



Committee on Budgets
Committee on Economic and Monetary Affairs

5.5.2021

PROVISIONAL AGREEMENT RESULTING FROM INTERINSTITUTIONAL NEGOTIATIONS

Subject: Proposal for a regulation of the European Parliament and of the Council on the public sector loan facility under the Just Transition Mechanism (COM(2020)0453 – C9-0153/2020 – 2020/0100(COD))

The interinstitutional negotiations on the aforementioned proposal for a regulation have led to a compromise. In accordance with Rule 74(4) of the Rules of Procedure, the provisional agreement, reproduced below, is submitted as a whole to the Committee on Budgets Committee on Economic and Monetary Affairs for decision by way of a single vote.

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the public sector loan facility under the Just Transition Mechanism

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular the third paragraph of Article 175 and the first paragraph of Article 322 thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee¹,
Having regard to the opinion of the Committee of the Regions²,
Having regard to the opinion of the Court of Auditors,
Acting in accordance with the ordinary legislative procedure,
Whereas:

(1) The Commission adopted a Communication on the European Green Deal on 11 December 2019³, drawing its roadmap towards a new growth policy for Europe and setting ambitious objectives to counter climate change and for environmental protection. In line with the objective to achieve **the Union's 2030 climate targets as established in Regulation (EU) ... /... of the European Parliament and the Council [establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)]**, and climate neutrality in the Union by 2050 at the latest in an effective and socially fair manner, the European Green Deal announced a Just Transition Mechanism to provide means for facing the climate challenge while leaving no one behind. The most vulnerable regions and people are the most exposed to the harmful effects of climate change and environmental degradation. [...] **The transition towards climate neutral economy is the source of new economic opportunities, with a significant potential for job creation, in particular in territories currently dependent on fossil fuels. It can also contribute to enhanced energy security and resilience. On the other hand, the transition may also trigger short term social and economic costs, in territories undergoing heavy decarbonisation process, already weakened by the disruptive economic and social effects of the COVID-19 crisis. Managing the transition will require[...] significant structural changes both at regional and national level. In order to be successful, the transition should reduce inequalities, create a net employment effect with new high quality jobs, and be fair and socially acceptable for all, while strengthening competitiveness. In this regard, it is critical that the territories impacted, in particular coal mining regions, can be supported to diversify and revitalize their local economies and create sustainable employment opportunities for the impacted workers.**

(2) The Commission adopted a Communication on the European Green Deal Investment Plan⁴ on 14 January 2020, establishing the Just Transition Mechanism which focuses on the

¹ OJ C , , p. .

² OJ C , , p. .

³ COM(2019) 640 final.

⁴ COM(2020) 21 final.

regions and sectors that are most affected by the transition given their dependence on fossil fuels, including coal, peat and oil shale or greenhouse gas-intensive industrial processes but have less capacity to finance the necessary investments. **The creation of a just Transition Mechanism has also been confirmed by the conclusions of the European Council of 21 July 2020.** The Just Transition Mechanism consists of three pillars: a Just Transition Fund implemented under shared management, a dedicated just transition scheme under InvestEU, and a public sector loan facility to mobilise additional investments to the regions concerned. **The three pillars provide complementary support to these regions, with a view to fostering the take up of the transition towards climate neutral economy by 2050.**

(3) [...] For the better programming and implementation of the Fund, territorial just transition plans are to be adopted, setting out the key steps and timeline of the transition process and identifying the territories most negatively affected by the transition towards a climate neutral economy and with less capacity to deal with the transition challenges. **These plans are prepared together with the relevant local and regional authorities and involving all relevant partners in accordance with Article [6] of Regulation (EU) [new CPR]. Likewise, these territorial just transition plans may be amended, together with the corresponding programmes supported by the JTF, in accordance with the provisions of Article 19 of Regulation [new CPR], to include new territories, which would be severely impacted by the climate transition, in a way which were not anticipated at the time of their initial adoption.**

(4) A public sector loan facility (the ‘Facility’) should be provided. It constitutes the third pillar of the Just Transition Mechanism, **which aims at supporting public sector entities in their investments, given the key role of public sector in addressing market failures.** Such investments should meet the development needs resulting from the transition challenges described in the territorial just transition plans as approved by the Commission. The activities envisaged for support should be consistent with and complement those supported under the other two pillars of the Just Transition Mechanism. **The Facility 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]**

