



2023/0200(COD)

20.7.2023

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on establishing the Ukraine Facility
(COM(2023)0338 – C9-0210/2023 – 2023/0200(COD))

Committee on Foreign Affairs
Committee on Budgets

Rapporteurs: Michael Gahler, Eider Gardiazabal Rubial

(Joint committee procedure – Rule 58 of the Rules of Procedure)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on establishing the Ukraine Facility
(COM(2023)0338 – C9-0210/2023 – 2023/0200(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0338),
 - having regard to Articles 212 and 322(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0210/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on Budgets under Rule 58 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the Committee on Budgets (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The Facility should contribute to closing the funding gap of Ukraine until 2027, by providing grants and highly concessional financial relief in a predictable, continuous, orderly and timely manner. The assistance should support macro-financial stability in Ukraine, and

Amendment

(17) The Facility should contribute to closing the funding gap of Ukraine until 2027, by providing grants and highly concessional financial relief in a predictable, continuous, orderly and timely manner. The assistance should support macro-financial stability in Ukraine, and

ease Ukraine's external financing constraints.

ease Ukraine's external financing constraints. ***In the interest of ensuring Ukraine's debt sustainability, preference should be given, to the extent possible, to grants.***

Or. en

Amendment 2

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) The Union should also foster close consultation and association of local authorities, which embrace a large variety of sub-national levels and branches of government, including regions, municipalities, rayons and hromadas and their associations, as well as their participation in the recovery, reconstruction and modernisation of Ukraine, based on sustainable development and through the implementation of the Sustainable Development Goals at local level. The Union should recognise the multiple roles played by the local authorities as promoters of a territorial approach to local development, including decentralisation processes, participation and accountability, and further enhance its support for local authorities' capacity building.

Amendment

(22) The Union should also foster close consultation and association of local authorities, which embrace a large variety of sub-national levels and branches of government, including regions, municipalities, rayons and hromadas and their associations, as well as their participation in the recovery, reconstruction and modernisation of Ukraine, based on sustainable development and through the implementation of the Sustainable Development Goals at local level. The Union should recognise the multiple roles played by the local authorities as promoters of a territorial approach to local development, including decentralisation processes, participation and accountability, ***which should be further developed with the introduction of a public legal entity for municipalities,*** and further enhance its support for local authorities' capacity building.

Or. en

Amendment 3

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Given the uncertainties linked to the war, it is appropriate that the Facility should be able to provide support to Ukraine in duly justified exceptional circumstances, in particular in the event of a significant deterioration of the war, and in order to maintain its macro-financial stability and to ensure the achievement of the objectives of the Facility. Such exceptional financing should only be provided, through a ***Council implementing decision upon a proposal by the Commission***, if it is concluded that it is impossible for Ukraine to fulfil the conditions attached to the forms of support under this Regulation, when it is the beneficiary of the support, and should cease as soon as the fulfilment of the conditions becomes possible again. Such financing should not affect funding from other specific Union instruments which should be mobilised in case of natural disasters or other humanitarian or civil protection emergencies.

Amendment

(25) Given the uncertainties linked to the war, it is appropriate that the Facility should be able to provide support to Ukraine in duly justified exceptional circumstances, in particular in the event of a significant deterioration of the war, and in order to maintain its macro-financial stability and to ensure the achievement of the objectives of the Facility. Such exceptional financing should only be provided, through a ***delegated act***, if it is concluded that it is impossible for Ukraine to fulfil the conditions attached to the forms of support under this Regulation, when it is the beneficiary of the support, and should cease as soon as the fulfilment of the conditions becomes possible again. Such financing should not affect funding from other specific Union instruments which should be mobilised in case of natural disasters or other humanitarian or civil protection emergencies.

Or. en

Amendment 4

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) Strengthening the rule of law, including the independence of the judiciary, the fight against corruption, money laundering and organised crime, as well as transparency, good governance at all levels, safeguarding the free and

Amendment

(35) Strengthening the rule of law, including the independence of the judiciary, the fight against corruption, money laundering and organised crime, as well as transparency, good governance at all levels, ***through guaranteeing the legal***

pluralistic media and fighting disinformation, strengthening public administration reform, including in the fields of public procurement, competition and State aid, remain key challenges and are essential for Ukraine to come closer to the Union and to prepare to fully assume the obligations of Union membership. In view of the longer-term nature of the reforms pursued in those areas and the need to build up track records, support under the Ukraine Facility should address those issues as early as possible.

personality of municipalities, safeguarding the free and pluralistic media and fighting disinformation, strengthening public administration reform, including in the fields of public procurement, competition and State aid, remain key challenges and are essential for Ukraine to come closer to the Union and to prepare to fully assume the obligations of Union membership. In view of the longer-term nature of the reforms pursued in those areas and the need to build up track records, support under the Ukraine Facility should address those issues as early as possible.

Or. en

Amendment 5

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) The support under the Facility should be made available under the precondition that Ukraine continues to respect effective democratic mechanisms and institutions, including a multi-party parliamentary system, and the rule of law, and to guarantee respect for human rights, including the rights of persons belonging to minorities.

Amendment

(39) The support under the Facility should be made available under the precondition that Ukraine continues to respect effective democratic mechanisms and institutions, including a multi-party parliamentary system, ***local and regional entities with a public legal personality***, and the rule of law, and to guarantee respect for human rights, including the rights of persons belonging to minorities.

Or. en

Amendment 6

Proposal for a regulation Recital 46 a (new)

Text proposed by the Commission

Amendment

(46a) Once the war ends, Russia needs

to pay the reparations due to ensure that it makes a substantial contribution to the reconstruction of Ukraine. With that in mind, the Union and its Member States are working towards establishing a legal basis for the confiscation of Russian public assets for the purpose of financing Ukraine's reconstruction and compensating the victims of Russia's aggression.

Or. en

Amendment 7

Proposal for a regulation Recital 46 b (new)

Text proposed by the Commission

Amendment

(46b) In view of the conclusions adopted by the European Council at its meeting of 29 and 30 June 2023 calling for further work on this matter, it is appropriate to already provide in this Regulation for a legal mechanism for adding amounts as external assigned revenue, within the meaning of Regulation (EU, Euratom) 2018/1046, that might later be received either from any confiscated assets of the Russian Federation and the Republic of Belarus or from any proceeds obtained from managing the assets of the Russian Federation and the Republic of Belarus frozen pursuant to Union restrictive measures, under any relevant Union legal act to be adopted in the future, in accordance with applicable rules of customary international law.

