021-2027 heading 1(2) European Strategic Investments cluster shall be used allocated in priority, on a competitive basis, for projects between Member States eligible for funding from the Cohesion Fund for the completion of missing major cross-border railway links.</p>

91.	<p>EUCO: "The duration of MFF sectoral programmes should, as a rule, be aligned with the timeframe of the MFF 2021-2027"</p> <p>CCC: ... a clause stating that the duration of the MFF programme in question is linked to the duration of the next MFF, so that if there is a delay in adopting the post MFF, programmes could continue operating.</p> <p>CoP: The programme should be linked to the duration of the MFF, so that the existing programmes will continue to apply until the post-2027 MFF is adopted.</p>		<p>(33a) <u>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 MFF Regulation to be inserted].</u></p>	<p>Part of Common understanding. New EP POSITION</p> <p><i>(34) The duration of the programme is aligned to the duration of the MFF; this Regulation lays down a financial envelope for the entire period 2021-2027 which is to constitute the prime reference amount, within the meaning of point 16 of the Interinstitutional Agreement of XXXXXXX between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap for the introduction of new own resources.</i></p>
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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.	<p>Part of Common understanding.</p> <p>(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</p>
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.	<p>Rules adopted on the basis of Article 322 TFEU also concern other conditionalities to protect the budget.²⁰ 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.</p> <p>CONS new proposal</p>	<p>New EP POSITION</p> <p>Addition to line 95</p> <p>and in the Regulation of the European Parliament and of the Council XXXXX on a general regime of conditionality for the protection of the Union budget.</p>

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OJ C 373, 20.12.2013, p. 1.

			<i>Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.</i>	
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97.	<p>(38) Third countries which are 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.</p>	<p>(38) Third countries which are 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.</p>	<p><i>CONS new proposal Accepted by EP</i></p> <p>(38) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the <u>Agreement of the European Economic Area</u>³ EEA agreement, which provides for the implementation of the programmes <u>by on the basis of a decision adopted</u> under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation <u>requiring third countries</u> to grant the necessary rights <u>for and access required for</u> to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) <u>as well as the European and the</u> Court of Auditors to comprehensively <u>exert exercise</u> their respective competences.</p>	<p>(38) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the <u>Agreement of the European Economic Area</u>⁴, which provides for the implementation of the programmes <u>on the basis of a decision adopted</u> under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation <u>requiring third countries</u> to grant the necessary rights and access <u>required for</u> the authorizing officer responsible, the European Anti-Fraud Office (OLAF) <u>and the</u> Court of Auditors to comprehensively <u>exercise</u> their respective competences.</p>
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³ OJ L 1, 3.1.1994, p. 3.

⁴ OJ L 1, 3.1.1994, p. 3.



102.	<p>(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁷, 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 been fraud, corruption or any other illegal activity affecting the</p>	<p>(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁷, 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 been fraud, corruption or any other illegal activity affecting the</p>	<p><i>Part of Common understanding. CONS new proposal Accepted by EP</i></p> <p>(40) In accordance with <u>Regulations (EU, Euroatom) 2018/1046¹⁹</u> (the "Financial Regulation") <u>and</u>, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁹, Council Regulations (Euratom, EC) No 2988/95²⁰ <u>and</u> (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 <u>including and</u> 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 <u>Regulation</u> (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-</p>	<p>(40) In accordance with <u>Regulations (EU, Euroatom) 2018/1046¹⁹</u> (the "Financial Regulation") <u>and</u>, (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁹, Council Regulations (Euratom, EC) No 2988/95²⁰ <u>and</u> (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 <u>including</u> 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 establishing whether there has been fraud, corruption or any other illegal activity affecting the</p>
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<p>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.</p> <p>⁽¹⁷⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office</p>	<p>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.</p> <p>⁽¹⁷⁾ Regulation (EU, Euratom) 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)</p>	<p>spot checks and 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 Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds</p>	<p>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 of Union funds grant equivalent rights.</p> <p>^(18a) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of</p>
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<p>(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</p> <p>⁽¹⁸⁾ 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).</p> <p>⁽¹⁹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-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).</p> <p>⁽²⁰⁾ 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).</p> <p>⁽²¹⁾ Directive (EU) 2017/1371 of the European Parliament and of</p>	<p>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</p> <p>⁽¹⁸⁾ 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).</p> <p>⁽¹⁹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-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).</p> <p>⁽²⁰⁾ 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).</p> <p>⁽²¹⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the</p>	<p>grant equivalent rights.</p> <p>^(18a) <u>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).</u></p> <p>⁽¹⁹⁾ Regulation (EU, Euratom) 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</p> <p>⁽²⁰⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection</p>	<p><u>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).</u></p> <p>⁽¹⁹⁾ Regulation (EU, Euratom) 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</p> <p>⁽²⁰⁾ 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).</p> <p>⁽²¹⁾ Council Regulation</p>
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	<p>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).</p>	<p>fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).</p>	<p>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 on-the-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). ⁽²³⁾ 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).</p>	<p>(Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-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). ⁽²³⁾ 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).</p>
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109.