(5) In order to enhance **cohesion and** the economic diversification of territories impacted by the transition, the Facility should cover a wide range of **sustainable** investments, on condition that they contribute to meet the development needs in the transition towards **the Union’s 2030 climate targets, as established in Regulation (EU).../... of the European Parliament and the Council [establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)] and [...]**EU climate neutrality [...] **by 2050 at the latest,** as described in the territorial just transition plans. **In order to improve the effectiveness of the Facility, it may support eligible projects which may have started the implementation stage prior to the application.** The investments supported should not include any of the activities excluded under Article [5] of Regulation (EU) .../... [JTF Regulation] and may cover **renewable energy [...]**green and sustainable mobility **including the promotion of green hydrogen, investments in efficient district heating networks, investments in public research, investments in digitalisation, environmental infrastructure in smart waste and water management, sustainable [...]**energy and energy efficiency **and integration** measures including renovations and conversions of buildings, **urban renewal and regeneration,** support to transition to a circular economy, land and **ecosystem** restoration and decontamination, **taking into account the ‘polluter pays’ principle, support to biodiversity,** as well as up- and re-skilling, training and social infrastructure, including **care facilities and** social housing. Infrastructure developments may

also include **cross-border projects and solutions** leading to enhanced resilience to withstand **ecological disasters, in particular those accentuated by climate change**. Comprehensive investment approach should be favoured in particular for territories with important transition needs. Investments in other sectors could also be supported if they are consistent with the adopted territorial just transition plans. By supporting investments that do not generate sufficient revenues, the Facility aims at providing public sector entities with additional resources necessary to address the **territorial, social, economic and environmental challenges** resulting from the adjustment to climate transition. In order to help identify investments with a high positive environmental, **including in biodiversity** impact eligible under the Facility, **the Commission should take into account, when carrying out the evaluation of the Facility, the EU taxonomy on environmentally sustainable economic activities. All finance partners should use, where applicable the EU taxonomy on environmentally sustainable economic activities [...], including the ‘do not significant harm’ principle to provide for transparency on sustainable projects.**

(5a) Respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union, and in particular, gender equality, should be ensured, as appropriate, throughout the preparation, evaluation, implementation and monitoring of eligible projects under this Facility. Similarly, beneficiaries and the Commission should also avoid any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation throughout the implementation of the Facility. The objectives of the Facility should be pursued in line with the UN Sustainable Development Goals, the European Pillar of Social Rights, the polluter pays principle, the Paris climate agreement and the "do no significant harm" principle.

(5b) By addressing investment needs stemming from the transition towards climate neutral economy of the territories the most negatively impacted, the Facility should provide a key contribution to mainstream climate actions. Resources from the grant component of the Facility will therefore contribute to the achievement of the climate objectives to the same extent as the Just Transition Fund.

(6) 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. Rules adopted on the basis of Article 322 TFEU [...] **include a general regime of conditionality for the protection of the Union budget.**

(7) The Facility should provide support in the form of grants provided by the Union combined with loans provided by a finance partner **in accordance with their rules, lending policies and procedures**. The financial envelope of the grant component, implemented by the Commission in direct management should take the form of financing not linked to costs, in accordance with Article 125 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (the ‘Financial Regulation’). That form of financing should help incentivise project promoters to participate and contribute to the achievement of the Facility’s objectives in an efficient way relative to the size of the loan. The loan component should be provided by the European Investment Bank (‘the EIB’). The Facility may also be extended to other finance partners providing the loan component, where additional resources for the grant component become available or where it is required for the correct implementation. **In this case, the Commission should inform Member States and the European Parliament about the intention to extend the Facility and select additional finance partners taking into account their capacity to fulfil the objectives of the Facility, to contribute own resources**

and to ensure an appropriate geographical coverage.

(7a) Administrative agreements should be signed between the Commission and finance partners. These agreements should set out the implementing arrangements for the evaluation and the monitoring of projects. They should also set out the respective rights and obligations of each party, including the detailed arrangements on audit, reporting and communications. These latter should include in particular requirement on the publication of information for each individual project or loan scheme receiving support under the Facility.

(8) EUR 250 000 000 of the grant component of the Facility are expected to be financed from the Union budget in accordance with [...] **Council Regulation EU 2020/[new Regulation] laying down the multiannual financial framework for the years 2021 to 2027** and should constitute the prime reference amount, within the meaning of point [...] [16] of the Inter-institutional Agreement of [...] [date of new Agreement] between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management⁵, for the European Parliament and the Council during the annual budgetary procedure.

(9) EUR 275 000 000 of the grant component of the Facility is to be financed by repayments from the financial instruments established by the programmes listed in Annex I to this Regulation. Such revenue stems from terminated programmes independent of the Facility, and should be considered external assigned revenue by derogation to Article 21(3)(f) of the Financial Regulation on the basis of Article 322(1) TFEU.

