



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 25 November 2013  
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**"I/A" ITEM NOTE**

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**From:** General Secretariat of the Council

**To:** Permanent Representatives Committee/Council

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**Subject:** Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (**first reading**)

- Adoption of the legislative act (**LA + S**)  
= Statements

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**Statements by the Commission**

1. "The Commission recalls that the decision to present projects for funding under the CEF is a prerogative of Member States. This prerogative is not affected in any way by the indicative percentages for specific transport objectives listed in Part IV of the Annex."

2. "The Commission strongly regrets the inclusion of article 18 introducing the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 for the granting of Union financial assistance to the projects or parts of projects selected following every call for proposals on the basis of the multiannual or annual work programmes referred to in article 17 of the Connecting Europe Facility Regulation. The Commission recalls that it did not propose this procedure in any of the sectoral MFF acts. This was intended to simplify the MFF programmes to the benefit of the recipients of EU funding. The approval of grant decisions without committee scrutiny would accelerate the procedure reducing the time-to-grant for project promoters and avoiding unnecessary red tape and costs. Moreover, the Commission recalls that the taking of grant decisions is part of its institutional prerogative relating to the execution of the budget and therefore should not be adopted through comitology. The Commission also considers that this inclusion cannot serve as a precedent for other funding instruments because of the particular nature of the infrastructure projects in terms of impact on the territory of the Member States."

3. "The Commission regrets the inclusion in article 2(5) and article 5(2) of references to the costs of the executive agency entrusted by the Commission for the implementation of specific parts of the Connecting Europe Facility, in the context of programme support actions. The Commission recalls that it is the prerogative of the Commission itself to decide, after a prior cost-benefit analysis, to set up an executive agency with a view to entrusting it with certain tasks relating to the management of a programme, in accordance with the provisions of Council Regulation (EC) No 58/2003. The process of carrying out the cost-benefit analysis for the purpose of entrusting tasks to an executive agency for the implementation of the Connecting Europe Facility should not be pre-empted by the text of the CEF Regulation. The Commission also considers that the cap cannot serve as a precedent for other funding instruments, because of the particular nature of the infrastructure projects managed by the Agency".