Or. en

Amendment 8

Proposal for a regulation Recital 59

Text proposed by the Commission

(59) The Commission and the Member States should ensure the compliance, coherence, consistency and complementarity of their assistance, in particular through regular consultations and frequent exchanges of information during the different phases of the assistance cycle, including at local level. In light of the presence of various international donors, the necessary steps should also be taken to ensure better coordination and complementarity with other donors, including through regular consultations. In this regard, the Multi-Agency Donor Coordination Platform should be used as an already established forum for such exchange.

Amendment

(59) The Commission and the Member States should ensure the compliance, coherence, consistency and complementarity of their assistance, in particular through regular consultations and frequent exchanges of information during the different phases of the assistance cycle, including at local level. In light of the presence of various international donors, the necessary steps should also be taken to ensure better coordination and complementarity with other donors, including through regular consultations. In this regard, the Multi-Agency Donor Coordination Platform should be used as an already established forum for such exchange. ***For reasons of budgetary transparency, the European Parliament should be granted observer status in the Steering Committee of the Multi-Agency Donor Coordination Platform.***

Or. en

Amendment 9

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) The preparation and implementation by Ukraine of the Plan should take particular account of the situation in Ukraine's regions and municipalities, having regard to their specific needs for recovery and reconstruction, reform, modernisation and decentralisation, and should be done in

Amendment

(70) The preparation and implementation by Ukraine of the Plan should take particular account of the situation in Ukraine's regions and municipalities, having regard to their specific needs for recovery and reconstruction, reform, modernisation and decentralisation, and should be done in

consultation with regional, local, urban and other public authorities, in accordance with the multi-level governance principle and taking into account a bottom-up approach. In this context, the Plan should in particular enhance the economic, social, environmental and territorial development of Ukraine's regions and municipalities, support the decentralisation reform across Ukraine and convergence towards the Union's standards; it should also ensure the involvement of sub-national authorities, in particular municipalities, in decision-making on the use of support in the reconstruction process at local level, and that the reconstruction projects selected and implemented by such sub-national authorities constitute an adequately substantial share of the support.

consultation with regional, local, urban and other public authorities, in accordance with the multi-level governance principle and taking into account a bottom-up approach. In this context, the Plan should in particular enhance the economic, social, environmental and territorial development of Ukraine's regions and municipalities, ***which should be completed with the introduction of local and regional entities with a public legal personality. The plan should also*** support the decentralisation reform across Ukraine and convergence towards the Union's standards; it should also ensure the involvement of sub-national authorities, in particular municipalities, in decision-making on the use of support in the reconstruction process at local level, and that the reconstruction projects selected and implemented by such sub-national authorities constitute an adequately substantial share of the support.

Or. en

Amendment 10

Proposal for a regulation Recital 72

Text proposed by the Commission

(72) The Commission should assess the Ukraine Plan based on the list of criteria set out in this Regulation. In view of the importance of the financial effects of the support to Ukraine Plan, ***implementing powers should be conferred on the Council. In case of a positive assessment of the Plan, the Commission should submit a proposal for the approval of the Plan by the Council.***

Amendment

(72) The Commission should assess the Ukraine Plan based on the list of criteria set out in this Regulation. In view of the importance of the financial effects of the support to Ukraine Plan, ***the Comission should be empowered to adopt a delegated act.***

Or. en

Amendment 11

Proposal for a regulation Recital 73

Text proposed by the Commission

(73) Given the uncertainties and the need for flexibility in the implementation of the Facility, it should be possible for Ukraine to make a reasoned request to the Commission to ***make a proposal to amend the Council implementing decision***, where the Ukraine Plan, including relevant qualitative and quantitative steps, is no longer achievable by Ukraine, either partially or totally, because of objective circumstances. The Commission may, in agreement with Ukraine, also make a proposal to amend the ***Council implementing decision***, in particular to take into account a change of the amounts available. Ukraine should also be able to make a reasoned request to amend the Plan, including by proposing addenda where relevant, to take into account additional funding available from other donors or from other sources, such as revenue generated on frozen and immobilised Russian assets.

Amendment

(73) Given the uncertainties and the need for flexibility in the implementation of the Facility, it should be possible for Ukraine to make a reasoned request to the Commission to amend the ***delegated act***, where the Ukraine Plan, including relevant qualitative and quantitative steps, is no longer achievable by Ukraine, either partially or totally, because of objective circumstances. The Commission may, in agreement with Ukraine, also make a proposal to amend the ***delegated act***, in particular to take into account a change of the amounts available. Ukraine should also be able to make a reasoned request to amend the Plan, including by proposing addenda where relevant, to take into account additional funding available from other donors or from other sources, such as revenue generated on frozen and immobilised Russian assets.

Or. en

Amendment 12

Proposal for a regulation Recital 76 a (new)

Text proposed by the Commission

Amendment

(76a) Given that the cost of interest in respect of loans provided to Ukraine under this Regulation can be borne by the Facility over and above the ceilings of the Multiannual Financial Framework, it should be possible for the Facility to also cover the cost of interest rate subsidies in

*respect of macro-financial assistance
provided to Ukraine under Regulation
(EU) 2022/2463, Decision
(EU) 2022/1628 and Decision
(EU) 2022/1201 on the same terms.*

Or. en

Amendment 13

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) foster social, economic **and** environmental resilience **and** progressive integration into the Union and global economy and markets;

Amendment

(b) foster social, economic, environmental **and territorial cohesion and** resilience, progressive integration into the Union and global economy and markets **and upward economic and social convergence**;

Or. en

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) progressively align with Union rules, standards, policies and practices (*‘acquis’*) with a view to future Union membership, thereby contributing to mutual stability, security, peace, prosperity and sustainability.

Amendment

(c) progressively align with Union rules, standards, policies and practices (*‘acquis’*) with a view to future Union membership, thereby contributing to mutual stability, security, peace, **convergence**, prosperity and sustainability.

Or. en

Amendment 15

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) rebuild and modernise infrastructure damaged by the war, such as energy infrastructure, water systems, internal and cross-border transport networks including rail, roads and bridges and border crossing points, and foster modern, improved and resilient infrastructures; restore food production capacities; help address social challenges ***stemming from the war***, including for specific groups such as war veterans, Internally Displaced Persons, single parents, disabled people, minorities and other vulnerable persons; contribute to the demining effort;

Amendment

(b) rebuild and modernise infrastructure damaged by the war, such as energy infrastructure, water systems, internal and cross-border transport networks including rail, roads and bridges and border crossing points, and foster modern, improved and resilient infrastructures; restore food production capacities; help address social challenges, including for specific groups such as war veterans, Internally Displaced Persons, single parents, disabled people, minorities and other vulnerable persons; contribute to the demining effort;

