



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 9 January 2014  
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**TRANS 6  
DELECT 3**

**COVER NOTE**

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	7 January 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) No .../. of 7.1.2014 amending Annex I to Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility

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Delegations will find attached document C(2013) 9690 final.

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Encl.: C(2013) 9690 final



Brussels, 7.1.2014  
C(2013) 9690 final

**COMMISSION DELEGATED REGULATION (EU) No .../..**

**of 7.1.2014**

**amending Annex I to Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE DELEGATED ACT**

Article 21(3) of the Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility<sup>1</sup> (CEF) empowers the Commission to adopt delegated acts detailing the transport funding priorities to be reflected in the work programmes referred to in Article 17 for the duration of the CEF for eligible actions under Article 7(2).

Pursuant to Article 21(3), such a delegated act must be adopted within the first year after the entry into force of the CEF Regulation and prior to the adoption of the first transport work programmes under the CEF. The Commission has decided to adopt the delegated act as soon as the CEF regulation enters into force in order not to delay the adoption of the work programmes and to facilitate the selection of the first projects to be financed under the CEF before the end of 2014.

This delegated act details the transport funding priorities as listed under Article 7(2) of the CEF Regulation and as further detailed in Articles 10 and 11 of that Regulation.

According to Article 21(3), the priorities must be reflected in the work programmes referred to in Article 17. According to Article 17(3), the Commission shall adopt the multiannual work programmes in the transport sector for projects of common interest as listed in Part I of Annex I. Therefore, the transport funding priorities falling in the scope of the latter are to be covered by multiannual work programmes, and the other priorities by annual work programmes. The delegated act reflects this distinction.

Finally, considering that Article 21(3) of the CEF Regulation refers to the transport specific objectives of Article 4(2) of that Regulation, it is appropriate to refer to those objectives for the purpose of this delegated act and to classify the funding priorities accordingly. Part IV of annex I of the CEF Regulation sets out indicative percentages for the distribution of the transport budgetary resources to the transport specific objectives as referred to in Article 4(2).

Taking the above into account, this delegated act details the transport funding priorities to be financed under the work programmes and provides the structure of the annual and multiannual work programmes.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The Commission has consulted experts from Member States' authorities and representatives of the European Parliament in ad hoc meetings on 26 September 2013, 7 November 2013 and 9 December 2013.

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<sup>1</sup> Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010, OJ L 348, 20.12.2013.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The delegated act supplements Annex I to Regulation (EU) No 1316/2013 to include a detailed list of transport funding priorities to be reflected in the transport work programmes for the duration of the Connecting Europe Facility.

**COMMISSION DELEGATED REGULATION (EU) No .../..**

**of 7.1.2014**

**amending Annex I to Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility<sup>2</sup>, and in particular Article 21 thereof,

Whereas:

- (1) Pursuant to Article 21(3) of Regulation (EU) No 1316/2013, within the first year after the entry into force of that Regulation, the Commission is empowered to adopt delegated acts detailing the transport funding priorities to be reflected in the work programmes for the duration of the CEF for eligible actions under Article 7(2). It is therefore necessary that the delegated act detailing the transport funding priorities is adopted before the adoption of the work programmes.
- (2) According to Article 21(3), the transport funding priorities should take into account the eligible actions contributing to projects of common interest in accordance with Regulation (EU) No 1315/2013 for the development of the trans European transport network<sup>3</sup> listed under Article 7(2) of Regulation (EU) No 1316/2013
- (3) The eligible actions listed in Article 7(2) of Regulation (EU) No 1316/2013 are further detailed in Articles 10 and 11 of that Regulation providing the maximum applicable funding rates for those actions. It is therefore appropriate to refer to the actions as listed in those Articles in order to detail the transport funding priorities.
- (4) Projects of common interest as listed in Part I of Annex I to Regulation (EU) No 1316/2013 are eligible to the multiannual work programmes referred to in Article

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<sup>2</sup> Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010, OJ L 348, 20.12.2013.

<sup>3</sup> Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans European transport network and repealing Decision No 661/2010/EU, OJ L 348, 20.12.2013.

17(3) of that Regulation. Projects not listed in Part I of Annex I but eligible as per Article 7(2) of that Regulation are eligible to the annual work programmes.

- (5) Considering that Article 21(3) of Regulation (EU) No 1316/2013 refers to the transport specific objectives of Article 4(2) of that Regulation, it is appropriate to refer to those objectives for the purpose of this Regulation.
- (6) Considering that financial instruments are to receive EU contribution under the annual work programmes, it is appropriate to include hereby a corresponding priority.
- (7) Programmes support actions listed in Article 5(2)(b) of Regulation (EU) No 1316/2013, consisting of technical and administrative assistance expenses incurred by the Commission for the management of the Connecting Europe Facility and capped at 1% of the financial envelope, will not be covered by the work programmes. However the programme support actions contributing to projects of common interest as provided for in Article 7(2) and referred to in Article 5(2)(a) of Regulation (EU) No 1316/2013 will be covered by the work programmes and are included hereby with a corresponding priority.
- (8) All resources referred in Article 5(1)(a) of Regulation (EU) No 1316/2013, including the resources transferred from the Cohesion Fund will be covered under the same work programmes. According to Article 11 of that Regulation, the resources transferred from the Cohesion Fund will be subject to specific calls for proposals.
- (9) This Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*, in order to allow for the timely adoption of the implementing acts provided for in Article 17(3) of Regulation (EU) No 1316/2013.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The text set out in the Annex to this Regulation is added as Part VI of Annex I.

#### *Article 2*

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

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

Done at Brussels, 7.1.2014

*For the Commission*  
*The President*  
*José Manuel BARROSO*