(43a) The Commission's Communication of 3 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

*The original EP AM:
(43a) In accordance with Article 85 of Directive 2014/25/EU, and in the case of third countries with which the Union has not concluded a multilateral or bilateral agreement ensuring comparable and effective access for Union undertakings to the procurement markets of those third countries, any tender submitted for the award of a*

Part of Common understanding. CONS new proposal in addition to Recital 43a

(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, and the Commission and Member States are to make full use of all available means to ensure that Union companies can access programmes that are similar to the CEF in third countries. Furthermore, all relevant Union institutions and bodies are encouraged to take forward the ongoing discussion on levelling the playing field as regards foreign subsidies.

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

See also Art. 5(1)(d)(v)

EP POSITION

COMP
(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~~ provisions of Directive 2014/25/EU, and the Commission and Member States are to make full use of all available means to ensure that Union companies can access programmes that are similar to the CEF in third countries. Furthermore, all relevant Union institutions and bodies are encouraged to take forward the ongoing discussion on levelling the playing field as regards foreign subsidies.

¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE

		<p><i>public supply contract for a project co-financed by the CEF may be rejected where the proportion of the products originating in third countries exceeds 50 % of the total value of the products constituting that tender.</i></p>	<p>Procurement work in and for Europe COM/2017/0572 final</p>	<p>EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Making Public Procurement work in and for Europe COM/2017/0572 final</p>
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125.	CHAPTER I GENERAL PROVISIONS			
126.	<i>Article 1 Subject matter</i>			
127.	This Regulation establishes the Connecting Europe Facility (the 'Programme').	This Regulation establishes the Connecting Europe Facility (the 'Programme').	<i>New CONS proposal</i> This Regulation establishes the Connecting Europe Facility (the 'Programme') <u>for the period from 1 January 2021 to 31 December 2027.</u>	<i>Part of Common understanding. CONS new proposal covered by new proposal in Recital 34</i> This Regulation establishes the Connecting Europe Facility (the 'Programme').
181.	<i>Article 4 Budget</i>			
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 EUR 43 850 768 000 in constant prices (EUR XXX in current prices).	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.	<i>New EP POSITION COMP</i> 1. The financial envelope for the implementation of the Programme for the period 2021-2027 is set at EUR 33,710,000,000 (1) in current prices. (1) The financial envelope of the CEF for the period 2021 to 2027 in constant 2018 prices is EUR 29 896 000 000, distributed as follows: EUR 22 884 000 000 including EUR 10 000 000 000 from Cohesion Fund and 1 500 000 000 from Heading 5(13) Defence (transport), EUR 5 180 000 000 (energy), EUR 1 832 000 000 (digital).
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 25,807,000,000 for the specific objectives referred to in Article 3(2)(a), of which:	CONS position accepted EUR 25,807,000,000 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 railway links between Member States eligible for funding from the Cohesion Fund;	New EP POSITION See also Annex Part II, lines 5 and 6 COMP (i) EUR 12,830,000,000 from MFF 2021-2027 Heading 1(2) the European Strategic Investment cluster
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;	CONS position accepted (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 1,691,000,000 from the Defence cluster for the specific objective referred to in Article 3(2)(a)(ii);	New EP POSITION COMP (iii) EUR 1,691,000,000 from MFF 2021-2027 Heading 5(13) 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	(b) EUR 8 650 000 000 for the specific objectives referred to in	(b) EUR 5,838,000,000 for the specific objectives referred to in	CONS position accepted