(10) EUR 1 000 000 000 of the grant component of the Facility should be financed by the foreseeable surplus of the provisioning for the EU guarantee established by Regulation (EU) 2015/1017 of the European Parliament and of the Council which also establishes the European fund for strategic investments (the ‘EFSI Regulation’). Therefore, a derogation should be made from point a) of Article 213(4) of the Financial Regulation, which envisages an obligation for any surplus of provisions for a budgetary guarantee to be returned to the budget, in order to assign that surplus to the Facility. That assigned revenue should be considered external assigned revenue by derogation to Article 21(3)(f) of the Financial Regulation on the basis of Article 322(1) TFEU.

(11) In accordance with point (c) of Article 12(4) of the Financial Regulation, the appropriations corresponding to external assigned revenue should be automatically carried over to the successive programme or action. That provision allows matching the multiannual schedule of assigned revenue with the implementation path of the projects financed by the Facility.

(12) Resources for advisory support should also be provided for in order to promote the preparation, development and implementation of **eligible projects, as well as the early preparation of projects prior to the application to the Facility. A share of these resources should be dedicated to supporting the endogenous capacity of beneficiaries to ensure the durability of eligible projects.**

(13) In order to ensure that all Member States are granted the possibility to benefit from the grant component, a mechanism should be set up to establish earmarked national shares to be respected during a first stage, [...] **as set out in Annex I** of the Just Transition Fund Regulation. However, in order to reconcile that objective with the need to optimise the economic impact of

⁵ OJ C 373, 20.12.2013, p. 1.
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC

the Facility and its implementation, such national allocations should not be earmarked after 31 December 202[...]⁵. Thereafter, the remaining resources available for the grant component should be provided without any pre-allocated national share and on a competitive basis at Union level, while ensuring predictability for investment and following a needs-based and regional convergence approach.

(14) Specific eligibility conditions and award criteria should be set out in the work programme and the call for proposals. Those eligibility conditions and award criteria should take into account the relevance of the project in the context of the development needs described in the territorial just transition plans, the overall objective of promoting regional and territorial convergence and the significance of the grant component for the viability of the project. **The work programmes should in addition set award criteria in the event that resources would be insufficient to support eligible projects. Priority should in particular be given to projects located in less developed regions, as defined in Article 108(2) of Regulation [new CPR], to projects contributing directly to the Union's climate targets and projects promoted by public entities having endorsed decarbonisation plans with this corresponding hierarchy of criteria, when applicable.** Union Support established by this Regulation should thus only be made available to Member States with at least one territorial just transition plan adopted. The work programme and calls for proposals will also take into account the territorial just transition plans submitted by Member States to ensure that coherence and consistency across the different pillars of the mechanism is ensured. **In order to optimise the impact of the Facility, individual projects supported under the Facility should not receive support from other Union programmes, but for the preparation of projects. On the other hand, for operations composed of identifiable separate projects, these can be supported from different Union programmes, in accordance with the applicable eligibility rules.**

(15) **In order to optimise the effectiveness of EU assistance and prevent the replacement of potential support and investment from alternative resources,** support under this Facility should only be provided to projects that do not generate a sufficient stream of own revenues that would allow them to [...] **cover investment costs.** Own revenues should correspond to revenues, budgetary transfers excepted, generated directly by the activities carried out by the project, such as sales, fees or tolls and as incremental savings generated by the upgrade of existing assets.

(16) Since the grant component should reflect the divergent development needs of regions across Member States, such support should be modulated, **in favor of less developed regions.** Taking into account that public sector entities in less developed regions, [...] generally experience lower public investment capacity, the grant rates applied to loans provided to such entities should be comparatively higher.

(17) In order to ensure an effective implementation of the Facility, it may be necessary to provide advisory support for the preparation, development, and implementation of projects. This support should be provided through the InvestEU Advisory Hub **for eligible projects and for the preparation of projects prior to the applications, paying particular attention to beneficiaries with lower administrative capacity or located in less developed regions.** Such support may also be granted for the development and preparation of projects, prior to their selection, under other Union programmes.

(17a) **In order to measure the effectiveness of the Facility, its capacity to meet its objectives and support the preparation of its possible prolongation beyond 2027, the Commission should carry out interim and final evaluations,, including an assessment of the possibility to include provisions on gender impact assessment, if appropriate, and submit the report to the European Parliament and the Council. Pursuant to paragraphs**

22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, this Facility should be evaluated on the basis of information collected in accordance with specific monitoring requirements, while avoiding an administrative burden, in particular on Member States, and overregulation.

