

2018/0228(COD)

COLUMN TABLE FOR INTERINSTITUTIONAL NEGOTIATIONS – WORKING DOCUMENT

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

Date of the trilogue: 26.10.2020

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

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

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

¹ COM(2018)0321, p. 13.

<p>electricity storage, smart grids, CO2 transportation and renewable energy; ii) 40% for inland waterways and multimodal transport, and gas infrastructure - if enabling increased use of renewable hydrogen or bio-methane. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. In order to prevent that infrastructure is vulnerable to potential long term climate change impacts and to ensure that the cost of greenhouse gas emissions arising from the project is included in the project's economic evaluation, projects supported by the Programme should be subject to climate proofing in accordance with guidance that should be developed by the Commission coherently with the guidance developed for other programmes of the Union where</p>	<p>transport, electricity transmission, electricity storage, smart grids, CO₂ transportation and renewable energy; (ii) 40% for inland waterways and multimodal transport, and gas infrastructure - if enabling increased use of renewable hydrogen or bio-methane. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. In order to prevent that infrastructure is vulnerable to potential long term climate change impacts and to ensure that the cost of greenhouse gas emissions arising from the project is included in the project's economic evaluation, projects supported by the Programme should be subject to climate proofing in accordance with guidance that should be developed by the Commission coherently with the guidance developed for other programmes</p>	<p>transport, electricity transmission, electricity storage, smart grids, CO₂ transportation and renewable energy; ii) 40% for inland waterways and multimodal transport, and gas infrastructure - if enabling increased use of renewable hydrogen or bio-methane. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. In order to prevent that infrastructure is vulnerable to potential long term climate change impacts and to ensure that the cost of greenhouse gas emissions arising from the project is included in the project's economic evaluation, projects supported by the Programme should be subject to climate proofing in accordance with guidance that should be developed by the Commission coherently with the guidance developed for other programmes</p>	<p>transport, electricity transmission, electricity storage, smart grids, CO₂ transportation and renewable energy; ii) 40% for inland waterways and multimodal transport, and gas infrastructure - if enabling increased use of renewable hydrogen or bio-methane. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. In order to prevent that infrastructure is vulnerable to potential long term climate change impacts and to ensure that the cost of greenhouse gas emissions arising from the project's economic evaluation, projects supported by the Programme should be subject to climate proofing in accordance with guidance that should be developed by the Commission coherently with the guidance developed for other programmes</p>
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	an appropriate pipeline of projects, in particular by strengthening the institutional capacity of the public administrations concerned.	Fund in their efforts to develop an appropriate pipeline of projects, in particular by strengthening the institutional capacity of the public administrations concerned.	appropriate pipeline of projects, in particular by strengthening the institutional capacity of the public administrations concerned. <u>In addition, with a view to improve more specifically the completion of cross-border railway projects in less developed parts of the network, a dedicated amount of the envelope from the European Strategic Investment cluster shall be used for projects for the completion of missing major cross-border railway links between Member states eligible for funding from the Cohesion Fund.</u>	
91.			<u>(33a) The CEF should be established for a period of seven years to align its duration with that of the multiannual financial framework laid down in Council Regulation (EU, Euratom) No [reference to the MFF Regulation to be inserted].</u>	

95.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.	(36) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors.
95a.	Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	Rules adopted on the basis of Article 322 TFEU also concern other conditionalities to protect the budget. ²⁰ the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.	

² OJ C 373, 20.12.2013, p. 1.

			<p>⁽²⁰⁾ <u>This recital may have to be updated pending the outcome of negotiations on the conditionality regime.</u></p>	
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97.	<p>(38) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.</p>	<p>(38) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.</p>	<p>(38) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the <u>Agreement of the European Economic Area</u>³ EEA agreement, which provides for the implementation of the programmes <u>on the basis of a decision adopted</u> under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation <u>requiring third countries</u> to grant the necessary rights for and access <u>required for</u> to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European <u>and the</u> Court of Auditors to comprehensively exert <u>exercise</u> their respective competences.</p>	<p>(38) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the <u>Agreement of the European Economic Area</u>⁴, which provides for the implementation of the programmes <u>on the basis of a decision adopted</u> under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation <u>requiring third countries</u> to grant the necessary rights and access <u>required for</u> the authorizing officer responsible, the European Anti-Fraud Office (OLAF) <u>and the</u> Court of Auditors to comprehensively <u>exercise</u> their respective competences.</p>
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³ OJ L 1, 3.1.1994, p. 3.

⁴ OJ L 1, 3.1.1994, p. 3.