	Article 3(2)(b), out of which up to 10% for the cross-border projects in the field of renewable energy	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.	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 5,838,000,000 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.
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 2,065,000,000 for the specific objectives referred to in Article 3(2)(c).	CONS position accepted (c) EUR 2,065,000,000 for the specific objectives referred to in Article 3(2)(c).
196.	3. The Commission shall not depart from the amount referred to in subparagraph 2 (a) (ii).	3. The Commission shall not depart from the amount referred to in subparagraph 2 (a) (ii).	3. The Commission shall not depart from the amount referred to in subparagraph 2(a)(ii).	3. The Commission shall not depart from the amount referred to in subparagraph 2(a)(ii).
198.	4. The amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme and the sector-specific guidelines, such as preparatory, monitoring, control, audit and evaluation activities including corporate information and technology systems. This amount may also be used to finance accompanying measures to support the preparation of projects.	4. Up to 1% of the amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme and the sector-specific guidelines, such as preparatory, monitoring, control, audit and evaluation activities including corporate information and technology systems. This amount may also be used to finance accompanying measures to support the preparation of projects in particular to provide advisory to project promoters on funding opportunities in order to assist in the structuring of their	4. Up to 1% of the amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme and the sector-specific guidelines, such as preparatory, monitoring, control, audit and evaluation activities including corporate information and technology systems. This amount may also be used to finance accompanying measures to support the preparation of projects in particular to provide advisory to project promoters on funding opportunities in order to assist in the	4. Up to 1% of the amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme and the sector-specific guidelines, such as preparatory, monitoring, control, audit and evaluation activities including corporate information and technology systems. This amount may also be used to finance accompanying measures to support the preparation of projects in particular to provide advisory to project promoters on funding opportunities in order to assist in

		<i>project finance.</i>	structuring of their project finance.	the structuring of their project finance.
199.	5. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.	5. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.	5. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.	5. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.
202.	6. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.	6. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.	6. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.	6. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.
203.	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).

205.	<p>8. As regards the amounts transferred from the Cohesion Fund, 30% of these amounts shall be made available immediately to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation, with priority to cross-border and missing links. Until 31 December 2023, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund with regard to 70% of the resources transferred. As of 1 January 2024, resources transferred to the Programme which have not been committed to a transport infrastructure project shall be made available to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation.</p>	<p>8. As regards the amounts transferred from the Cohesion Fund, until 31 December 2022, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund 2. As of 1 January 2023, resources transferred to the Programme which have not been committed to a transport infrastructure project shall be made available, <i>on a competitive basis</i>, to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation.</p>	<p>8. As regards the amounts transferred from the Cohesion Fund, 30% of these amounts shall be made available immediately to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation, with priority to cross-border and missing links. Until 31 December 2023, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund with regard to 70% of the resources transferred. As of 1 January 2024, resources transferred to the Programme which have not been committed to a transport infrastructure project shall be made available to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation.</p> <p>New CONS proposal</p> <p><i>Member States whose GNI per capita, measured in PPS for the period 2015-2017, is less than 60 % of the average GNI per capita of the EU-27, shall be guaranteed, until 1 January 2025, 70% of 70% of the amount they have transferred to the CEF.</i></p>	<p>New EP POSITION</p> <p>(8) As regards the amounts transferred from the Cohesion Fund, 30% of these amounts shall be made available immediately, <i>on a competitive basis</i>, to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation, with priority to cross-border and missing links. <i>The maximum amount that one Member State may benefit shall be 10 % of the amount allocated for the competition. As of 1 January 2023 unallocated amounts following competition shall be distributed to the Member States that did not benefit of the competition.</i> Until 31 December 2024, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund with regard to 70% of the resources transferred. <i>Member States eligible for funding from the Cohesion Fund shall be guaranteed, until 31 December 2024, 50 % of the amount they have transferred to the CEF.</i></p>
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205a			<p>New CONS proposal</p> <p>8-a. In order to support Member States eligible for funding from the Cohesion Fund, which may experience difficulties in designing projects that are of a sufficient maturity, quality, or both, and which have sufficient added value for the Union, particular attention shall be given to programme support actions aimed at strengthening institutional capacity and the efficiency of public administrations and public services in relation to the development and implementation of projects listed in Regulation (EU) [the new CEF Regulation].</p>	<p>EP POSITION</p> <p><i>CONS position accepted</i></p>
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205b			<u>The Commission shall do its utmost to enable Member States eligible for funding from the Cohesion Fund to attain, by the end of the period 2021-2027, the highest possible absorption of the amount transferred to the CEF, including through the organization of additional calls.</u>	EP POSITION <i>CONS position accepted</i>
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205c			<p>Particular attention and support under the first and second subparagraph shall be given to those Member States whose GNI per capita, measured in PPS for the period 2015- 2017, is less than 60 % of the average GNI per capita of the EU-27.</p>	<p>EP POSITION</p> <p>Particular attention and support under the first and second subparagraph shall be given to those Member States whose GNI per capita, measured in PPS for the period 2015- 2017, is less than 65 % of the average GNI per capita of the EU-27.</p>
206.		<p><i>8a. The amount transferred from the Cohesion Fund shall not be used to finance cross-sectoral work programmes and blending operations.</i></p>	<p>8a. The amount transferred from the Cohesion Fund shall not be used to finance cross-sectoral work programmes and blending operations.</p>	<p>8a. The amount transferred from the Cohesion Fund shall not be used to finance cross-sectoral work programmes and blending operations.</p>