Or. en

Amendment 16

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) foster the transition to a sustainable and inclusive economy and a stable investment environment; support the integration of Ukraine into the Single Market; repair, rebuild and improve social infrastructure, such as housing, healthcare facilities, schools and higher education institutions, and research infrastructure; strengthen economic and social development, with particular attention to women and youth, including through quality education, training, reskilling and upskilling, and employment policies, including for researchers; support culture and cultural heritage; strengthen strategic

Amendment

(c) foster the transition to a sustainable and inclusive economy and a stable investment environment; support the integration of Ukraine into the Single Market; repair, rebuild and improve social infrastructure, such as housing, ***social and*** healthcare facilities, schools and higher education institutions, and research infrastructure; strengthen economic and social development ***and inclusion***, with particular attention to women and youth, including through quality education, training, reskilling and upskilling, and employment policies, including for researchers; support culture and cultural

economic sectors and support investment and private sector development, with a focus on small and medium-sized enterprises (SMEs) and innovation, as well as on agriculture and rural development, aquaculture and fisheries; restructure Ukraine's financial markets, including banking sector and capital markets; increase domestic revenue mobilisation; strengthen Ukraine's ability to trade;

heritage; strengthen strategic economic sectors and support investment and private sector development, with a focus on small and medium-sized enterprises (SMEs) and innovation, as well as on agriculture and rural development, aquaculture and fisheries; restructure Ukraine's financial markets, including banking sector and capital markets; increase domestic revenue mobilisation; strengthen Ukraine's ability to trade;

Or. en

Amendment 17

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

4. Activities under the Facility shall mainstream climate change mitigation and adaptation, environmental protection, human rights, democracy, gender equality and, where relevant, disaster risk reduction, and shall support progress towards the Sustainable Development Goals, promoting integrated actions that can create co-benefits and meet multiple objectives in a coherent way. They should avoid stranded assets, and shall be **guided by** the principles of 'do no harm' **and** of 'leaving no one behind', as well as by the sustainability mainstreaming approach underpinning the European Green Deal.

Amendment

4. Activities under the Facility shall mainstream climate change mitigation and adaptation, environmental protection, human rights, democracy, gender equality and, where relevant, disaster risk reduction, and shall support progress towards the Sustainable Development Goals, promoting integrated actions that can create co-benefits and meet multiple objectives in a coherent way. They should avoid stranded assets, and shall be **compatible with the** the principles of 'do no **significant** harm', of 'leaving no one behind', as well as by the sustainability mainstreaming approach underpinning the European Green Deal. **The Commission shall be empowered to adopt a delegated act to define for each of those principles a guidance and a methodology for supporting Ukraine in the preparation of the Ukraine Plan.**

Or. en

Amendment 18

Proposal for a regulation Article 4 – paragraph 7

Text proposed by the Commission

7. The Commission, in cooperation with the Member States and Ukraine, shall contribute to the implementation of Union commitments to increased transparency and accountability in the delivery of assistance, including by promoting the implementation and reinforcement of internal control systems and anti-fraud policies, and by making information on the volume and allocation of assistance available through **web-based databases**, and shall ensure that data is comparable and can be easily accessed, shared and published.

Amendment

7. The Commission, in cooperation with the Member States and Ukraine, shall contribute to the implementation of Union commitments to increased transparency and accountability in the delivery of assistance, including by promoting the implementation and reinforcement of internal control systems and anti-fraud policies, and by making information on the volume and allocation of assistance available through **a single webportal**, and shall ensure that data is comparable and can be easily accessed, shared and published.

Or. en

Amendment 19

Proposal for a regulation Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Relations with other Union funding instruments

1. The Facility shall progressively replace, as soon as possible, the bilateral allocation provided to Ukraine under the Neighbourhood, Development and International Cooperation Instrument (NDICI-GE) and support provided in the form of macro-financial assistance.

2. Ukraine shall remain eligible for support under NDICI regional, cross-border, thematic, and crisis response programmes as well as other Union instruments. Support provided under the

Facility shall not preclude Ukraine from becoming eligible for funding under the IPA Regulations in the future. The Commission shall ensure coherence between the assistance provided under the Facility and the enlargement policy framework.

3. Actions falling within the scope of Regulation (EC) No 1257/96 as well as within the scope of the European Peace Facility shall not be funded under the Facility.

4. The Commission shall ensure complementarities and synergies between the Facility and other Union programmes, with a view to avoiding double funding.

Or. en

Amendment 20

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The Commission shall monitor the fulfilment of the precondition set out in paragraph 1 before disbursements to Ukraine under the Facility are made and throughout the period of the support provided under the Facility taking duly into account the Commission's regular enlargement report. The Commission may adopt a decision concluding that this precondition is not met, and in particular, suspend the payments referred to in Article 25, irrespective of the fulfilment of conditions referred to in Article 15(2). In its assessment, the Commission shall also take into account the context in Ukraine, and the consequences of the application there of martial law.

Amendment

2. The Commission shall monitor the fulfilment of the precondition set out in paragraph 1 before disbursements to Ukraine under the Facility are made and throughout the period of the support provided under the Facility taking duly into account the Commission's regular enlargement report. The Commission may adopt a decision concluding that this precondition is not met, and in particular, suspend the payments referred to in Article 25, irrespective of the fulfilment of conditions referred to in Article 15(2). In its assessment, the Commission shall also take into account the context in Ukraine, and the consequences of the application there of martial law. ***The Commission's assessment shall be transmitted simultaneously to the European Parliament and the Council.***

Amendment 21

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) 78 % in the form of non-repayable financial support pursuant to Chapter III of this Regulation;

Amendment

(a) 75 % in the form of non-repayable financial support pursuant to Chapter III of this Regulation;

Or. en

Amendment 22

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) 5 % for expenditure pursuant to Chapter V;

Amendment

(c) 8 % for expenditure pursuant to Chapter V;

Or. en

Amendment 23

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Additional amounts received as external assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046 under the relevant Union legal acts in relation to restrictive measures in view of Russia's actions destabilising the situation in Ukraine shall be added to the resources referred to in Article 6.

Amendment

Additional amounts received as external assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046 under the relevant Union legal acts in relation to restrictive measures in view of Russia's actions destabilising the situation in Ukraine shall be added to the resources referred to in Article 6. ***In principle, and subject to respect for applicable rules of customary***

international law, any assets, together with the proceeds thereof, confiscated from the Russian Federation and the Republic of Belarus or any proceeds obtained from managing the assets of the Russian Federation and the Republic of Belarus frozen pursuant to EU restrictive measures, may also be received as additional amounts as external assigned revenue within the meaning of Regulation (EU, Euratom) 2018/1046, under any relevant Union legal act to be adopted in future.