(18) In order to speed up implementation and ensure that resources are used in a timely fashion, this Regulation should lay down specific safeguards to be included in the grant agreements. In view of that objective, the Commission, in line with the principle of proportionality, should be able to reduce or terminate any Union support in case of serious lack of progress in the implementation of the project. **Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (the ‘Financial Regulation’)** applies to this Facility. The Financial Regulation lays down rules on the implementation of the Union budget including the rules on grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts. In order to ensure coherence in the implementation of Union funding programmes, the Financial Regulation should apply to the grant component and to resources for advisory support provided under this Facility.

(19) In accordance with the Financial Regulation and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council and Council Regulations (Euratom, EC) No 2988/95, (Euratom, EC) No 2185/96 and (EU) 2017/1939, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, 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 financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute offences against the financial interests of the Union, as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council. 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, grant the necessary rights and access to the Commission, OLAF, the 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 ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

(20) In order to [...]amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission [...]in respect of the key performance indicators to monitor implementation and progress of the Facility. It is of particular importance that the Commission can carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(21) **In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards work programmes and the conditions and procedures for selecting finance partners other than EIB. Those powers should be exercised in accordance with Regulation (EU) No 182/2011**

of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers. [...]

(22) The objective of this Regulation, namely to leverage public investment in territories, most impacted by the transition towards climate neutrality by addressing the corresponding development needs, cannot be sufficiently achieved by the Member States alone. The main reasons in this regard are the difficulties for public entities to support investments, which do not generate sufficient streams of own revenues **to cover investment costs** and benefit the territories most negatively impacted by climate transition, [...] and the need for a coherent implementation framework under direct management. Since those objectives can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter and scope

This Regulation **establishes** [...] the public sector loan facility (the 'Facility') **for the period from 1 January 2021 to 31 December 2027** in support of public sector entities by combining grants from the Union budget with loans granted by the finance partners and lays down the objectives of the Facility. It lays down rules for the grant component of Union support provided under this Facility covering in particular its budget, the forms of Union support and provisions on eligibility.

The Facility shall provide support benefitting Union territories facing serious social, environmental and economic challenges deriving from the transition process towards **the Union's 2030 climate targets and the objective of [...] EU climate neutrality [...] by 2050.**

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

1. 'administrative agreement' means the legal instrument establishing the cooperation framework between the Commission and a finance partner setting out the respective tasks and responsibilities for the implementation of the Facility in accordance with the provisions of this Regulation;
2. 'beneficiary' means a [...] legal entity established in a Member State as a public law body, or as a body governed by private law entrusted with a public service mission, with whom a grant agreement has been signed under the Facility;
3. 'finance partners' means the EIB, other international financial institutions, national promotional banks and financial institutions, **including private ones**, with which the

Commission signs an administrative agreement to cooperate within the Facility;

4. 'project' means any action identified by the Commission as eligible, financially and technically independent, which has a pre-defined objective and a set period during which it must be implemented and finalised;

5. 'territorial just transition plan' means a plan established in accordance with Article 7 of Regulation [JTF Regulation] and approved by the Commission;

6. 'loan scheme' means a loan granted to a beneficiary by finance partners aimed at financing a set of several pre-identifiable projects under the Facility.

Article 3

Objectives

1. The general objective of the Facility is to address serious socio-economic challenges deriving from the transition process towards **the Union's 2030 climate and energy targets and the objective of EU [...] climate-neutrality economy by 2050 at the latest, set out in Regulation 2021/... [European Climate Law]** for the benefit of the Union territories identified in the territorial just transition plans prepared by the Member States in accordance with Article 7 of Regulation [JTF Regulation].

2. The Facility shall have the specific objective of increasing public sector investments, which address the development needs of regions identified in the territorial just transition plans, by facilitating the financing of projects that do not generate a sufficient stream of own revenues [...] **to cover investment costs, in order to prevent the replacement of potential support and investment from alternative resources.**

3. In pursuing the achievement of the specific objective referred to in paragraph 2, this Regulation also aims at providing advisory support for the preparation, development, and implementation of eligible projects where necessary, **including for the preparation of projects prior to the application.** That advisory support shall be provided in accordance with the rules and implementation methods for the InvestEU Advisory Hub established by Article [20] of Regulation [InvestEU Regulation].

Article 3a new

Horizontal principles

1. Respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union and, in particular, gender equality shall be ensured, as appropriate, throughout the preparation, evaluation, implementation and monitoring of eligible projects.

2. Beneficiaries and the Commission shall avoid any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation throughout the implementation of the Facility. In particular, accessibility for persons with disabilities, when relevant, shall be taken into account throughout the preparation and implementation of eligible projects.

