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AMENDMENTS 001-001

by the Committee on Budgets, Committee on Economic and Monetary Affairs

Report

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A9-0195/2020

Public sector loan facility under the Just Transition Mechanism

Proposal for a regulation (COM(2020)0453 – C9-0153/2020 – 2020/0100(COD))

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

2020/0100 (COD)

Proposal for a

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,

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol **■**.

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 *of achieving the Union's new 2030 targets for climate and energy 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 fair manner, *while striving for socio-economic sustainability*, the European Green Deal announced a Just Transition Mechanism to provide *financial* means *and knowledge* 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. At the same time, managing the transition requires 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. Projects and beneficiaries should comply with the Union's Treaty-based fundamental values, the Paris Agreement, and the Union's climate neutrality and biodiversity objective.*
- (1a) *Achieving the Union's climate objectives requires addressing not only the problem of variable speed transition in the Union as regards climate action, but also the risk of growing socio-economic disparities between regions and the discontent of potentially adversely affected social groups. It is of paramount importance that efforts are concentrated on economic transformation and revitalisation of the territories concerned, for example coal mining regions, rather than relying on workers' mobility and risking the depopulation and stagnation of entire regions. In order to maintain coherence between the objectives of the transition and the priorities and goals of the Union such as boosting jobs, reducing poverty and inequality, effective support should be provided in order to diversify local economies through sound investments and to create sustainable employment to ensure that workers employed in sectors affected by the transition will be re-absorbed into local labour market.*
- (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 regions, *people* and sectors that are *currently* 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

¹ OJ C , , p. .

² OJ C , , p. .

³ COM(2019) 640 final.

⁴ COM(2020) 21 final.

investments. *These regions and sectors are the ones identified by the Commission and Members States in the territorial just transition plan established in accordance with Article 7 of Regulation (EU) .../... [JTF Regulation] and approved by the Commission.* 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. *All three pillars complement each other in supporting the implementation of the European Green Deal and address the economic, social and regional challenges and opportunities of the transition to a sustainable, climate-neutral and climate-resilient, resource-efficient, and circular economy by 2050 at the latest.*

- (3) The proposal for establishing the Just Transition Fund was adopted by the Commission on 14 January 2020¹. 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 *towards the achievement the Union 2030 climate targets and a climate-neutral economy by 2050 at the latest, in a way that leaves no one behind*, 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. *The partnership principle applies to the preparation, implementation, monitoring and evaluation of the territorial just transition plans as referred to in Article [7] of Regulation (EU) .../... [JTF Regulation].*
- (3a) *The public sector has a particular place in the process of driving the transition to a climate-neutral Union economy. It is necessary to recognise that the components of a climate-neutral economy, such as renewables and wider low-carbon developments, cross-sectorial innovation and social investments, have a value beyond short-term financial returns and need distinct treatment. One of the key roles of the public sector is to step in when the market is failing.*
- (4) A public sector loan facility (the ‘Facility’) should be provided. It constitutes the third pillar of the Just Transition Mechanism, supporting public sector entities in their investments. Such investments should meet the development needs resulting from the *social and economic* transition challenges described in the territorial just transition plans as *approved, after meaningful consultation with all relevant stakeholders at regional level*, by the Commission, *contribute towards achieving the goals of the European Green Deal and the European Pillar of Social Rights, and be in line with the objective of a climate-neutral Union by 2050 at the latest.* The activities envisaged for support should *take into account the objectives and criteria, where relevant, of the Regulation (EU) 2020/852 of the European Parliament and of the Council² [Taxonomy Regulation]* and complement *and ensure synergies with* those supported under the other two pillars of the Just Transition Mechanism *in order to ensure that all three pillars are working towards the same objectives. The Commission should monitor the complementarity between the three pillars on an ongoing basis and aim to develop synergies where possible. The sectors or regions that are particularly affected by climate transition, but not specifically targeted under the first pillar,*

¹ COM(2020) 22 final

² *Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).*

should be able to benefit from the Facility. Investments that are inconsistent with the achievement of the Union's climate and environmental objectives should not be eligible for support under this Facility.