208.	<p>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.</p>	<p>9. Resources allocated to a Member [...] State under shared management may, at [...] its request, and in accordance with the relevant managing Authority be transferred to the Programme, in order for them to be used as part of a blending operation or synergy with other Union programmes action included in a proposal submitted by the Member State concerned and declared eligible by the Commission under a work programme procedure. 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. [...]</p>	<p>CONS new proposal</p> <p>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.</p>	<p>EP POSITION</p> <p>Accept CONS proposal</p> <p>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.</p>
208a		<p>EP Proposal</p> <p>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</p>		<p>EP proposal accepted by CONS</p> <p>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</p>

		Article 190 of the Financial Regulation and to the State Aid Rules. Those resources shall be used for the benefit of the Member States concerned		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 States concerned
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209.	<i>Article 5</i> <i>Third countries associated to the Programme</i>			
210.	1. The Programme shall be open to the following third countries:	1. The Programme shall be open to the following third countries:	1. The Programme shall be open to the following third countries:	1. 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;	CONS new proposal Accepted by EP (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 Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and them those 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 A ssociation C ouncil 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 accordance with the general	(c) countries covered by the European Neighbourhood Policy, in accordance with the general	CONS new proposal Accepted by EP (c) countries covered by the	(c) countries covered by the European Neighbourhood Policy, 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;	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;	European Neighbourhood Policy, 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 CONS new proposal Accepted by EP 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;	principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and A ssociation C ouncil 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;	CONS new proposal Accepted by EP (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 administrative	– lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative	CONS new proposal Accepted by EP (ii) lays down the conditions of participation in the programmes, including the calculation of financial	(ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative

	costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;	costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;	contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;	costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;
217.	– does not confer to the third country a decisional power on the programme;	– does not confer to the third country a decisional power on the programme;	CONS new proposal Accepted by EP (iii) does not confer to the third country a decisional power on the programme;	(iii) does not confer to the third country a decisional power on the programme;
218.	– guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.	– guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.	CONS new proposal Accepted by EP (iv) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.	(iv) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.
220.	3. The Commission shall endeavour, by approaching the third country concerned, to remedy any situation whereby it finds, on the basis either of the reports referred to in paragraph 2 or of other information, that, in the context of the award of service contracts, a third country: (a) does not grant Union undertakings effective access comparable to that granted by the Union to undertakings from that country; This is the provision from Directive 2014/25/EU	AM 74 – provide reciprocity in accessing similar programmes in the third country, especially public procurement.		EP POSITION COMP (v) provide reciprocity in accessing similar programmes, especially public procurement.

222.	<p>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.</p>	<p>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.</p>	<p><i>CONS new proposal</i></p> <p>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.</p>	<p>1. COMP</p> <p>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 project in accordance with Article 7(1) of this Regulation and under the conditions set in the work programmes referred to in Article 19.</p>
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245			<i>Part of Common understanding.</i>	Article 8 Projects of common interest in the area of digital connectivity infrastructure
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247			<i>Part of Common understanding.</i>	1. Projects of common interest in the area of digital connectivity infrastructure are those projects that are expected to make an important contribution to the Union's strategic connectivity objectives and/or provide the network infrastructure supporting the digital transformation of the economy and society as well as the European Digital Single Market.
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251			Part of Common understanding.	3. Without prejudice to the award criteria laid down in Article 13, priority for funding shall be determined taking into account the following criteria:
253.	(a) actions contributing to access to very high capacity networks capable of providing Gigabit connectivity for socio-economic drivers shall be prioritised taking into account the function of the socio-economic drivers, the relevance of the digital services and applications enabled by providing the underlying connectivity, and the potential socio-economic benefits to citizens, business and local communities, including the potential positive spill-overs in terms of connectivity, in accordance with Part V of the Annex;	(a) actions contributing to deployment of and access to very high capacity networks, including 5G and other state-of-the-art connectivity, in line with EU strategic connectivity targets in areas where socioeconomic drivers are located shall be prioritized taking into account their connectivity needs and the additional area coverage generated, including households, in accordance with Part V of the Annex. Stand-alone deployments to socio-economic drivers can be supported except in economically disproportionate or physically impracticable cases;	Part of Common understanding. CONS new proposal (a) actions projects of common interest contributing to deployment of and access to very high capacity networks, including 5G and other state-of-the-art connectivity, in line with EU strategic connectivity targets in areas where socioeconomic drivers are located shall be prioritized taking into account their connectivity needs and the additional area coverage generated, including households, in accordance with Part V of the Annex. Stand-alone deployments to socio-economic drivers can be supported except in economically disproportionate or physically impracticable cases.	New EP POSITION COMP (a) actions contributing to deployment of and access to very high capacity networks, including 5G and other state-of-the-art connectivity, in line with EU strategic connectivity targets in areas where socioeconomic drivers are located shall be prioritized taking into account their connectivity needs and the additional area coverage generated, including households, in accordance with Part V, section 1 of the Annex. Stand-alone deployments to socio-economic drivers can be supported except in economically disproportionate or physically impracticable cases.
254.	(b) actions contributing to the provision of very high-quality local wireless connectivity in local communities, in accordance with Part V of the Annex;	(b) actions contributing to the provision of very high-quality local wireless connectivity in local communities, in accordance with Part V of the Annex;	Part of Common understanding. CONS new proposal (b) actions projects of common interest contributing to the provision of very high-quality local wireless connectivity in local communities, in accordance with Part V of the Annex;	New EP POSITION COMP (b) actions contributing to the provision of very high-quality local wireless connectivity in local communities, in accordance with Part V, section 2 of the Annex;