3. The objectives of the Facility shall be pursued in line with the UN Sustainable Development Goals, the European Pillar of Social Rights, the polluter pays principle, the Paris climate agreement and the "do no significant harm" principle.

Article 4

Budget

1. Without prejudice to additional resources allocated in the Union budget for the period 2021-2027, the grant component of support provided under this Facility shall be financed from:
 - (a) resources from the Union budget for an amount of EUR 250 000 000 in current prices, and
 - (b) assigned revenue as referred to in paragraph 2 up to a maximum amount of EUR 1 275 000 000 in current prices.
2. The resources referred to in paragraph 1(b) shall be provided by repayments stemming from financial instruments established under the programmes listed in Annex I to this Regulation up to a maximum amount of EUR 275 000 000 and from the surplus of the provisioning for the EU guarantee established by the EFSI Regulation up to a maximum amount of EUR 1 000 000 000.
3. The resources referred to in paragraph 1 may be complemented by financial contributions from Member States, third countries and from non-Union bodies. These resources shall constitute external assigned revenue within the meaning of Article 21(5) of the Financial Regulation.
4. By derogation to Article 21(3)(f) of the Financial Regulation, resources stemming from repayments referred to in paragraph 1(b) shall constitute external assigned revenue within the meaning of Article 21(5) of the Financial Regulation. By derogation from point a) of Article 213(4) of the Financial Regulation, the resources stemming from the EFSI provisioning surplus referred to in paragraph 1(b) shall constitute external assigned revenue within the meaning of Article 21(5) of the Financial Regulation.
5. An amount up to 2% of the resources referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Facility such as preparatory, monitoring, control, audit and evaluation activities including corporate information and technology systems, as well as administrative expenditure and fees of the finance partners.
6. Resources up to an amount of EUR 235 000 000 included in those referred to in paragraph 1, shall be provided for activities set out in Article 3(3), **out of which at least EUR 10 000 000 shall support the administrative capacity of beneficiaries, notably in the less developed regions.**
7. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.

CHAPTER II

UNION SUPPORT

Article 5

Forms of Union support and methods of implementation

1. Union support provided under the Facility shall be provided in the form of grants in accordance with Title VIII of the Financial Regulation.
 2. Union support provided under the Facility shall be implemented in direct management in accordance with the Financial Regulation.
- [...]

Article 6

Availability of resources

1. The resources referred to in Article 4(1) **and in Article 4(3)**, after deduction of a provision for technical and administrative expenditure referred to in Article 4(5), shall be used to finance projects, in accordance with paragraphs 2 and 3.
2. For grants awarded pursuant to calls for proposals launched no later than 31 December 202[...]~~5~~, Union support awarded to eligible projects in a Member State shall not exceed the national shares set out in **Annex I of [JTF Regulation]**. [...]
3. For grants awarded pursuant to calls for proposals launched as from 1 January 2026~~5~~, Union support awarded to eligible projects shall be provided without any pre-allocated national share and on a competitive basis at Union level until exhaustion of remaining resources. The award of such grants shall take into account the need to ensure predictability of investment and the promotion of regional convergence, **paying special attention to less developed regions, in accordance with the award criteria set out under paragraph 1 of Article 13.**

[...]

Article 7

Administrative agreements with finance partners

An administrative agreement shall be signed between the Commission and the finance partner prior to the implementation of the Facility with that finance partner. The agreement shall set out the respective rights and obligations of each party to the agreement, including on audit and communication arrangements, **as well as publication of information for each project financed through the facility and the scope of loan schemes.**

CHAPTER III

ELIGIBILITY

Article 8

Eligible projects

1. Only projects contributing to the objectives referred to in Article 3 and fulfilling all the conditions set out below shall be eligible for Union support under the Facility:
 - (a) the projects achieve measurable impact **and include, where appropriate, output indicators** in addressing serious social, economic or environmental challenges deriving from the transition process towards **the Union's 2030 climate and energy targets and the objective of [...]EU climate neutrality [...]by 2050 at the latest** and benefit territories identified in a territorial just transition plan, even if they are not located in those territories;
 - (b) the projects do not receive support under any other Union programmes
 - (c) the projects receive a loan by the finance partner under the Facility; and
 - (d) the projects do not generate a sufficient stream of own revenues [...] **that would allow them to cover investment costs, in order to prevent the replacement of potential support and investment from alternative resources;**
2. **By derogation to paragraph 1(b), projects receiving Union support under the Facility may also receive advisory and technical assistance support for their preparation, development and implementation from other Union programmes.**
3. **The Facility shall not support activities excluded under Article [5] of Regulation [JTF Regulation].**

Article 9

Eligible persons and entities

Notwithstanding the criteria set out in Article 197 of the Financial Regulation, only public sector legal entities established in a Member State as a public law body, or as a body governed by private law entrusted with a public service mission, are eligible to apply as potential beneficiaries under this Regulation.