- (4a) *The disruptive economic and social effects of the COVID-19 crisis have weakened public and private investment capacity, thereby limiting the financial resources essential for the transition to a climate-neutral and resource-efficient Union. In that regard and in the framework of Next Generation EU, the Facility should contribute to reducing that gap and enable Member States to undertake the necessary investments to foster the achievement of the Union's long-term sustainability priorities.*
- (5) In order to enhance *regional 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 new 2030 targets for climate and energy, 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 a climate- and carbon-neutral and circular economy by 2050 at the latest*, as described in the territorial just transition plans. The investments supported *should not include any of the activities excluded under Article [5] of Regulation (EU) .../... [JTF Regulation]* and may cover *the decarbonisation of the energy and transport sector, industry and building stock, sustainable district heating networks for coal regions in transition, green and sustainable mobility, investments in green and sustainable research and innovation and digitalisation activities, including in universities and public research institutions, the fostering of the transfer of advanced and market-ready technologies, investments in digitalisation, digital innovation and digital connectivity, including digital and precision farming, environmental infrastructure in smart waste management, clean and safe water, water sanitation, the deployment of clean technology for affordable and renewable energy, as well as clean hydrogen, biogas and biomethane in the limits of sustainable availability, 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, *protection and restoring biodiversity and natural habitats, unless falling within the scope of liabilities for environmental damage in accordance with the polluter pays principle referred to in Article 191 TFEU*, as well as up- and re-skilling, *new skills development and training with a focus on gender equality, investments in care facilities, and the creation of jobs* and social infrastructure, including *care facilities and* social housing. Infrastructure developments may also include solutions leading to their enhanced resilience to withstand *ecological* disasters, *namely those accentuated by climate change, such as floods, forest fires and changing weather conditions*. 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 *and assess* investments with a high positive environmental impact eligible under the Facility *which can make a substantial contribution to the Union's*

climate and energy targets as well as to the maintaining of biodiversity, while respecting the principle of do no harm, the Commission should take into account the EU taxonomy on environmentally sustainable economic activities. Technical and administrative assistance will be available in conjunction with such investments.

- (5a) The objectives of the Facility should be pursued in the framework of sustainable development and the Union's promotion of the aim of preserving, protecting and improving the quality of the environment as set out in Article 11 and Article 191(1) TFEU, taking into account the polluter pays principle and the commitments agreed under the Paris Agreement.*
- (5b) The horizontal principles as set out in Article 3 of the Treaty on the European Union ('TEU') and in Article 10 TFEU, including the principles of subsidiarity and proportionality as set out in Article 5 TEU should be respected in the implementation of the Facility, taking into account the Charter of Fundamental Rights of the European Union. Member States should also respect the obligations of the UN Convention on the Rights of the Child and of the UN Convention on the Rights of Persons with Disabilities and ensure accessibility in line with its Article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. The Facility should not support actions that contribute to any form of segregation or exclusion, or support infrastructure which is inaccessible to persons with a disability. Member States and the Commission should aim at eliminating inequalities and at promoting equality between men and women and integrating the gender perspective, as well as at combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Commission should be able to reject applications that do not respect the Union's fundamental values and fundamental rights, including the principle of non-discrimination and equal opportunities.*
- (5c) Member States and the Commission should ensure that the implementation of the Facility contributes to the respect and the promotion of equality between women and men, to eliminating inequalities and promoting gender equality, and to integrating the gender perspective, in accordance with Article 8 TFEU. Given the disproportionate impact of the transition process as well as that of climate change on women, it is important that gender equality objectives are taken into account in all dimensions and in all stages of the preparation, monitoring, implementation and evaluation of the Facility in a timely and consistent manner. Gender impact assessments, gender budgeting and monitoring of results from a gender perspective should therefore become part of the programming cycle.*
- (5d) Transitioning to climate-neutrality also presents new economic opportunities. Transition to a renewables-based economy holds a significant job creation potential that, if properly tapped, could eventually lead to high employment levels in territories currently dependent on fossil fuels. The shift to renewable energy can enable local communities to become active participants in and owners of the energy transition and move from single- to a multi-industry model. In particular, the reconversion of former mine sites to renewable energy generation and storage, and construction of renewable energy infrastructure in such sites or neighbouring areas can provide green jobs to communities. Moreover, such reconversion can contribute to energy security and resilience, based on a decentralised energy system model.*