256.	<p>(c) with regard to actions contributing to the deployment of 5G systems, priority shall be given to deployment of 5G corridors along major terrestrial transport paths, including the trans-European transport networks. The extent to which the action contributes to ensuring coverage along major transport paths enabling the uninterrupted provision of synergy digital services, while maximising potential positive spill-overs for territories and population in the vicinity of the project deployment area shall also be taken into account. An indicative list of projects that could benefit from support is included in Part V of the Annex;</p>	<p>(c) actions contributing to the deployment of 5G corridors along major transport paths, including on the trans-European transport networks, shall be prioritized to ensure coverage along major transport paths, enabling the uninterrupted provision of synergy digital services, taking into account its socio-economic relevance relative to any currently installed technological solutions in a forward looking approach. An indicative list of projects that could benefit from support is included in Part V of the Annex;</p>	<p>Part of Common understanding. CONS new proposal (c) actions projects of common interest contributing to the deployment of 5G corridors along major transport paths, including on the trans-European transport networks, shall be prioritized to ensure coverage along major transport paths, enabling the uninterrupted provision of synergy digital services, taking into account its socio-economic relevance relative to any currently installed technological solutions in a forward looking approach. An indicative list of projects that could benefit from support is included in Part V of the Annex;</p>	<p>New EP POSITION COMP (c) actions contributing to the deployment of 5G corridors along major transport paths, including on the trans-European transport networks, such as those listed in Part V, section 3 of the Annex, shall be prioritized to ensure coverage along major transport paths, enabling the uninterrupted provision of synergy digital services, taking into account its socio-economic relevance relative to any currently installed technological solutions in a forward looking approach. An indicative list of projects that could benefit from support is included in Part V of the Annex;</p>
258	<p>(d) projects aiming at the deployment of cross-border backbone networks linking the Union to third countries and reinforcing links within the Union territory, including with submarine cables, shall be prioritised according to the extent to which they significantly contribute to increasing the resilience and capacity of electronic communications networks in Union territory;</p>	<p>(d) projects aiming at the deployment or significant upgrade of cross-border backbone networks linking the Union to third countries and reinforcing links between electronic communications networks within the Union territory, including submarine cables, shall be prioritised according to the extent to which they significantly contribute to the increased performance, resilience and very high capacity of those electronic communications networks;</p>	<p>Part of Common understanding. CONS new proposal (d) projects of common interest aiming at the deployment or significant upgrade of cross-border backbone networks linking the Union to third countries and reinforcing links between electronic communications networks within the Union territory, including submarine cables, shall be prioritised according to the extent to which they significantly contribute to the increased performance, resilience and very high capacity of those</p>	<p>EP position Keep the text of Common understanding (d) projects aiming at the deployment or significant upgrade of cross-border backbone networks linking the Union to third countries and reinforcing links between electronic communications networks within the Union territory, including submarine cables, shall be prioritised according to the extent to which they significantly contribute to the</p>