CHAPTER IV

GRANTS

Article 10

Grants

1. Grants shall take the form of financing not linked to costs in accordance with Article 125(1)(a) of the Financial Regulation.

2. The amount of the grant shall not exceed 15% of the amount of the loan provided by the finance partner under this Facility. For projects located in territories in NUTS level 2 regions with a GDP per capita not exceeding 75% of the average GDP of the EU-27 as referred to in Article [102(2)] of Regulation [new CPR], the amount of the grant shall not exceed **25 %** of the amount of the loan provided by the finance partner.
3. Payments of an awarded grant may be split into several instalments linked to the progress in implementation as set out in the grant agreement.

Article 11

Reduction or termination of the grants

1. In addition to the grounds specified in Article 131(4) of the Financial Regulation and after consulting the finance partner, the amount of the grant may be reduced or the grant agreement may be terminated, if within two years from the date of signature of the grant agreement, the economically most significant supply, works or services contract has not been signed, in cases where the conclusion of such contract is envisaged pursuant to the grant agreement.
2. When Union support is combined with loan schemes [...] **or** when supply, works or services contracts are not envisaged, paragraph 1 shall not apply. In such cases and after consulting the finance partner, the amount of the grant may be reduced or the grant agreement may be terminated, and any related amounts paid may be recovered, in accordance with the conditions set out in the grant agreement.

CHAPTER V

ADVISORY SUPPORT SERVICES

Article 12

Advisory support services

1. Advisory support under this Regulation shall be implemented in indirect management, in accordance with the rules and implementation methods for the InvestEU Advisory Hub established by Article [20] of Regulation [InvestEU Regulation].
2. Activities necessary to support the preparation, development and implementation of projects shall be eligible for advisory support **and financed in accordance with Article 4, Paragraph 6 of this Regulation.**

CHAPTER VI

PROGRAMMING, MONITORING, EVALUATION AND

CONTROL

Article 13

Work programmes

The Facility shall be implemented by work programmes established in accordance with Article 110 of the Financial Regulation

The work programmes shall include award criteria, which may be applied whenever the demand would exceed the available resources. These criteria shall include preference to projects promoted by beneficiaries located in less developed regions, contributing directly to the achievement of the Union's 2030 climate and energy targets and the objective of EU climate-neutrality by 2050 at the latest and by beneficiaries having adopted decarbonisation plans.

[...]

The Commission shall adopt the work programmes by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17a.

Article 13a

Selection of finance partners other than the EIB

The Commission shall set out the conditions and procedures for selecting finance partners other than EIB by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17a.

- 2. The eligibility conditions for the finance partners other than the EIB shall reflect the objectives of the Facility.**
- 3. In particular, when selecting the finance partners, the Commission shall take into account their capacity in relation to this Facility:**
 - (a) to ensure that their lending policy is consistent with EU environmental and social standards and the Union's 2030 targets for climate and energy and the objective of a climate neutral economy by 2050;**
 - (b) to contribute with sufficient own resources to maximise the impact of the Union grant;**
 - (c) to ensure appropriate geographical coverage of the Facility and allow for the financing of smaller individual projects;**
 - (d) to implement thoroughly the requirements set out in Articles 155(2) and 155(3) of the Financial Regulation concerning tax avoidance, tax fraud, tax evasion, money laundering, terrorism financing and non-cooperative jurisdictions;**
 - (e) to ensure transparency and adequate publicity concerning each project financed;**
- 4. The Commission shall publish the selection results.**

Article 14

Monitoring and reporting

1. Key performance indicators to monitor implementation and progress of the Facility towards the achievement of the objectives set out in Article 3 are established in Annex II.
2. The performance reporting system shall ensure that data regarding the indicators referred to in paragraph 1 are collected efficiently, effectively and in a timely fashion. Beneficiaries [...] **and the finance partners in accordance respectively with the grant and administrative agreements** shall provide to the Commission the data regarding those indicators.
- 2a. **Starting with the year following the entry into force of that Regulation and by 31 October each year, the Commission shall report on the implementation of the Facility. This reporting shall provide information on the level of implementation of the Facility with respect to its objectives, conditions and performance indicators.**
3. **Where the interim evaluation referred to in article 15(2) finds that the the indicators in Annex II do not allow for a proper assessment of the Facility, [...]** the Commission shall be empowered to adopt delegated acts in accordance with Article 17 to amend Annex II by modifying the indicators referred to in paragraph 1.