- (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 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. ***In the event of a breach of fundamental values in a Member State resulting in the adoption of measures for the protection of the Union budget, the Commission should seek to provide direct support the transition of concerned regions and, with the agreement of the European Parliament and the Council, should temporarily manage funds with the recipients.***
- (7) The Facility should provide support in the form of grants provided by the Union combined with loans provided by a finance partner. 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’)¹. 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.
- (7a) The COVID-19 pandemic has reinforced the importance of the Just Transition Mechanism with regard to the need to rebuild the economies of regions most affected by the climate transition. Given the interdependence between the climate transition and sustainable economic growth, there needs to be sufficient resources as part of the Facility to address the challenges, which have been exacerbated by the COVID-19 pandemic, of the transition to a climate- neutral economy in the Union by 2050.***
- (8) EUR [1 760 000 000] of the grant component of the Facility are expected to be financed from the Union budget in accordance with [new MFF proposal] and should constitute the prime reference amount, within the meaning of point 17 of the Inter-institutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management², for the European Parliament and the Council during the annual budgetary procedure. ■ ■ ■
- (12) Resources for advisory support should also be provided for in order to promote the preparation, development and implementation of projects, ***including at the application stage.***

¹ Regulation (EU Euratom) 2018/1046.

² 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

- (13) In order to ensure that all Member States are granted the possibility to benefit from the grant component *to the highest level possible, and understanding that it is transition regions that might be mostly financially and socially hit by the transition*, a mechanism should be set up to establish earmarked national shares to be respected during a first stage, based on the distribution key proposed in the Just Transition Fund Regulation. *The needs of less developed regions as referred to in Article [102(2)] of Regulation .../... [new CPR] should be taken into account.* However, in order to reconcile that objective with the need to optimise the economic impact of the Facility and its implementation, such national allocations should not be earmarked after *the Multiannual Financial Framework (MFF) 2021-2027*. 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 *equitable* regional convergence approach *and promoting economic, social and territorial cohesion, with an emphasis on those territories most affected by the climate transition. An interim evaluation report should be published by 1 January 2024 to provide input into allocating the remaining resources.*
- (14) Specific eligibility conditions and award *prioritisation* criteria, *in the event that demand exceeds funding resources under national allocations*, should be set out in the work programme and the call for proposals. Those eligibility conditions and *prioritisation* criteria should take into account the *relevant criteria established by the EU Taxonomy for Sustainable Investment and the ‘do no significant harm’ principle*, the *ability of the project to meet the objectives and* development needs described in the territorial just transition plans, *the contribution to the climate transition, the possible adoption of a phase-out plan for all fossil fuels by the public sector entity requesting support in a timeframe compatible with the Paris Agreement goals, the contribution to the achievement of the Union’s 2030 climate and energy targets and climate neutrality by 2050, the cost effectiveness of the project*, the overall objectives of promoting *economic, social and territorial cohesion and addressing the economic and social costs of the transition to a climate-neutral economy in the Union by 2050 at the latest, while ensuring that no one is left behind*, and the *role* of the grant component for the *affordability* of the project. *The Commission should ensure that gender equality and the integration of gender perspective are taken into account and promoted in the work programme.* 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.
- (14a) *To protect the Union budget and honour the Union's values, Member States should uphold the Rule of Law and a generalised rule of law deficiency could be subject to the suspension of payments and commitments, reduced funding and a prohibition on concluding new commitments in accordance with the EU regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States.*
- (14a) *On an ad-hoc basis, and subject to approval by the Commission, the Facility support may be given to regions undergoing an unforeseen business crisis as a result of actions taken to address climate change, in order to provide an adequate response to*