			electronic communications networks;	increased performance, resilience and very high capacity of those electronic communications networks;
260	(f) with regard to projects deploying operational digital platforms, priority shall be given to actions based on state-of-the-art technologies, taking into account aspects such as interoperability, cybersecurity, data privacy and re-use.	(f) with regard to projects deploying operational digital platforms, priority shall be given to actions based on state-of-the-art technologies, taking into account aspects such as interoperability, cybersecurity, data privacy and re-use.	Part of Common understanding. CONS new proposal (ef) with regard to projects of common interest deploying operational digital platforms, priority shall be given to actions based on state-of-the-art technologies, taking into account aspects such as interoperability, cybersecurity, data privacy and re-use.	EP position Keep the text of Common understanding (f) with regard to projects deploying operational digital platforms, priority shall be given to actions based on state-of-the-art technologies, taking into account aspects such as interoperability, cybersecurity, data privacy and re-use.
265 267			Part of Common understanding.	Article 9 Eligible actions 1. Only actions contributing to the achievement of the objectives referred to in Article 3, taking into account long-term decarbonisation commitments, are eligible for funding. Such actions include studies, works and other accompanying measures necessary for the management and implementation of the Programme and the sector-specific guidelines. Studies are eligible only when relating to projects eligible under this Programme.
268			Part of Common understanding.	2. In the transport sector only the following actions shall be eligible to receive Union financial assistance under this Regulation:
269			Part of Common understanding.	(a) Actions relating to efficient,

				interconnected, interoperable and multimodal networks for the development of railway, road, inland waterway and maritime infrastructure:
270			<i>Part of Common understanding.</i>	(i) actions implementing the core network in accordance with Chapter III of Regulation (EU) No 1315/2013, including actions relating to cross border links and missing links, such as those listed in Part III of the Annex to this Regulation, as well as urban nodes, multimodal logistics platforms, maritime ports, inland ports, rail-road terminals and connections to airports of the core network as defined at Annex II to Regulation (EU) No 1315/2013. Actions implementing the core network may include related elements located on the comprehensive network when necessary to optimize the investment and according to modalities specified in the work programmes referred to in Article 19 of this Regulation;
272			<i>Part of Common understanding.</i>	ii) actions relating to cross-border links of the comprehensive network in accordance with Chapter II of Regulation (EU) No 1315/2013, such as those listed in Part III section 2 of the Annex to this Regulation, actions referred to in Part III section 3 of the Annex to this Regulation,

				actions relating to studies for the development of the comprehensive network and actions relating to maritime and inland ports of the comprehensive network in accordance with Chapter II of Regulation (EU) No 1315/2013;
308			Part of Common understanding.	3. In the energy sector only the following actions shall be eligible to receive Union financial assistance under this Regulation:
309			Part of Common understanding.	(a) actions relating to projects of common interest as set out at Article 14 of Regulation (EU) No 347/2013;
310			Part of Common understanding.	(b) actions supporting cross-border projects in the field of renewable energy including innovative solutions as well as storage of renewable energy, and their conception, as defined in Part IV of the Annex to this Regulation, subject to the fulfilment of the conditions laid down in Article 7 of this Regulation.
311			Part of Common understanding.	4. In the digital sector the following actions shall only be eligible to receive Union financial assistance under this Regulation:
315	(c) actions implementing uninterrupted coverage with 5G systems of all major terrestrial transport paths, including the trans-European transport networks;	(c) actions implementing uninterrupted coverage with 5G systems of all major transport paths, including the trans-European transport networks;	Part of Common understanding (c) actions implementing uninterrupted coverage with 5G systems of all major transport paths, including the trans-European transport networks;	New EP POSITION COMP (c) actions implementing uninterrupted coverage with 5G systems of all major transport paths, including the trans-European

				transport networks, such as those listed in Part V, section 3 of the Annex;
317	(d) actions supporting deployment of backbone networks including with submarine cables, across Member States and between the Union and third countries;	(d) actions supporting deployment of new or significant upgrade of existing backbone networks including submarine cables, within and between Member States and between the Union and third countries;	Part of Common understanding (d) actions supporting deployment of new or significant upgrade of existing backbone networks including submarine cables, within and between Member States and between the Union and third countries;	New EP POSITION COMP (d) actions supporting deployment of new or significant upgrade of existing backbone networks including submarine cables, within and between Member States and between the Union and third countries, such as those listed in Part V, section 3 of the Annex, as well as other actions supporting deployment of backbone networks referred to in that section;
319	(f) actions implementing digital connectivity infrastructure requirements related to cross-border projects in the areas of transport or energy and/or supporting operational digital platforms directly associated to transport or energy infrastructures.	(f) actions implementing digital connectivity infrastructure requirements related to cross-border projects in the areas of transport or energy and/or supporting operational digital platforms directly associated to transport or energy infrastructures.	Part of Common understanding (f) actions implementing digital connectivity infrastructure requirements related to cross-border projects in the areas of transport or energy and/or supporting operational digital platforms directly associated to transport or energy infrastructures.	New EP POSITION COMP (e) actions implementing digital connectivity infrastructure requirements related to cross-border projects in the areas of transport or energy and/or supporting operational digital platforms directly associated to transport or energy infrastructures, such as those listed in Part V, section 3 of the Annex.
320	An indicative list of eligible projects in the digital sector is provided for in Part V of the Annex.		Part of Common understanding. CONS new proposal An indicative list of eligible projects in the digital sector, including a non-exhaustive list of 5G corridors and	New EP POSITION Deleted