Article 15

Evaluation

1. Evaluations on the implementation of the Facility and its capacity to reach the objectives set out in Article 3 shall be carried out in a sufficiently timely manner to feed into the decision-making process.
2. The interim evaluation of the Facility shall be performed by 30 June 2025 **and shall be submitted to the European Parliament and to the Council**, when sufficient information is expected to be available about the implementation of the Facility. The evaluation shall in particular demonstrate how the Union support provided under the Facility shall have contributed in addressing the needs of territories implementing the territorial just transition plans, **assess how the horizontal principles referred to in Article 3a have been taken into account, the need to carry out gender impact assessment, assess the application of the eligibility criteria set out in Article 8 and how the publicity obligations have been applied. It shall also evaluate, based on the projects supported, the contribution of the Facility to the environmental objectives laid down in Article 9 of Regulation (EU) 2020/852, taking into account the applicable screening criteria. The interim evaluation report may be accompanied by legislative proposal, taking into account, in particular, possible adjustment to the eligibility criteria.**
3. At the end of the implementation period and no later than 31 December 2031, **the Commission shall submit to the European Parliament and to the Council a final evaluation report on the results and long-term impact of the Facility [...] also covering the scope set out in paragraph 2.**

Article 16

Audits

1. Audits on the use of the Union support provided under the Facility carried out by persons or entities, including by other than those mandated by the Union Institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of the Financial Regulation.
2. The finance partners **and beneficiaries, in accordance with respectively the administrative and grant agreements**, shall provide to the Commission and any designated auditors all available documents that are necessary for both these authorities to carry out their obligations.
3. **The external audit of the activities undertaken in accordance with this Regulation on the use of the Union support provided under the Facility is carried out by the Court of Auditors in accordance with Article 287 TFEU. For the purpose of this mission, the Court of Auditors shall, at its request and in accordance with Article 287(3) TFEU, be granted access to any document or information necessary to carry out its auditing tasks, including any information on the evaluations of applications and their outcome.**

Article 17

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission until 31 December 2028.
3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. **A delegated act adopted pursuant to Article 14(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the**

European Parliament or of the Council.

Article 17a

Committee procedure

1. **The Commission shall be assisted by the committee established by Article 115(1) of [CPR Regulation]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
2. **Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

Article 18

Information, communication and publicity

1. The beneficiaries and the finance partners shall ensure the visibility of the Union support provided under the Facility, in particular when promoting the projects and their results, by providing targeted information to multiple audiences, including the media and the public.
2. The Commission shall implement information and communication actions relating to the Facility, the funded projects and their results. **This includes in particular, informing MS of its intention to open the Facility to finance partners other than the EIB and of the calls made as well as promotion of information regarding the technical and administrative support provided to applicants.** Financial resources allocated to the Facility shall also contribute to the [...] communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3. **The Commission should publish and regularly update the list of projects financed under this Facility.**

Article 19

Transitional provisions

[...] **If necessary, appropriations may be entered in the budget beyond 2027 to cover the expenses provided for in Article 4(5), [...] to enable the management of actions not completed by 31 December 2027.**

Article 20

Entry into force

This Regulation shall enter into force on the [...] [twentieth] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

Financial instruments from which repayments may be used for the Facility

A. Equity Instruments:

- European Technology Facility (ETF98): Council Decision No 98/347/EC of 19 May 1998 on measures of financial assistance for innovative and job-creating small and medium-sized enterprises (SMEs) - the growth and employment initiative (OJ L 155, 29.5.1998, p. 43).
- TTP: Commission decision adopting a complementary financing decision concerning the financing of actions of the activity “Internal market of goods and sectoral policies” of the Directorate-General Enterprises & Industry for 2007 and adopting the framework decision concerning the financing of the preparatory action “The EU assuming its role in a globalised world” and of four pilot projects “Erasmus young entrepreneurs”, “Measures to promote cooperation and partnerships between micro and SMEs”, “Technological Transfer” and “European Destinations of excellence” of the Directorate-General Enterprises & Industry for 2007 (C(2007) 531).
- European Technology Facility (ETF01): Council Decision No 2000/819/EC of 20 December 2000 on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005) (OJ L 333, 29.12.2000, p. 84).
- GIF: Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013) (OJ L 310, 9.11.2006, p. 15).
- Connecting Europe Facility (CEF): Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129) as modified by Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments (OJ L 169, 1.7.2015, p. 1).
- COSME EFG: Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) and repealing Decision No 1639/2006/EC (OJ L 347, 20.12.2013, p. 33).
- InnovFin Equity:
 - Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104);
 - Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in “Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)” and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81);
 - Council Decision No 2013/743/EU of 3 December 2013 establishing the specific

programme implementing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC (OJ L 347, 20.12.2013, p. 965).