crisis situations that may arise in the context of the transition. This is to ensure that regions may receive support even if they are not pre-labelled as impacted regions.

- (15) Support under this Facility should only be provided to projects that ***address the economic and social costs of the transition to a climate-neutral economy in the Union by 2050***, do not generate a sufficient stream of own revenues ***or secure project funding to the same extent or within the same timeline without the element of grant support from the Union budget, and, as a result, would not be achieved without the financial Union support under this Facility.*** 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.
- (15a) Projects supported under this Facility should aim to be financially viable throughout the lifetime of the project. The Commission, in cooperation with beneficiaries and finance partners, should monitor the financial viability of projects under this Facility on an ongoing basis.***
- (16) Since the grant component should reflect the divergent development needs of regions across Member States, such support should be ***prioritised in those regions***. Taking into account that public sector entities in less developed regions, as defined in Article 102(2) of Regulation [new CPR], ***in the outermost regions, as defined in Article 349 TFEU, and in rural, sparsely populated and depopulated areas*** 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 ***and financed from resources from the Union budget.***
- (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. The Financial Regulation lays down rules on the implementation of the Union budget. 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.
- (18a) Since the efficiency of this Facility depends on the administrative capacities of the beneficiaries, the Commission should ensure that projects are accompanied by modernisation and digitalisation efforts in public administration and community service delivery, enhancing innovation where necessary by the use of inter alia cohesion policy instruments.***
- (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 supplement and 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 ***setting out the national shares of available resources for each Member State with a redistributive factor for less developed regions, developing the gender impact assessment guidelines, establishing work programmes in accordance with the Financial Regulation, setting out the details of eligibility conditions and selection procedures for selecting finance partners other than EIB*** as well as of the amendment of the elements contained in Annex II of this Regulation regarding the key performance indicators. 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 set out an appropriate financial framework for the grant component of this Facility **after the Multiannual Financial Framework (MFF) 2021-2027, the power to adopt acts in accordance with Article 290 TFEU** should be **delegated to** the Commission to set out the available national allocations expressed as shares of the overall financial envelope of the Facility for each Member State in accordance with the methodology set out in Annex I of Regulation [the JTF Regulation]. The implementing powers should be conferred without comitology procedures given that the shares derive directly from the application of a pre-defined calculation methodology.
- (22) The objective of this Regulation, namely to leverage public investment in territories, most impacted by the transition towards climate neutrality **and a circular economy** 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 **solely** support investments **which** benefit the territories most negatively impacted by climate transition **and which do not generate sufficient streams of own revenues** without EU grant support 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 provides for the public sector loan facility (the ‘Facility’) in support of public sector entities by combining grants from the Union budget with loans granted by the finance partners *in accordance with their rules, lending policies and procedures* 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 for the period 2021-2027, 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 new 2030 targets for climate and energy and 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 a circular and a climate-neutral economy in the Union by 2050 at the latest. Beneficiaries under this Facility shall comply with the Union’s Treaty-based fundamental values.*

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 public sector 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, *or a state-owned enterprise, or a local or regional authority owned enterprise*, 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, *projects that have already started, but could not be completed as a result of lacking financial resources, can also be eligible under the Facility*;