Or. en

Amendment 24

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. The Commission shall conclude a framework agreement with Ukraine for the implementation of the Facility setting out specific arrangements for the management, control, supervision, monitoring, evaluation, reporting and audit of funds under the Facility, as well as to prevent, investigate and correct irregularities, fraud, corruption and conflicts of interest. The framework agreement shall be complemented by financing agreements in accordance with Article 10 and loan agreements in accordance with Article 21, setting out specific provisions for the management and implementation of funding under the Facility.

Amendment

1. The Commission shall conclude a framework agreement with Ukraine for the implementation of the Facility setting out specific arrangements for the management, control, supervision, monitoring, evaluation, reporting and audit of funds under the Facility, as well as to prevent, investigate and correct irregularities, fraud, corruption and conflicts of interest. The framework agreement shall be complemented by financing agreements in accordance with Article 10 and loan agreements in accordance with Article 21, setting out specific provisions for the management and implementation of funding under the Facility. ***That framework agreement shall be transmitted to the European Parliament and the Council simultaneously and without delay and shall be made public.***

Or. en

Amendment 25

Proposal for a regulation

Article 9 – paragraph 4 – introductory part

Text proposed by the Commission

4. The framework agreement shall lay down, ***in particular***, detailed provisions concerning, in particular:

Amendment

4. The framework agreement shall lay down detailed provisions concerning in particular:

Or. en

Amendment 26

Proposal for a regulation

Article 9 – paragraph 4 – point a

Text proposed by the Commission

(a) the commitment of Ukraine to progress towards more efficient and effective control systems, ***and*** to strengthen the fight against money laundering, terrorism financing, tax avoidance, tax fraud or tax evasion;

Amendment

(a) the commitment of Ukraine to progress towards more efficient and effective control systems, ***including appropriate mechanisms and measures to effectively prevent, detect and correct irregularities, fraud, corruption and conflict of interests as well as*** to strengthen the fight against money laundering, terrorism financing, tax avoidance, tax fraud or tax evasion;

Or. en

Amendment 27

Proposal for a regulation

Article 9 – paragraph 4 – point c

Text proposed by the Commission

(c) control requirements for release of funding to Ukraine;

Amendment

(c) control requirements for ***the*** release of funding to Ukraine;

Or. en

Amendment 28

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Financing agreements shall be concluded for Chapters III and V. They shall set out the responsibilities and obligations of Ukraine in the implementation of Union funds, including the obligations set out in Article 129 of Regulation (EU, Euratom) 2018/1046. They shall also set out the conditions for payment of the non-repayable financial support, including in relation to the internal control systems as referred to in Article 9(4), points (a) and (c). The financing agreements shall also set out the Union's rights and obligations.

Amendment

1. Financing agreements shall be concluded for Chapters III and V. They shall set out the responsibilities and obligations of Ukraine in the implementation of Union funds, including the obligations set out in Article 129 of Regulation (EU, Euratom) 2018/1046. They shall also set out the conditions for payment of the non-repayable financial support, including in relation to the internal control systems as referred to in Article 9(4), points (a) and (c). The financing agreements shall also set out the Union's rights and obligations. ***They shall be transmitted to the European Parliament and the Council simultaneously.***

Or. en

Amendment 29

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. The Commission shall ***inform*** the European Parliament and the Council ***of*** commitment appropriations carried over in accordance with Article 12(6) of Regulation (EU, Euratom) 2018/1046.

Amendment

2. The Commission shall ***submit to*** the European Parliament and the Council ***information on*** commitment appropriations carried over, ***including the amounts involved***, in accordance with Article 12(6) of Regulation (EU, Euratom) 2018/1046.

Or. en

Amendment 30

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. For the purpose of paragraph 1, where the Commission finds that it is impossible for Ukraine to fulfil the conditions attached to the forms of support under this Regulation due to such duly justified exceptional circumstances, ***it may submit to the Council a proposal for an implementing decision providing*** exceptional financing to Ukraine under the Facility.

Amendment

2. For the purpose of paragraph 1, where the Commission finds that it is impossible for Ukraine to fulfil the conditions attached to the forms of support under this Regulation due to such duly justified exceptional circumstances, ***the Commission is empowered to adopt a delegated act in accordance with Article 38 to supplement this Regulation with provisions setting out*** exceptional financing to Ukraine under the Facility. ***The Commission's assessment shall be transmitted to the European Parliament and Council, simultaneously.***

Or. en

Amendment 31

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. The Ukraine Plan shall be prepared by Ukraine. Ukraine shall strive to submit the Plan to the Commission by two months after entry into force of this Regulation. Ukraine may submit a draft Plan to the Commission.

Amendment

1. The Ukraine Plan shall be prepared by Ukraine. Ukraine shall strive to submit the Plan to the Commission by two months after entry into force of this Regulation. Ukraine may submit a draft Plan to the Commission. ***If it does so, the Commission shall share that draft Plan with the European Parliament and the Council.***

Or. en

Amendment 32

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

3. The preparation and implementation of the Ukraine Plan shall be done in consultation with regional, local, urban and other public authorities, in accordance with the multi-level governance principle and taking into account a bottom-up approach.

Amendment

3. The preparation and implementation of the Ukraine Plan shall be done in consultation with regional, local, urban and other public authorities, in accordance with the multi-level governance principle and taking into account a bottom-up approach. ***In line with the principle of inclusive partnership, Ukraine and the Commission shall ensure that civil society organisations are duly consulted and involved in the process and have timely access to relevant information to allow them to play a meaningful role in the design and implementation of the Ukraine Plan.***

Or. en

Amendment 33

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. The Commission shall assess the relevance, comprehensiveness and appropriateness of the Ukraine Plan or, where applicable, the amendment to that Plan referred to in Article 20, without undue delay, and ***make a proposal for a Council implementing decision*** in accordance with Article ***19(1)***. When carrying out that assessment, the Commission shall act in close cooperation with Ukraine, and may make observations or seek additional information.

Amendment

1. The Commission shall assess the relevance, comprehensiveness and appropriateness of the Ukraine Plan or, where applicable, the amendment to that Plan referred to in Article 20, without undue delay, and, ***where appropriate, may adopt a delegated act*** in accordance with Article ***19***. When carrying out that assessment, the Commission shall act in close cooperation with Ukraine, and may make observations or seek additional information. ***The Commission's assessment shall be transmitted simultaneously to the European Parliament and the Council, prior to the***

adoption of the delegated act. The final assessment shall be published without delay.

Or. en

Amendment 34

Proposal for a regulation

Article 18 – paragraph 3 – point d

Text proposed by the Commission

(d) whether the arrangements proposed by Ukraine are expected to effectively prevent, detect and correct irregularities, fraud, corruption and conflicts of interests, when using the funds provided under the Facility, and ***are expected to allow*** avoiding double funding from the Facility and other Union programmes as well as other donors.