- EaSI Capacity Building Investments Window: Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation (“EaSI”) and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).

B. Guarantee Instruments:

- SME Guarantee Facility '98 (SMEG98): Council Decision No 98/347/EC of 19 May 1998 on measures of financial assistance for innovative and job-creating small and medium-sized enterprises (SMEs) - the growth and employment initiative (OJ L 155, 29.5.1998, p. 43).
- SME Guarantee Facility '01 (SMEG01): Council Decision No 2000/819/EC of 20 December 2000 on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005) (OJ L 333, 29.12.2000, p. 84).
- SME Guarantee Facility '07 (SMEG07): Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013) (OJ L 310, 9.11.2006, p. 15).
- European Progress Microfinance Facility – Guarantee (EPMF-G): Decision No 283/2010/EU of the European Parliament and of the Council of 25 March 2010 establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 87, 7.4.2010, p. 1).
- RSI:
 - Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) Statements by the Commission (OJ L 412, 30.12.2006, p. 1);
 - Council Decision No 2006/971/EC of 19 December 2006 concerning the Specific Programme Cooperation implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) (OJ L 400, 30.12.2006, p. 86);
 - Council Decision No 2006/974/EC of 19 December 2006 on the Specific Programme: Capacities implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) (OJ L 400, 30.12.2006, p. 299).
- EaSI-Guarantee: Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation (“EaSI”) and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).
- COSME Loan Guarantee Facility (COSME LGF): Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a

Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) and repealing Decision No 1639/2006/EC (OJ L 347, 20.12.2013, p. 33).

- InnovFin Debt:
 - Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in “Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)” and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81);
 - Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104);
 - Council Decision No 2013/743/EU of 3 December 2013 establishing the specific programme implementing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC (OJ L 347, 20.12.2013, p. 965).
- Cultural and Creative Sectors Guarantee Facility (CCS GF): Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC (OJ L 347, 20.12.2013, p. 221).
- Student Loan Guarantee Facility (SLGF): Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).
- Private Finance for Energy Efficiency (PF4EE): Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ L 347, 20.12.2013, p. 185).

C. Risk-Sharing Instruments:

- InnovFin:
 - Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in “Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)” and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81);
 - Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).
- Connecting Europe Facility Debt Instrument (CEF DI): Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348,

20.12.2013, p. 129).

- Natural Capital Financing Facility (NCFF): Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ L 347, 20.12.2013, p. 185).

D. Dedicated Investment Vehicles:

- European Progress Microfinance Facility – Fonds commun de placements – fonds d'investissements spécialisés (EPMF FCP-FIS): Decision No 283/2010/EU of the European Parliament and of the Council of 25 March 2010 establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 87, 7.4.2010, p. 1).
- Marguerite:
 - Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (OJ L 162, 22.6.2007, p. 1);
 - Commission Decision of 25.2.2010 on European Union participation in the 2020 European Fund for Energy, Climate Change and Infrastructure (the Marguerite Fund) (C(2010) 941).
- European *Energy* Efficiency Fund (EEEF): Regulation (EU) No 1233/2010 of the European Parliament and of the Council of 15 December 2010 amending Regulation (EC) No 663/2009 establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy (OJ L 346, 30.12.2010, p. 5).

ANNEX II

Key performance indicators⁶

1. Volume of grants awarded
2. Volume of loans signed
 - 2.1 Individual loans
 - 2.2 Loan schemes
3. Overall investment mobilised, divided as follows
 - 3.1 Amount of private financing mobilised
 - 3.2 Amount of public financing mobilised
4. Number of projects receiving support, including geographical coverage
 - 4.1 Country
 - 4.2 NUTS 2 region
 - 4.3 Just transition territory supported
5. Number of projects receiving financing under the Facility
6. Number of projects by sector
 - 6.1 Transport
 - 6.2 Social infrastructure
 - 6.3 Public utilities (water, wastewater, district heating, energy, waste management)
 - 6.4 Direct support to **climate** transition, (renewable energy, **decarbonisation**, energy efficiency)
 - 6.5 Environmental [...] **objectives**
 - 6.6 Urban infrastructure ([...] **and** housing)
 - 6.7 Others
7. Greenhouse gas emission reduced, **where relevant**
8. **Job creation, where relevant**

⁶ All indicators shall be broken down by region, where relevant. All personal data shall be broken down by gender, where relevant