- 5 'territorial just transition plan' means a plan established in accordance with Article 7 of Regulation [JTF Regulation] ***prepared together with the relevant local and regional authorities of the territories concerned and on which the social partners, regional civil society and the private sector representatives have been consulted, in accordance with the partnership principle laid down in Article [6] of Regulation (EU) ... /... [new CPR]***, 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.
- 6a. ***'additionality principle' means the support for projects that do not generate a sufficient stream of own revenues to cover investment costs and secure funding to the same extent or within the same timeframe without the element of grant support from the Union budget, in line with point (b) of Article 209(2) of the Financial Regulation, and that contribute to the general objectives laid down in Article 3 of this Regulation.***

Article 3 Objectives

1. The general objective of the Facility is to address serious socio-economic challenges deriving from the transition process towards a climate-neutral economy 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] ***and to contribute to the Union's policy objectives, in particular the new Union's 2030 targets for climate and energy and the transition towards a climate-neutral economy in the Union by 2050 at the latest, in line with the Union's commitments under the Paris Agreement and Union's objectives and responding to the need to strengthen competitiveness and ensuring that the transition reduces inequalities, creates a net employment effect together with the European Pillar of Social Rights and the UN Sustainable Development Goals.***
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 within the meaning of the additionality principle as referred to in point (6a) of Article 2.***
3. In pursuing the achievement of the specific objective referred to in paragraph 2, this Regulation also ***enables the provision of*** advisory support for the preparation, development, and implementation of eligible projects where necessary, ***including at the project application stage.*** 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 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, ***including the advisory support for the preparation, development, and implementation of projects,***

shall be financed from resources from the Union budget for an amount of EUR **1 760 000 000** in current prices. ■■■

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. ■
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. ***Higher amounts of technical and administrative assistance may be made available upon request to beneficiaries who have lower administrative capacities in terms of technological equipment, staff and infrastructure.***
6. Resources up to an amount of EUR **50 000 000** included in those referred to in paragraph 1, shall be provided for activities set out in Article 3(3).
7. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments.

Article 4a

Access to the resources

Access to the Facility shall be conditional on the adoption of a national objective towards the achievement of climate neutrality by 2050. For those Member States, which have not yet committed to a national target for climate neutrality, only 50 % of their national allocation shall be released, while the remaining 50 % shall be made available once they have adopted that target.

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.
3. The Commission may delegate powers to implement tasks of the Union support provided under the Facility to executive agencies in accordance with Article 69 of the Financial Regulation with a view to the optimum management and efficiency of the Facility.

Article 6

Availability of resources

1. The resources referred to in Article 4(1), 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 *the duration of the Multiannual Financial Framework (MFF) 2021-2027*, Union support awarded to eligible projects in a Member State shall not exceed the national shares set out in the decision to be adopted by the Commission pursuant to paragraph 4.
3. For grants awarded pursuant to calls for proposals launched as from 1 January 2028, 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 *place special attention on less developed regions as referred to in Article [102(2)] of Regulation .../... [new CPR]* and take into account the need to ensure predictability of investment and the promotion of *economic, social and territorial cohesion*.
4. The Commission shall adopt a *delegated act in accordance with Article 17* setting out the respective shares for each Member State resulting from the application of the methodology set out in Annex I of Regulation [JTF Regulation] *and the application of a redistributive factor taking into account the need of less developed regions as referred to in Article [102(2)] of Regulation .../... [new CPR]* in the form of percentages of the total available resources *referred to in Article 4(1) of this Regulation*.

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.

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 *demonstrate clear and measurable impact and include, where appropriate, output indicators* in addressing serious social, economic, *geographical* or environmental challenges deriving from the transition process towards *the new Union's 2030 targets for climate and energy and a circular and climate-neutral economy in the Union by 2050 at the latest* and *contribute to the objectives and needs of the 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 *for the same activities*;
 - (c) the projects receive a loan by the finance partner under the Facility; ■
 - (d) the projects ■ *comply with the additionality principle as referred to in point (6a) of Article 2*.