Amendment

(d) whether the arrangements proposed by Ukraine are expected to effectively prevent, detect and correct irregularities, fraud, corruption and conflicts of interests, when using the funds provided under the Facility, and ***will ensure*** avoiding double funding from the Facility and other Union programmes as well as other donors.

Or. en

Amendment 35

Proposal for a regulation

Article 19 – title

Text proposed by the Commission

Council implementing decision

Amendment

Delegated act on supplementary provisions

Or. en

Amendment 36

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. In case of a positive assessment, ***on a proposal from the Commission, the Council shall approve by means of an implementing decision the assessment*** of the Ukraine Plan submitted by Ukraine ***in accordance with Article 17(1)*** or, where applicable, of its amendment submitted in accordance with Article 20(1) or (2).

Amendment

1. In case of a positive assessment of the Ukraine Plan submitted by Ukraine or, where applicable, of its amendment submitted in accordance with Article 20(1) or (2), ***the Commission is empowered to adopt a delegated act in accordance with Article 38 to supplement this Regulation with provisions setting out the matters referred to in paragraphs 2 and 3 of this Article.***

Or. en

Amendment 37

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. The ***Commission proposal for a Council implementing decision*** shall set out, for the part to be funded by the Facility, the reforms and investments to be implemented by Ukraine, the conditions stemming from the Plan as described in Article 15(2), including the indicative timetable, ***and*** the amounts referred to in Article 6(1) point (a) and (2) and relevant contributions under paragraph 4 of that Article.

Amendment

2. The ***delegated act*** shall set out, for the part to be funded by the Facility, the reforms and investments to be implemented by Ukraine, the conditions stemming from the Plan as described in Article 15(2), including the indicative timetable, ***the milestones and targets required for the disbursement*** of the amounts referred to in Article 6(1) point (a) and (2) and relevant contributions under paragraph 4 of that Article.

Or. en

Amendment 38

Proposal for a regulation

Article 19 – paragraph 3 – introductory part

Text proposed by the Commission

3. The ***Commission proposal*** referred to in paragraph 2 shall also lay down:

Amendment

3. The ***delegated act*** referred to in paragraph 2 shall also lay down:

Or. en

Amendment 39

Proposal for a regulation

Article 19 – paragraph 3 – point a

Text proposed by the Commission

(a) the indicative non-repayable financial support and indicative amount of the loan support to be paid in instalments, structured in accordance with Article 15(2), once Ukraine has achieved satisfactory fulfilment of the relevant qualitative and quantitative steps identified in relation to the implementation of the Ukraine Plan;

Amendment

(a) the indicative non-repayable financial support and indicative amount of the loan support to be paid in instalments ***and its purpose***, structured in accordance with Article 15(2), once Ukraine has achieved satisfactory fulfilment of the relevant qualitative and quantitative steps identified in relation to the implementation of the Ukraine Plan;

Or. en

Amendment 40

Proposal for a regulation

Article 19 – paragraph 3 – point b

Text proposed by the Commission

(b) the non-repayable financial support and the amount of the loan support to be paid in the form of a pre-financing in accordance with Article 23;

Amendment

(b) the non-repayable financial support and the amount of the loan support to be paid in the form of a pre-financing in accordance with Article 23 ***and its purpose***;

Or. en

Amendment 41

Proposal for a regulation

Article 19 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the Commission gives a negative assessment to the Ukraine Plan, it shall communicate a duly justified assessment within two months of the submission of the proposal by Ukraine. Following an invitation from the European Parliament, the Commission shall appear in front of the competent committees to present explanations for the negative assessment of the Ukraine Plan. Relevant and substantial information shall be transmitted by the Commission to the European Parliament and the Council simultaneously and on equal terms at least five working days ahead of the meeting.

Or. en

Amendment 42

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Where the Ukraine Plan, including relevant qualitative and quantitative steps, is no longer achievable by Ukraine, either partially or totally, because of objective circumstances,*** Ukraine may propose ***an amended*** Ukraine Plan. In that case, Ukraine may make a reasoned request to the Commission to make a proposal to amend all or part of the ***Council implementing decision*** referred to in Article 19(1).

1. Ukraine may propose ***amendments to the*** Ukraine Plan. In that case, Ukraine may make a reasoned request to the Commission to make a proposal to amend all or part of the ***delegated act*** referred to in Article 19(1).

Amendment 43

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. The Commission may, in agreement with Ukraine, make a proposal to amend the ***Council implementing decision*** referred to in Article 19(1), in particular to take into account a change of the amounts available, notably due to additional contributions by the Member States or from other sources as referred to in Article 6(4).

Amendment

2. The Commission may, in agreement with Ukraine, make a proposal to amend the ***delegated act*** referred to in Article 19(1), in particular to take into account a change of the amounts available, notably due to additional contributions by the Member States or from other sources as referred to in Article 6(4).

Amendment 44

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. Where the Commission considers that the reasons put forward by Ukraine justify an amendment to the Ukraine Plan, the Commission shall assess the amended Ukraine Plan in accordance with Article 18 and shall ***make a proposal for an amendment of the Council implementing decision*** referred to in Article 19(1) ***without undue delay***.

Amendment

3. Where the Commission considers that the reasons put forward by Ukraine justify an amendment to the Ukraine Plan, the Commission shall assess the amended Ukraine Plan in accordance with Article 18 and shall ***adopt*** an amendment of the ***delegated act*** referred to in Article 19(1). ***The Commission's assessment shall be transmitted to the European Parliament and the Council simultaneously and without delay.***

Amendment 45

Proposal for a regulation Article 21 – paragraph 2

Text proposed by the Commission

2. Upon adoption of the **Council implementing decision** referred to in Article 19(1), the Commission shall enter into a loan agreement with Ukraine in respect of the amount referred to in Article 6(2). The loan agreement shall lay down the availability period and the detailed terms of the support under the Facility in the form of loans, including in relation to the internal control systems as referred to in Article 9(4), points (a) and (c). The loans shall have maximum duration of 35 years. In addition to the elements laid down in Article 220(5) of Regulation (EU, Euratom) 2018/1046, the loan agreement shall contain the amount of pre-financing and rules on clearing of pre-financing.