102.	<p>(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁷, Council Regulation (Euratom, EC) No 2988/95¹⁸, Council Regulation (Euratom, EC) No 2185/96¹⁹ and Council Regulation (EU) 2017/193²⁰, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has</p>	<p>(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁷, Council Regulation (Euratom, EC) No 2988/95¹⁸, Council Regulation (Euratom, EC) No 2185/96¹⁹ and Council Regulation (EU) 2017/193²⁰, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has</p>	<p>(40) In accordance with <u>Regulations (EU, Euroatom) 2018/1046</u>¹⁹ (the "Financial Regulation") and, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁹, Council Regulations (Euratom, EC) No 2988/95²⁰ and (Euratom, EC) No 2185/96²¹ and Council Regulation (EU) 2017/193²², the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities including and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulations (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and</p>	<p>(40) In accordance with <u>Regulations (EU, Euroatom) 2018/1046</u>¹⁹ (the "Financial Regulation") and, (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁹, Council Regulations (Euratom, EC) No 2988/95²⁰ and (Euratom, EC) No 2185/96²¹ and Council Regulation (EU) 2017/193²², the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities including fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulations (EU, Euratom) No 883/2013 and (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to</p>
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<p>been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²¹. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the European Public Prosecutor's Office (EPPO) and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.</p> <p>⁽¹⁷⁾ Regulation (EU, Euratom)</p>	<p>been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²¹. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the European Public Prosecutor's Office (EPPO) and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.</p> <p>⁽¹⁷⁾ Regulation (EU, Euratom) No 883/2013 of the European</p>	<p>inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²³. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests <u>of the Union</u>, to grant the necessary rights and access to the Commission, OLAF, <u>the European Public Prosecutor's Office (EPPO) in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939,</u> and the European Court of</p>	<p>establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²³. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests <u>of the Union</u>, to grant the necessary rights and access to the Commission, OLAF, EPPO <u>in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939,</u> and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation</p>
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<p>No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1</p> <p>⁽¹⁸⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).</p> <p>⁽¹⁹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.1996, p.2).</p> <p>⁽²⁰⁾ Council Regulation (EU) 2017/1939 of 12 October 2017</p>	<p>Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1</p> <p>⁽¹⁸⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).</p> <p>⁽¹⁹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.1996, p.2).</p> <p>⁽²⁰⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced</p>	<p>Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.</p> <p>^(18a) <u>Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).</u></p> <p>⁽¹⁹⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the</p>	<p>of Union funds grant equivalent rights.</p> <p>^(18a) <u>Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).</u></p> <p>⁽¹⁹⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation</p>
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	<p>implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1). ⁽²¹⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).</p>	<p>cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1). ⁽²¹⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).</p>	<p>Council and Council Regulation (Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1 ⁽²⁰⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1). ⁽²¹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.1996, p.2). ⁽²²⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1). ⁽²³⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on</p>	<p>(Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1 ⁽²⁰⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1). ⁽²¹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.1996, p.2). ⁽²²⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017, p.1). ⁽²³⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's</p>
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			the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).	financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).
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109.		<p><i>(43a) The Commission’s Communication of 3 October 2017 ‘Making Public Procurement work in and for Europe’¹, notes that the EU is the world’s most open market for procurement, but access for our companies in other countries is not always reciprocal. Beneficiaries of CEF should therefore make full use of the strategic procurement possibilities offered by Directive 2014/25/EU.</i></p> <hr/> <p><i>¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Making Public Procurement work in and for Europe COM/2017/0572 final</i></p>	<p>(43a) The Commission’s Communication of October 2017 ‘Making Public Procurement work in and for Europe’¹, notes that the EU is the world’s most open market for procurement, but access for our companies in other countries is not always reciprocal. Beneficiaries of CEF should therefore make full use of the strategic procurement possibilities offered by Directive 2014/25/EU.</p> <hr/> <p>¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Making Public Procurement work in and for Europe COM/2017/0572 final</p>	<p>(43a) The Commission’s Communication of October 2017 ‘Making Public Procurement work in and for Europe’¹, notes that the EU is the world’s most open market for procurement, but access for our companies in other countries is not always reciprocal. Beneficiaries of CEF should therefore make full use of the strategic procurement possibilities offered by Directive 2014/25/EU.</p> <hr/> <p>¹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Making Public Procurement work in and for Europe COM/2017/0572 final</p>
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125.	CHAPTER I GENERAL PROVISIONS			
126.	<i>Article 1 Subject matter</i>			
127.	This Regulation establishes the Connecting Europe Facility (the 'Programme').	This Regulation establishes the Connecting Europe Facility (the 'Programme').	This Regulation establishes the Connecting Europe Facility (the 'Programme') for the period from 1 January 2021 to 31 December 2027.	
181.	<i>Article 4 Budget</i>			
183.	1. The financial envelope for the implementation of the Programme for the period 2021-2027 is set at EUR 42,265,493,000 in current prices.	1. The financial envelope for the implementation of the Programme for the period 2021-2027 is set at EUR 43 850 768 000 in constant prices (EUR XXX in current prices).	1. The financial envelope for the implementation of the Programme for the period 2021-2027 is set at EUR 33,710,000,000 in current prices.	
184.	2. The distribution of this amount shall be as follows:	2. The distribution of this amount shall be as follows:	2. The distribution of this amount shall be as follows:	2. The distribution of this amount shall be as follows:
186.	(a) up to EUR 30,615,493,000 for the specific objectives referred to in Article 3(2)(a), of which:	(a) EUR 33 513 524 000 in constant prices (EUR XXX in current prices) for the specific objectives referred to in Article 3(2)(a), of which:	(a) EUR 25,807,000,000 for the specific objectives referred to in Article 3(2)(a), of which:	
188.	(i) EUR 12,830,000,000 from the European Strategic Investment cluster;	(i) EUR 17 746 000 000 in constant prices (EUR XXX in current prices) from the European Strategic Investment cluster;	(i) EUR 12,830,000,000 from the European Strategic Investment cluster, out of which EUR 1,559,800,000 to be spent exclusively for the completion of missing major cross-border	