- (e) *the projects have been subject to a gender impact assessment; and*
- (f) *the projects do not cause significant harm to one or more environmental objectives referred to in Article 9 of Regulation (EU) 2020/852.*
- 1a. *By derogation from point (b) of paragraph 1, 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.*
- 1b. *The Facility shall not support activities which would hamper the development and deployment of low carbon alternatives or which lead in the long run to a lock-in of carbon-intensive assets and that would undermine the achievement of the Union's climate and environment objectives.*
- The Facility shall not support activities excluded under Article [5] of Regulation (EU) .../... [JTF Regulation].*
- 1c. *Two years after the entry into force of this Facility, the Commission shall review the eligibility conditions outlined in this Article in order to assess their impact on environmental objectives referred to in Article 9 of Regulation (EU) 2020/852. As part of that review, the Commission shall assess whether the conditions need to be updated to appropriately apply the 'do no harm principle' and other relevant criteria established by Regulation (EU) 2020/852 [Taxonomy Regulation] and take the necessary action.*
- 1d. *The Commission shall adopt delegated acts in accordance with Article 17 to supplement this Article by establishing the guidelines on how to conduct the impact assessment referred to in point (e) of paragraph 1 and to specify the content and format of the information and data to be provided. The Commission shall develop these guidelines in cooperation with the implementing partners and after consulting the relevant experts and stakeholders, in particular national women's organisations from Member States, and shall provide for streamlined provisions with the aim of avoiding excessive administrative burden or delays in the selection process.*

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 and 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 of this Regulation.*

CHAPTER VI PROGRAMMING, MONITORING, EVALUATION AND CONTROL

Article 13

Work programmes

The *Commission* shall *adopt delegated acts in accordance with Article 17 to supplement this Article by establishing* work programmes ■ in accordance with Article 110 of the Financial Regulation. *Those work programmes shall specify the criteria and conditions for the selection and, in the event that demand exceeds funding resources under national allocations, for the prioritisation of projects, taking into account the relevant criteria laid down by Regulation (EU) 2020/852 [Taxonomy Regulation], the project's ability to meet the objectives and needs identified in the territorial just transition plans, the contribution to climate transition, while*

ensuring that no one is left behind, the possible adoption of a decarbonisation plan by the public sector entities requesting financing, including dates for the phase-out of fossil fuels in a timeframe compatible with the Paris Agreement targets, as well as the overall objective of promoting regional and territorial convergence and the grant's contribution to the viability of projects. The Commission shall ensure that gender equality and the integration of gender perspective are taken into account and promoted in the work programme

The work programmes shall set out the national shares of resources, including any additional resources, for each Member State in accordance with Articles 4(1) and 6(2) of this Regulation.

Article 13a

Selection of finance partners other than the EIB

- 1. *The Commission shall adopt delegated acts in accordance with Article 17 to supplement this Article in order to set out the details of eligibility conditions and selection procedures for finance partners other than EIB.***
- 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:***
 - (a) *to ensure that their energy lending policy and standards are comparable to the ones applied by the EIB in relation to this Facility;***
 - (b) *to maximise the impact of the Union grant through own resources;***
 - (c) *to ensure appropriate geographical diversification of the Facility and allow for the financing of smaller 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 public access to information concerning each project;***
 - (f) *to ensure the consistency of their lending policy with the Union's 2030 targets for climate and energy and the objective of a climate neutral economy in the Union by 2050; and***
 - (g) *to integrate the analysis of environmental, climate, social and governance factors in the selection and evaluation of projects.***
- 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* finance partners shall provide to the Commission the data regarding those indicators.
- 2a. ***The Commission shall report annually on the implementation of the Facility in accordance with Article 250 of the Financial Regulation. That report shall provide information on the results and impact of the Facility with respect to its objectives and performance indicators, in particular its contribution to addressing the transition needs and to the Union sustainability objectives including its impact on climate, the environment, the social dimension and gender equality applying, where relevant, the criteria of the Union taxonomy established by Regulation (EU) 2020/852. For that purpose, finance partners and beneficiaries shall provide on an annual basis all the necessary information and data and regularly report to the Commission on the progress towards the achievement of output indicators in accordance with Article 8.***
3. 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 ***1 January 2024 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, ***especially with regard to additionality***.
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 an independent*** final evaluation report on the results and long-term impact of the Facility. ***The finance partners and beneficiaries shall provide to the Commission all documents and information necessary to enable it to perform that evaluation.***
- 3a. ***In both the interim and final evaluation the Commission shall assess how the Union support provided under the Facility has contributed to achieving the objectives of the European Pillar of Social Rights and the Union sustainability policy objectives, in particular the Union's new 2030 targets for climate and energy 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 the transition towards a circular and climate neutral economy in the Union by 2050 at the latest, applying, where relevant, the Union taxonomy established by Regulation (EU) 2020/852 [Taxonomy Regulation].***