Amendment

2. Upon adoption of the **delegated act** referred to in Article 19(1), the Commission shall enter into a loan agreement with Ukraine in respect of the amount referred to in Article 6(2). The loan agreement shall lay down the availability period and the detailed terms of the support under the Facility in the form of loans, including in relation to the internal control systems as referred to in Article 9(4), points (a) and (c). The loans shall have maximum duration of 35 years. In addition to the elements laid down in Article 220(5) of Regulation (EU, Euratom) 2018/1046, the loan agreement shall contain the amount of pre-financing and rules on clearing of pre-financing. ***The Commission shall transmit to the European Parliament and the Council, simultaneously, the following elements:***

- (a) the amount of the loan in EUR;***
- (b) the average maturity;***
- (c) the pricing formula, and the availability period of the loan;***
- (d) the maximum number of instalments and a clear and precise repayment schedule.***

Or. en

Amendment 46

Proposal for a regulation Article 21 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The loan agreement shall be transmitted

Amendment 47

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 220(5) of Regulation (EU, Euratom) 2018/1046, the **Union** may bear the cost of funding, cost of liquidity management, and cost of service for administrative overheads related to the borrowing and lending (“borrowing costs subsidy”), except for costs related to early repayment of the loan. For the period from 1 January 2024 to 31 December 2027, the borrowing costs subsidy shall be covered under Chapter V.

Amendment

1. By way of derogation from Article 220(5) of Regulation (EU, Euratom) 2018/1046 **and subject to available resources**, the **Facility** may bear the cost of funding, cost of liquidity management, and cost of service for administrative overheads related to the borrowing and lending (“borrowing costs subsidy”), except for costs related to early repayment of the loan. For the period from 1 January 2024 to 31 December 2027, the borrowing costs subsidy shall be covered under Chapter V. ***The Facility may also bear the cost of the interest rate subsidies previously granted in Regulation (EU) 2022/2463, Decision (EU) 2022/1628, Decision (EU) 2022/1201, and Decision (EU) 2022/313, for the period 2024-2027.***

Amendment 48

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. Payments of the non-repayable financial support and of the loan to Ukraine under this Article shall be made in accordance with the **budget appropriations** and subject to the available funding.

Amendment

1. Payments of the non-repayable financial support and of the loan to Ukraine under this Article shall be made in accordance with the **annual budgetary procedure** and subject to the available

Payments shall be made in instalments. An instalment may be disbursed in one or more tranches.

funding. Payments shall be made in instalments. An instalment may be disbursed in one or more tranches.

Or. en

Amendment 49

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. Every quarter, Ukraine **shall** submit a duly justified request for payment of the non-repayable financial support and of the loan, and the Commission shall pay the relevant non-repayable financial support and loan, on the basis of the assessment described in paragraph 3.

Amendment

2. Every quarter, Ukraine **may** submit a duly justified request for payment of the non-repayable financial support and of the loan, and the Commission shall pay the relevant non-repayable financial support and loan, on the basis of the assessment described in paragraph 3.

Or. en

Amendment 50

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. The Commission shall assess without undue delay whether Ukraine has achieved satisfactory fulfilment of the qualitative and quantitative steps set out in the **Council implementing decision** referred to in Article 19(1). The satisfactory fulfilment of qualitative and quantitative steps shall presuppose that measures related to the steps for which Ukraine had achieved satisfactory fulfilment have not been reversed by Ukraine. The Commission may be assisted by experts.

Amendment

3. The Commission shall assess without undue delay whether Ukraine has achieved satisfactory fulfilment of the qualitative and quantitative steps set out in the **delegated act** referred to in Article 19(1). The satisfactory fulfilment of qualitative and quantitative steps shall presuppose that measures related to the steps for which Ukraine had achieved satisfactory fulfilment have not been reversed by Ukraine. The Commission may be assisted by experts.

Or. en

Amendment 51

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

4. Where the Commission makes a positive assessment of the satisfactory fulfilment of qualitative and quantitative steps, it shall adopt without undue delay a decision authorising the disbursement of the part of the non-repayable financial support and of the loan corresponding to such steps.

Amendment

4. Where the Commission makes a positive assessment of the satisfactory fulfilment of qualitative and quantitative steps, it shall adopt without undue delay a decision authorising the disbursement of the part of the non-repayable financial support and of the loan corresponding to such steps. ***The Commission's assessment shall be transmitted simultaneously to the European Parliament and the Council.***

Or. en

Amendment 52

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

5. Where the Commission makes a negative assessment of the fulfilment of qualitative and quantitative steps as per the indicative timetable, the payment of the non-repayable financial support and of the loan corresponding to such steps shall be withheld. The payment withheld shall only be disbursed when Ukraine has duly justified, as part of a subsequent payment request, that it has taken the necessary measures to ensure satisfactory fulfilment of the qualitative and quantitative steps.

Amendment

5. Where the Commission makes a negative assessment of the fulfilment of qualitative and quantitative steps as per the indicative timetable, the payment of the non-repayable financial support and of the loan corresponding to such steps shall be withheld. The payment withheld shall only be disbursed when Ukraine has duly justified, as part of a subsequent payment request, that it has taken the necessary measures to ensure satisfactory fulfilment of the qualitative and quantitative steps. ***The Commission's assessment shall be transmitted simultaneously to the European Parliament and the Council.***

Or. en

Amendment 53

Proposal for a regulation Article 27 – paragraph 3

Text proposed by the Commission

3. The operational board of the Ukraine Investment Framework shall comprise representatives of the Commission, of each Member State, and representatives of Ukraine. Counterparts implementing the Ukraine Guarantee and financial instruments supported by the Ukraine Investment Framework may be given observer status. The Commission shall chair the operational board.

Amendment

3. The operational board of the Ukraine Investment Framework shall comprise representatives of the Commission, of each Member State, **the European Parliament** and representatives of Ukraine. Counterparts implementing the Ukraine Guarantee and financial instruments supported by the Ukraine Investment Framework may be given observer status. The Commission shall chair the operational board.

Or. en

Amendment 54

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. For all contributions referred to in paragraph 1, a contribution agreement shall be concluded between the Commission, on behalf of the Union, and the contributor. It shall contain, in particular, provisions concerning the payment conditions.

Amendment

3. For all contributions referred to in paragraph 1, a contribution agreement shall be concluded between the Commission, on behalf of the Union, and the contributor. It shall contain, in particular, provisions concerning the payment conditions. **The Commission shall inform the European Parliament and the Council simultaneously and without delay of the contributions approved.**

Or. en

Amendment 55

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

2. The eligible counterparts for the purposes of the Ukraine Guarantee and the eligible entrusted entities for the purpose of financial instruments shall be those identified in Article 208(4) of Regulation (EU, Euratom) 2018/1046, including those from third countries contributing to the Ukraine Guarantee in accordance with Article 28 of this Regulation. In addition, by way of derogation from Article 62(1), point (c), of Regulation (EU, Euratom) 2018/1046, bodies governed by private law of a Member State, or a third country which has contributed to the Ukraine Guarantee in accordance with Article 28 of this Regulation, and which provide adequate assurance of their financial and operational capacity shall be eligible for the purpose of the Ukraine Guarantee.