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

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

203.	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).	7. The amount transferred from the Cohesion Fund shall be implemented in accordance with this Regulation, subject to paragraph 8 and without prejudice to Article 14(2)(b).
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205.	<p>8. As regards the amounts transferred from the Cohesion Fund, 30% of these amounts shall be made available immediately to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation, with priority to cross-border and missing links. Until 31 December 2023, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund with regard to 70% of the resources transferred. As of 1 January 2024, resources transferred to the Programme which have not been committed to a transport infrastructure project shall be made available to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation.</p>	<p>8. As regards the amounts transferred from the Cohesion Fund, until 31 December 2022, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund . As of 1 January 2023, resources transferred to the Programme which have not been committed to a transport infrastructure project shall be made available, on a competitive basis, to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation.</p>	<p>8. As regards the amounts transferred from the Cohesion Fund, 30% of these amounts shall be made available immediately to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation, with priority to cross-border and missing links. Until 31 December 2023, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund with regard to 70% of the resources transferred. As of 1 January 2024, resources transferred to the Programme which have not been committed to a transport infrastructure project shall be made available to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with this Regulation.</p>	
206.		<p>8a. The amount transferred from the Cohesion Fund shall not be used to finance cross-sectoral work programmes and blending operations.</p>	<p>8a. The amount transferred from the Cohesion Fund shall not be used to finance cross-sectoral work programmes and blending operations.</p>	<p>8a. The amount transferred from the Cohesion Fund shall not be used to finance cross-sectoral work programmes and blending operations.</p>

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

		<i>concerned only.</i>		
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209.	<i>Article 5 Third countries associated to the Programme</i>			
210.	1. The Programme shall be open to the following third countries:	1. The Programme shall be open to the following third countries:	1. The Programme shall be open to the following third countries:	1. The Programme shall be open to the following third countries:
211.	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;	(a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;
212.	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and them;	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and them;	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation of those countries in Union programmes established in the respective framework agreements and association council Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and them those countries ;	(b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for their participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries ;
213.	(c) countries covered by the European Neighbourhood Policy, in	(c) countries covered by the European Neighbourhood Policy, in	(c) countries covered by the European Neighbourhood Policy, in	(c) countries covered by the European Neighbourhood Policy, in

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

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

222.	<p>2. The third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest and under the conditions set in the work programmes referred to in Article 19.</p>	<p>2. The third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest and under the conditions set in the work programmes referred to in Article 19 and according to the provisions set by Article 8 of Regulation (EU) No 1315/2013.</p>	<p>2. Without prejudice to Article 8 of Regulation (EU) No 1315/2013, the third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest and under the conditions set in the work programmes referred to in Article 19.</p>	<p>2. Without prejudice to Article 8 of Regulation (EU) No 1315/2013, the third countries referred to in paragraph 1, and entities established in these countries, may not receive financial assistance under this Regulation except where it is indispensable to the achievement of the objectives of a given project of common interest <u>or a cross-border renewable energy project</u> and under the conditions set in the work programmes referred to in Article 19.</p>
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389.	<i>Article 14 Co-financing rates</i>			
391.	2. For works in the transport sector, the following maximum co-financing rates shall apply:	2. For works in the transport sector, the following maximum co-financing rates shall apply:	2. For works in the transport sector, the following maximum co-financing rates shall apply:	2. For works in the transport sector, the following maximum co-financing rates shall apply:
397.	(b) as regards the amounts transferred from the Cohesion Fund, the maximum co-financing rates shall be those applicable to the Cohesion Fund as referred to in the Regulation (EU) XXX [CPR]. These co-financing rates may be increased to a maximum of 85% for actions relating to cross-border links under the conditions specified in point (c) of this paragraph;	(b) as regards the amounts transferred from the Cohesion Fund, the maximum co-financing rates shall be those applicable to the Cohesion Fund as referred to in the Regulation (EU) XXX [CPR]. These co-financing rates may be increased to a maximum of 85% for actions relating to cross-border links under the conditions specified in point (c) of this paragraph and actions relating to missing links;	(b) as regards the amounts transferred from the Cohesion Fund, <u>and as regards the amount from the European Strategic Investment cluster that will be used for the completion of missing major cross-border railway links between Member states eligible for funding from the Cohesion Fund as of Article 4, paragraph 2, point (a) (i),</u> the maximum co-financing rate <u>shall not exceed 85% of the total eligible costs</u> shall be those applicable to the Cohesion Fund as referred to in the Regulation (EU) XXX [CPR]. These co-financing rates may be increased to a maximum of 85% for actions relating to cross-border links under the conditions specified in point (c) of this paragraph and actions relating to missing links;	

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

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

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