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* shall provide to the Commission and any designated auditors all available documents that are necessary for both these authorities to carry out their obligations.
- 2a, *External audits on the use of the Union support provided under the Facility shall be carried out by the Court of Auditors in accordance with Article 287 TFEU. The Court of Auditors shall issue a special report on the implementation of the Facility once the rate of implementation of the projects financed reaches at least 60 %, but no later than.... [insert date five years after date of entry into force of this Regulation]. The finance partners and beneficiaries shall provide to the Commission and the Court of Auditors all available documents or information that are necessary for both these authorities to carry out their obligations.***

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 *Articles 6, 8, 13, 13a and 14* shall be conferred on the Commission until 31 December 2028.
3. The delegation of power referred to in *Articles 6, 8, 13, 13a and 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.

CHAPTER VII TRANSITIONAL AND FINAL PROVISIONS

Article 18
Information, communication and publicity

- 1a. *Finance partners shall disclose all relevant financial information and any other pre-defined key non-financial information related to each project financed and shall make that information publicly available on their website after the signature of the relevant loan or loan scheme, as applicable.***

Such information to be made publicly available shall not contain commercially sensitive information or personal data that are not to be disclosed under Union data protection law.

1. The beneficiaries and the finance partners shall ensure, ***to the highest possible level and in line with their rules, policies and procedures***, 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.
 - 1a. ***The Commission shall submit the opinions it has issued on the projects selected under this Facility to the European Parliament in accordance with Annex II to the Framework Agreement on relations between the European Parliament and the Commission.***
2. The Commission shall implement information and communication actions relating to the Facility, ***ensure transparency and public access to information concerning*** the funded projects and their results ***and shall measure the effectiveness of the messages***. Financial resources allocated to the Facility shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3. ***The Commission shall ensure that an effective communication campaign be organised at the onset of the selection process and that information about calls for proposals be made directly available to all public authorities across the EU. Information regarding the technical and administrative support provided to applicants should also be actively promoted. The Commission shall regularly update and publish the list of projects that have been selected or refused under this Facility with the description of specific criteria for acceptance or refusal.***

Article 19

Transitional provisions

Where necessary, appropriations may be entered in the budget beyond 2027 to cover the payment of instalments of grant Union support, provided for in accordance with Article 6(2), 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 II

Key performance indicators¹

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, *decarbonisation* (renewable energy, energy efficiency) *and other environmental objectives*
 - 6.5 Environmental protection
 - 6.6 Urban infrastructure (including housing)
 - 6.6.a *Quality of housing (including energy efficiency)*
 - 6.7 Others
7. Greenhouse gas emission reduced, *where relevant*
 - 7a. *Employment and unemployment rate*
 - 7b. *Depopulation rate*
 - 7c. *Population of regions/territories benefitting from projects carried out under the Facility*

¹ All indicators shall be broken down by region, where relevant. All personal data shall be broken down by gender, where relevant.