Amendment

2. The eligible counterparts for the purposes of the Ukraine Guarantee and the eligible entrusted entities for the purpose of financial instruments shall be those identified in Article 208(4) of Regulation (EU, Euratom) 2018/1046, including those from third countries contributing to the Ukraine Guarantee in accordance with Article 28 of this Regulation. In addition, by way of derogation from Article 62(1), point (c), of Regulation (EU, Euratom) 2018/1046, bodies governed by private law of a Member State, or a third country which has contributed to the Ukraine Guarantee in accordance with Article 28 of this Regulation, and which provide adequate assurance of their financial and operational capacity shall be eligible for the purpose of the Ukraine Guarantee.
Preference shall be given to those bodies that disclose information related to environment, social, tax and corporate governance criteria.

Or. en

Amendment 56

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. The Commission shall ensure the effective, efficient and fair use of available resources among eligible counterparts and, where relevant, eligible entrusted entities, in an inclusive approach, while promoting cooperation between them and taking due account of their capacities, added value,

Amendment

3. The Commission shall ensure the effective, efficient and ***needs-based*** fair use of available resources among eligible counterparts and, where relevant, eligible entrusted entities, in an inclusive approach, while promoting cooperation between them and taking due account of their capacities,

experience and risk-taking capacity.

added value, experience and risk-taking capacity.

Or. en

Amendment 57

Proposal for a regulation

Article 30 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Ukraine Guarantee shall support financing and investment operations which comply with the conditions set out in Article 209(2), points (a) to (e) of Regulation (EU, Euratom) 2018/1046 concerning in particular the need to achieve additionality, including by addressing market failures or sub-optimal investment situations, to avoid the distortion of competition, and to maximise private investment.

Or. en

Amendment 58

Proposal for a regulation

Article 30 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall provide information on the signature of each Ukraine Guarantee agreement in the reports referred to in Article 27(8). ***Upon their request, those*** agreements shall be ***made available*** to the European Parliament and the Council, taking into account the protection of confidential and commercially sensitive information.

The Commission shall provide information on the signature of each Ukraine Guarantee agreement in the reports referred to in Article 27(8). ***The European Parliament and the Council shall be notified simultaneously of the signature of all Guarantee agreements concluded under the Ukraine Guarantee. All Ukraine Guarantee agreements shall be transmitted simultaneously*** to the European Parliament and the Council, taking into account the protection of confidential and

commercially sensitive information.

Or. en

Amendment 59

Proposal for a regulation

Article 30 – paragraph 4 – point c

Text proposed by the Commission

(c) a reference to the objectives and purpose of the Facility, an assessment of the needs and an indication of the expected results;

Amendment

(c) a reference to the objectives and purpose of the Facility, an assessment of the needs and an indication of the expected results, ***taking into account the promotion of corporate social responsibility and responsible business conduct, including in particular by the respect of internationally agreed guidelines, principles and conventions on investment;***

Or. en

Amendment 60

Proposal for a regulation

Article 30 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The eligible counterparts shall also, upon request, provide the Commission with any additional information necessary to fulfil the Commission's obligations pursuant to this Regulation, together with information regarding compliance with human rights, and social, labour and environment standards.

Or. en

Amendment 61

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The provisioning rate for the Ukraine Guarantee shall initially be 70%.

Amendment

1. The provisioning rate for the Ukraine Guarantee shall initially be 70%, ***to be provisioned from the Union budget through a specific budget line.***

Or. en

Amendment 62

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt a delegated act in accordance with Article 38 to amend the provisioning rate while applying the criteria set out in Article 211(2) of the Regulation (EU, Euratom) 2018/1046, and, where relevant, to increase or decrease the maximum amount of guarantee referred to in Article 30(1) of this Regulation ***by up to 30%***. The Commission may only increase the maximum amount of the guarantee if the provisioning rate is decreased. Without prejudice to Article 30(3), the Commission may provide that the increased amount of the guarantee shall be available for signature of guarantee agreements gradually over three years.

Amendment

3. The Commission is empowered to adopt a delegated act in accordance with Article 38 to amend the provisioning rate while applying the criteria set out in Article 211(2) of the Regulation (EU, Euratom) 2018/1046, and, where relevant, to increase or decrease the maximum amount of guarantee referred to in Article 30(1) of this Regulation. The Commission may only increase the maximum amount of the guarantee if the provisioning rate is decreased. Without prejudice to Article 30(3), the Commission may provide that the increased amount of the guarantee shall be available for signature of guarantee agreements gradually over three years.

Or. en

Amendment 63

Proposal for a regulation Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31a

Grievance and redress mechanism

In view of possible grievances of third parties, including communities and individuals affected by projects supported by the Ukraine Guarantee, the Commission and the Delegation of the European Union to Ukraine shall publish on their websites direct references to the complaints mechanisms of the relevant counterparts that have concluded agreements with the Commission. The Commission shall also provide the possibility of directly receiving complaints related to the treatment of grievances by eligible counterparts. The Commission shall take that information into account in view of future cooperation with those counterparts.

Or. en

Amendment 64

Proposal for a regulation Article 31 b (new)

Text proposed by the Commission

Amendment

Article 31b

The Commission shall publish on its webportal information on financing and investment operations and the essential elements of the Ukraine Guarantee agreements, including information on the legal identity of eligible counterparts, expected development benefits and complaints procedures, taking into account the protection of confidential and

commercially sensitive information.

Or. en

Amendment 65

Proposal for a regulation Article 31 c (new)

Text proposed by the Commission

Amendment

Article 31c

In accordance with their transparency policies and Union rules on data protection and on access to documents and information, eligible counterparts shall proactively and systematically make publicly available on their websites information relating to all financing and investment operations covered by the Ukraine Guarantee, relating in particular to the manner in which those operations contribute to the achievement of the objectives and requirements of this Regulation. Where possible, such information shall be broken down at project level. Such information shall always take into account the protection of confidential and commercially sensitive information. Eligible counterparts shall also publicise Union support in all information which they publish on financing and investment operations covered by the Ukraine Guarantee in accordance with this Regulation.

Or. en

Amendment 66

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

2. The Audit Board shall be composed of independent members appointed by the Commission. Representatives of Member States and other donors may be invited by the Commission to participate in the activities of the Audit Board.

Amendment

2. The Audit Board shall be composed of independent members appointed by the Commission. Representatives of Member States, ***the European Parliament*** and other donors may be invited by the Commission to participate in the activities of the Audit Board.

Or. en

Amendment 67

Proposal for a regulation Chapter VI a (new) – Article 34 a (new)

Text proposed by the Commission

Amendment

CHAPTER VIa

On Transparency and Dialogue

Article 34a

Transparency

1. ***The Commission shall transmit the framework agreement, concluded between the Commission and Ukraine, the Ukraine Plan, submitted by Ukraine, and the delegated act referred to in Article 19, simultaneously and on equal terms to the European Parliament and the Council without undue delay.***

2. ***Information transmitted by the Commission to the Council in the context of this Regulation or its implementation shall simultaneously be transmitted to the European Parliament, subject to confidentiality arrangements if necessary.***

Relevant outcomes of discussions held in the Council shall be shared with the competent committees of the European Parliament.

