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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing the Ukraine Facility - 4-column document

Delegations will find attached the text of the four-column document for the above-mentioned proposal, containing the initial positions of the institutions.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on
establishing the Ukraine Facility

2023/0200(COD)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0200 (COD)	2023/0200 (COD)	2023/0200 (COD)	
Proposal Title				
2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing the Ukraine Facility	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing the Ukraine Facility	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing the Ukraine Facility	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 and Article 322(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 and Article 322(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 and Article 322(1) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	Having regard to the opinion of the Court of Auditors,	Having regard to the opinion of the Court of Auditors,	Having regard to the opinion of the Court of Auditors,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 4				
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
8	Whereas:	Whereas:	Whereas:	
Recital 1				
9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(1) Since 2014, Ukraine has embarked on an ambitious reform path leading to a progressive integration with the European Union, as materialised in the signature on 27 June 2014 of an association agreement between the Union and Ukraine, including a Deep and Comprehensive Free Trade Area, which entered into force on 1 September 2017.	(1) Since 2014, Ukraine has embarked on an ambitious reform path leading to a progressive integration with the European Union, as materialised in the signature on 27 June 2014 of an association agreement between the Union and Ukraine, including a Deep and Comprehensive Free Trade Area, which entered into force on 1 September 2017.	(1) Since 2014, Ukraine has embarked on an ambitious reform path leading to a progressive integration with the European Union, as materialised in the signature on 27 June 2014 of an association agreement between the Union and Ukraine, including a Deep and Comprehensive Free Trade Area, which entered into force on 1 September 2017.	
Recital 2				
10	(2) Since the beginning of Russia's unprovoked and unjustified war of aggression against Ukraine on 24 February	(2) Since the beginning of Russia's unprovoked and unjustified war of aggression against Ukraine on 24 February	(2) Since the beginning of Russia's unprovoked and unjustified war of aggression against Ukraine on 24 February	

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	2022, the Union, its Member States and European financial institutions have mobilised unprecedented support to Ukraine's economic, social and financial resilience, combining support from the Union budget, including the exceptional macro-financial assistance and support from the European Investment Bank and the European Bank for Reconstruction and Development, fully or partially guaranteed by the Union budget, as well as further financial support by Member States.	2022, the Union, its Member States and European financial institutions have mobilised unprecedented support to Ukraine's economic, social and financial resilience, combining support from the Union budget, including the exceptional macro-financial assistance and support from the European Investment Bank and the European Bank for Reconstruction and Development, fully or partially guaranteed by the Union budget, as well as further financial support by Member States.	2022, the Union, its Member States and European financial institutions have mobilised unprecedented support to Ukraine's economic, social and financial resilience, combining support from the Union budget, including the exceptional macro-financial assistance and support from the European Investment Bank and the European Bank for Reconstruction and Development, fully or partially guaranteed by the Union budget, as well as further financial support by Member States.	
Recital 3				
11				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(3) The European Council of 23 June 2022 decided¹ to grant the status of candidate country to Ukraine, which expressed a strong will to link reconstruction with reforms on its European path. Ongoing strong support to Ukraine is a key priority for the Union and an appropriate response to the Union's strong political commitment to support Ukraine for as long as necessary. _____ 1. European Council Conclusions, 23-24 June 2022; EUCO 24/22.	(3) The European Council of 23 June 2022 decided¹ to grant the status of candidate country to Ukraine, which expressed a strong will to link reconstruction with reforms on its European path. Ongoing strong support to Ukraine is a key priority for the Union and an appropriate response to the Union's strong political commitment to support Ukraine for as long as necessary. _____ 1. European Council Conclusions, 23-24 June 2022; EUCO 24/22.	(3) The European Council of 23 June 2022 decided¹ to grant the status of candidate country to Ukraine, which expressed a strong will to link reconstruction with reforms on its European path. Ongoing strong support to Ukraine is a key priority for the Union and an appropriate response to the Union's strong political commitment to support Ukraine for as long as necessary. _____ 1. European Council Conclusions, 23-24 June 2022; EUCO 24/22.	
Recital 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
12	(4) The provision by the Union of macro-financial assistance of up to EUR 18 billion for 2023 under Regulation (EU) 2022/2463 of the European Parliament and of the Council¹ was considered an appropriate response to Ukraine's financing gap for 2023 and helped to mobilise significant financing from other donors and international financial institutions. This constituted a major contributing factor to Ukraine's macroeconomic and financial resilience at a critical time. _____ 1. Regulation (EU) 2022/2463 of the European Parliament and of the Council of 14 December 2022 establishing an	(4) The provision by the Union of macro-financial assistance of up to EUR 18 billion for 2023 under Regulation (EU) 2022/2463 of the European Parliament and of the Council¹ was considered an appropriate response to Ukraine's financing gap for 2023 and helped to mobilise significant financing from other donors and international financial institutions. This constituted a major contributing factor to Ukraine's macroeconomic and financial resilience at a critical time. _____ 1. Regulation (EU) 2022/2463 of the European Parliament and of the Council of 14 December 2022 establishing an	(4) The provision by the Union of macro-financial assistance of up to EUR 18 billion for 2023 under Regulation (EU) 2022/2463 of the European Parliament and of the Council¹ was considered an appropriate response to Ukraine's financing gap for 2023 and helped to mobilise significant financing from other donors and international financial institutions. This constituted a major contributing factor to Ukraine's macroeconomic and financial resilience at a critical time. _____ 1. Regulation (EU) 2022/2463 of the European Parliament and of the Council of 14 December 2022 establishing an	