			<p>cross-border backbone connections, is provided for in Part V of the Annex.</p>	
<p>334 - 342</p>			<p>Part of Common understanding.</p>	<p>Article 11 <i>Eligible entities</i></p> <p>1. The eligibility criteria set out in this Article shall apply in addition to the criteria set out in Article [197] of the Financial Regulation.</p> <p>2. The following entities are eligible:</p> <p>(a) legal entities established in a Member State including joint ventures;</p> <p>(b) legal entities established in a third country associated to the Programme or overseas countries and territories;</p> <p>(c) legal entities created under Union law and international organisations where provided for in the work programmes.</p> <p>3. Natural persons are not eligible.</p> <p>4. Legal entities established in a third country which is not associated to the Programme are exceptionally eligible to receive support under the Programme where this is indispensable for the achievement of the objectives of a given project of common interest in the field of transport, energy and digital or of a cross-border project in the field of renewable energy.</p>

342a	<p>COM new proposal</p> <p>4a. The work programme may also provide that legal entities established in countries associated to the programme and legal entities established in the EU, but controlled from third countries, are not eligible for participation in all, or some of the actions under the specific objectives set out in Article 3, for duly justified security reasons. In such cases, calls for proposals and calls for tenders shall be restricted to entities established, or deemed to be established, in Member States and controlled by Member States and/or nationals of Member States.</p>			<p>New POSITION</p> <p>COMP</p> <p>4a. The work programme may also provide that legal entities established in third countries associated to the programme in accordance with Article 5, and legal entities established in the EU, but controlled from by third countries and/or nationals of third countries and/or entities established in third countries, are not eligible for participation in all, or some of the actions under the specific objectives set out in Article 3, paragraph 2 point c, for duly justified security reasons. In such cases, calls for proposals and calls for tenders shall be restricted to entities established, or deemed to be established, in Member States and controlled by Member States and/or nationals of Member States.</p>
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389.	<i>Article 14 Co-financing rates</i>			
391.	2. For works in the transport sector, the following maximum co-financing rates shall apply:	2. For works in the transport sector, the following maximum co-financing rates shall apply:	2. For works in the transport sector, the following maximum co-financing rates shall apply:	2. For works in the transport sector, the following maximum co-financing 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 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;	(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 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;	<u>Part of Common understanding CONS new proposal</u> (b) as regards the amounts transferred from the Cohesion Fund, <u>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</u> 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;	<u>New EP POSITION</u> <u>COMP</u> (b) as regards the amounts transferred from the Cohesion Fund the maximum co-financing rates shall <i>not exceed 85% of the total eligible costs.</i> <u>ba concerning Member States eligible for funding from the Cohesion Fund, as regards the amount from the European Strategic Investment Heading that will be allocated, in priority, for projects developed for the completion of missing major cross-border railway links as of Annex, Part II, indent 1</u> the maximum co-financing rates shall <i>not exceed 85% of the total eligible costs.</i>

434.	<i>Article 18</i>		
	<i>Cumulative, complementary and combined funding</i>		<p>Part of Common understanding CONS new proposal <i>Cumulative and Alternative funding</i></p> <p>EP POSITION Keep text of Common understanding</p> <p><i>Cumulative, complementary and combined funding</i></p>
438.	<p>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 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.</p>	<p>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.</p>	<p>Part of Common understanding CONS new proposal</p> <p>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.</p> <p>EP POSITION Accept CONS proposal</p> <p>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 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.</p>

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

		<p>authority may decide to grant support from the ERDF or the ESF+ directly, provided that such operations are consistent with the objectives of the programme meet the requirements set out in [points (a), (b) and (e) of paragraph 3].</p> <p>In addition, managing authorities may apply to the operations referred to in the first subparagraph the categories, maximum amounts and methods of calculation of eligible costs established under the relevant Union instrument.</p> <p>These elements shall be set out in the document referred in paragraph 4.</p>		
486	<i>Article 23 Delegated acts</i>	<i>Article 23 Delegated acts</i>	<i>Article 23 Delegated acts</i>	<i>Article 23 Delegated acts</i>
487	The Commission shall be empowered to adopt delegated acts in accordance with Article 24 of this Regulation:	1. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 of this Regulation:	1. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 of this Regulation:	1. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 of this Regulation:
488	(a) to amend Part I of the Annex regarding the indicators and to establish a monitoring and evaluation framework;	(a) to to establish a monitoring and evaluation framework based on the indicators as set out in Part I of the Annex;	(a) to establish a monitoring and evaluation framework; based on the indicators as set out in Part I of the Annex;	(a) to establish a monitoring and evaluation framework based on the indicators as set out in Part I of the Annex;
492	(d) to amend Part IV of the Annex regarding the identification of cross-border projects in the field of renewable energy;	(d) to supplement Part IV of the Annex regarding the identification of cross-border projects in the field of renewable energy; to establish and update the list of selected cross-border projects in the field of	(d) to supplement Part IV of the Annex regarding the identification of cross-border projects in the field of renewable energy; to establish and update the list of selected cross-border projects in the field of	(d) to supplement Part IV of the Annex regarding the identification of cross-border projects in the field of renewable energy; to establish and update the list of selected cross-border projects in the field of