3. The Commission shall provide the competent committees of the European Parliament with an overview of its preliminary findings concerning the satisfactory fulfilment of the relevant conditions referred to in Article 15.

4. The competent committees of the European Parliament may invite the Commission and the head of the established Audit Board, referred to in Article 34, to provide information on the state of play of the assessment of the Facility in the context of the Reconstruction and Pre-accession Dialogue referred to in Article 34b.

Or. en

Amendment 68

Proposal for a regulation Article 34 b (new)

Text proposed by the Commission

Amendment

Article 34b

Reconstruction and Pre-accession Dialogue

1. In order to enhance the dialogue between the Union institutions, in particular the European Parliament, the Council and the Commission, and to ensure greater transparency and accountability, the competent committee(s) of the European Parliament may invite the Commission and other relevant stakeholders, such as in particular the Audit Board, referred to in Article 34, at least every four months, to discuss the following matters:

- (a) the state of reconstruction and accession-related reforms in Ukraine, as well as the measures adopted under this Regulation;*
 - (b) the Ukraine Plan and the assessment of the Ukraine Plan;*
 - (c) the main findings of the review report referred to in Article 36(4);*
 - (d) the status of fulfilment of the conditions of the Ukraine Plan;*
 - (e) progress in fulfilling the accession criteria;*
 - (f) payment, suspension and termination procedures, including any observation presented to ensure a satisfactory fulfilment of the conditions; and*
 - (g) any other relevant information and documentation provided by the Commission to the competent committee(s) of the European Parliament in relation to the implementation of the Facility.*
- 2. The European Parliament may express its views in resolutions as regards the matters referred to in paragraph 1.*
- 3. The Commission shall take into account any elements arising from the views expressed through the Reconstruction and Pre-accession Dialogue, including the resolutions from the European Parliament, where relevant.*

Or. en

Amendment 69

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

1. After 31 December 2027, but by 31

Amendment

1. After 31 December 2027, but by 31

December 2031 at the latest, the Commission shall carry out an ex-post evaluation of the Regulation. That ex-post evaluation shall assess the Union contribution to the achievement of the objectives of this Regulation.

December 2031 at the latest, the Commission shall carry out an ex-post evaluation of the Regulation ***by means of an independent external evaluation***. That ex-post evaluation shall assess the Union contribution to the achievement of the objectives of this Regulation. ***The Commission shall take due account of proposals by the European Parliament or the Council for this independent external evaluation.***

Or. en

Amendment 70

Proposal for a regulation

Chapter VII a (new) – Article 37 a (new)

Decision (EU) 2022/1201

Article 1 – paragraph 3

Present text

3. The ***financial envelope referred to in Article 6(2), point (a), first indent, of Regulation (EU) 2021/947*** shall be used to cover the costs of interest payments related to the macro-financial assistance during the period of the multiannual financial framework 2021–2027, as an interest rate subsidy referred to in Article 5(2) of this Decision.

Amendment

CHAPTER VIIa

Amendments to other acts

Article 37a

Amendment to Decision (EU) 2022/1201

Decision (EU) 2022/1201 is amended as follows:

(1) in Article 1, paragraph 3 is replaced by the following:

“3. The assistance provided under Chapter V of Regulation (EU) .../...^{1a} shall be used to cover the costs of interest payments related to the macro-financial assistance during the period of the multiannual financial framework 2021–2027, as an interest rate subsidy referred to in Article 5(2) of this Decision.

^{1a} Regulation of the European Parliament and of the Council (EU) .../... of ... 2023

on establishing the Ukraine Facility (OJ L, ..., p. ...). ”.

Or. en

Amendment 71

Proposal for a regulation

Article 37 b (new)

Decision (EU) 2022/1628

Article 6 – paragraph 3

Present text

3. The *financial envelope referred to in Article 6(2), point (a), first indent, of Regulation (EU) 2021/947* shall be used to cover the costs of interest payments related to the Union’s macro-financial assistance during the period of the multiannual financial framework 2021–2027 as an interest rate subsidy.

Amendment

Article 37b

Amendment to Decision (EU) 2022/1628

Decision (EU) 2022/1628 is amended as follows:

(1) in Article 6, paragraph 3 is replaced by the following:

‘3. The assistance provided under Chapter V of Regulation (EU) .../...^{1a} shall be used to cover the costs of interest payments related to the Union’s macro-financial assistance during the period of the multiannual financial framework 2021–2027 as an interest rate subsidy.

^{1a} Regulation of the European Parliament and of the Council (EU) .../... of ... 2023 on establishing the Ukraine Facility (OJ L, ..., p. ...). ’.

Or. en

Amendment 72

Proposal for a regulation

Article 37 c (new)

Regulation (EU) 2022/2463

Article 17 – paragraph 3 (new)

Text proposed by the Commission

Amendment

Article 37c

Amendment to Regulation (EU) 2022/2463

Regulation (EU) 2022/2463 is amended as follows:

(1) in Article 17, the following paragraph is added:

‘3. Without prejudice to Article 4(2) of this Regulation, the assistance provided under Chapter V of Regulation (EU) .../...^{1a} shall be used to cover the costs of interest payments related to the Union’s macro-financial assistance during the period of the MFF 2021–2027 as an interest rate subsidy.

^{1a} Regulation of the European Parliament and of the Council (EU) .../... of ... 2023 on establishing the Ukraine Facility (OJ L, ..., p. ...).’.

Or. en

Amendment 73

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in **Article 31** shall be conferred on the Commission for an indeterminate period from seven days after the entry into force of this Regulation.

2. The power to adopt delegated acts referred to in **Articles 13, 19, 20 and 31** shall be conferred on the Commission for an indeterminate period from seven days after the entry into force of this Regulation.

Amendment 74**Proposal for a regulation
Article 38 – paragraph 3***Text proposed by the Commission*

3. The delegations of power referred to in **Article 31** 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 the power specified in that decision. It shall take effect on 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.

Amendment

3. The delegations of power referred to in **Articles 13, 19, 20 and 31** 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 the power specified in that decision. It shall take effect on 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.

Or. en

Amendment 75**Proposal for a regulation
Article 38 – paragraph 6***Text proposed by the Commission*

6. A delegated act adopted pursuant to **Article 31** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **one month** 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 one month at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to **Articles 13, 19, 20 and 31** 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 one month at the initiative of the European Parliament or of the Council.