		<i>renewable energy.</i>	renewable energy.	renewable energy.
502		2. Subject to the second paragraph of Article 172 TFEU, the Commission shall be empowered to adopt delegated acts in accordance with Article 24 of this Regulation:	2. Subject to the second paragraph of Article 172 TFEU, the Commission shall be empowered to adopt delegated acts in accordance with Article 24 of this Regulation:	2. Subject to the second paragraph of Article 172 TFEU, the Commission shall be empowered to adopt delegated acts in accordance with Article 24 of this Regulation:
503		(a) to amend Part III of the Annex regarding the definition of the transport core network corridors; and pre-identified sections on the comprehensive network;	(a) to amend Part III of the Annex regarding the definition of the transport core network corridors; and pre-identified sections on the comprehensive network;	(a) to amend Part III of the Annex regarding the definition of the transport core network corridors; and pre-identified sections on the comprehensive network;
504		(b) to amend Part V of the Annex regarding the identification of digital connectivity projects of common interest.	Part of Common understanding CONS new proposal (b) to amend Part V of the Annex regarding the identification of digital connectivity infrastructure projects of common interest.	EP Proposal Keep the text of Common understanding (b) to amend Part V of the Annex regarding the identification of digital connectivity projects of common interest.

516.	<i>Article 26 Protection of the financial interests of the Union</i>			
518.	Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).	Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).	Part of Common understanding CONS new proposal. Accepted by EP Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).	Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013.
	ANNEX			
5	PART II: INDICATIVE PERCENTAGES FOR THE TRANSPORT SECTOR	PART II: INDICATIVE PERCENTAGES FOR THE TRANSPORT SECTOR	PART II: INDICATIVE PERCENTAGES FOR THE TRANSPORT SECTOR	PART II: INDICATIVE PERCENTAGES FOR THE TRANSPORT SECTOR
6	The budgetary resources referred to	The budgetary resources referred to	Part of Common understanding	New EP POSITION

	<p>in Article 4 paragraph 2 (a) (i) and (ii) shall be distributed as follows:</p> <ul style="list-style-type: none"> – 60% for the actions listed at Article 9 paragraph 2 (a): "Actions relating to efficient and interconnected networks "; – 40% for the actions listed at Article 9 paragraph 2 (b): "Actions relating to smart, sustainable, inclusive, safe and secure mobility". 	<p>in Article 4 paragraph 2 (a) (i) and (ii) shall be distributed as follows:</p> <ul style="list-style-type: none"> – 60% for the actions listed at Article 9 paragraph 2 (a): "Actions relating to efficient and interconnected networks "; – 40% for the actions listed at Article 9 paragraph 2 (b): "Actions relating to smart, sustainable, inclusive, safe and secure mobility". 	<p>The budgetary resources referred to in Article 4 paragraph 2 (a) (i) [...] shall be distributed as follows:</p> <ul style="list-style-type: none"> – 60% for the actions listed at Article 9 paragraph 2 (a): "Actions relating to efficient, interconnected and multimodal networks"; – 40% for the actions listed at Article 9 paragraph 2 (b): "Actions relating to smart, sustainable, inclusive, safe and secure mobility". 	<p>The budgetary resources referred to in Article 4 paragraph 2 (a) (i) [...] shall be distributed as follows:</p> <ul style="list-style-type: none"> – 60% for the actions listed at Article 9 paragraph 2 (a): "Actions relating to efficient, interconnected and multimodal networks" out of which EUR 1,559,800,000 (current prices) to be allocated, in priority, on competitive basis, for the completion of missing major cross-border railway links; – 40% for the actions listed at Article 9 paragraph 2 (b): "Actions relating to smart, sustainable, inclusive, safe and secure mobility

Markings:

- Parts of the text that were not included in Common understanding are marked in grey highlight.
- Recent changes are marked in **bold underlined** (CONS) and ***bold italic*** (EP)
- Parts on which Council and EP further aligned their positions are marked in green and remaining open parts in orange.