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	instrument for providing support to Ukraine for 2023 (macro-financial assistance +); (OJ L 322, 16.12.2022, p. 1–14).	instrument for providing support to Ukraine for 2023 (macro-financial assistance +); (OJ L 322, 16.12.2022, p. 1–14).	instrument for providing support to Ukraine for 2023 (macro-financial assistance +); (OJ L 322, 16.12.2022, p. 1–14).	
Recital 5				
13	(5) The Union is also providing significant financial support through an additional package combining funds under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) established under Regulation (EU) 2021/947 of the European Parliament and of the Council ¹ and loans by the European Investment Bank.	(5) The Union is also providing significant financial support through an additional package combining funds under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) established under Regulation (EU) 2021/947 of the European Parliament and of the Council ¹ and loans by the European Investment Bank. In	(5) The Union is also providing significant financial support through an additional package combining funds under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) established under Regulation (EU) 2021/947 of the European Parliament and of the Council ¹ and loans by the European Investment Bank.	

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	_____ 1. Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).	<u>addition, continuous support is being provided by the authorities, communities, NGOs and volunteers' groups within the Member States.</u> _____ 1. Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).	_____ 1. Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).	
Recital 6				
14				

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	(6) In addition, in its Decision (CFSP) 2021/509¹, the Council decided on off-budget assistance measures to support the Ukrainian armed forces under the European Peace Facility, in the amount of EUR 5,6 billion, and a military assistance mission in support of Ukraine with EUR 0,1 billion for the common costs. The Union and its Member States have also delivered unprecedented in-kind emergency response via the Union Civil Protection Mechanism under Decision No 1313/2013/EU² of the European Parliament and of the Council, as amended by Regulation (EU) 2021/836 of the European Parliament and the Council³, constituting the largest emergency operation since the creation of that	(6) In addition, in its Decision (CFSP) 2021/509¹, the Council decided on off-budget assistance measures to support the Ukrainian armed forces under the European Peace Facility, in the amount of EUR 5,6 billion, and a military assistance mission in support of Ukraine with EUR 0,1 billion for the common costs. The Union and its Member States have also delivered unprecedented in-kind emergency response via the Union Civil Protection Mechanism under Decision No 1313/2013/EU² of the European Parliament and of the Council, as amended by Regulation (EU) 2021/836 of the European Parliament and the Council³, constituting the largest emergency operation since the creation of that	(6) In addition, in its Decision (CFSP) 2021/509¹, the Council decided on off-budget assistance measures to support the Ukrainian armed forces under the European Peace Facility, in the amount of EUR 5,6 billion, and in its Decision (CFSP) 2022/1968 established a military assistance mission in support of Ukraine with EUR 0,1 billion for the common costs. The Union and its Member States have also delivered unprecedented in-kind emergency response via the Union Civil Protection Mechanism under Decision No 1313/2013/EU² of the European Parliament and of the Council, as amended by Regulation (EU) 2021/836 of the European Parliament and the Council³,	

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	mechanism. _____ 1. Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528, (OJ L 102 24.3.2021, p. 14). 2. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924–947). 3. Regulation (EU) 2021/836 of the European Parliament and of the Council of 20 May 2021 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (OJ L 185, 26.5.2021, p. 1).	mechanism. _____ 1. Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528, (OJ L 102 24.3.2021, p. 14). 2. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924–947). 3. Regulation (EU) 2021/836 of the European Parliament and of the Council of 20 May 2021 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (OJ L 185, 26.5.2021, p. 1).	constituting the largest emergency operation since the creation of that mechanism. _____ 1. Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528, (OJ L 102 24.3.2021, p. 14). 2. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924–947). 3. Regulation (EU) 2021/836 of the European Parliament and of the Council of 20 May 2021 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (OJ L 185, 26.5.2021, p. 1).	

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Recital 7				
15	(7) Furthermore, the EU-Ukraine Solidarity Lanes established in May 2022 have contributed to generating an estimated export value of EUR 31 billion for the Ukrainian economy until end May 2023.	(7) Furthermore, the EU-Ukraine Solidarity Lanes established in May 2022 have contributed to generating an estimated export value of EUR 31 billion for the Ukrainian economy until end May 2023.	(7) Furthermore, the EU-Ukraine Solidarity Lanes established in May 2022 have contributed to generating an estimated export value of EUR 31 billion for the Ukrainian economy until end May 2023.	
Recital 8				
16	(8) Russia's war of aggression against Ukraine has caused Ukraine damages amounting to more than EUR 270 billion ¹ as of 24 February 2023, and	(8) Russia's war of aggression against Ukraine has caused Ukraine damages amounting to more than EUR 270 billion ¹ as of 24 February 2023, and	(8) Russia's war of aggression against Ukraine has caused Ukraine damages amounting to more than EUR 270 billion ¹ as of 24 February 2023, and	

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	reconstruction costs being estimated at EUR 384 billion, as well as a loss of access to financial markets and a significant drop in public revenue, while public expenditure to address the humanitarian situation and to maintain the continuity of State services has increased markedly. Such estimates, as well as the analytical information from all other appropriate and subsequent sources, provide a relevant basis to establish the respective funding needs for the coming years, including regional and sectoral considerations. _____ 1. Rapid Damage and Needs Assessment, prepared by the World Bank, European Commission and United Nations. See	reconstruction costs being estimated at EUR 384 billion, as well as a loss of access to financial markets and a significant drop in public revenue, while public expenditure to address the humanitarian situation and to maintain the continuity of State services has increased markedly. Such estimates, as well as the analytical information from all other appropriate and subsequent sources, provide a relevant basis to establish the respective funding needs for the coming years, including regional and sectoral considerations. _____ 1. Rapid Damage and Needs Assessment, prepared by the World Bank, European Commission and United Nations. See	reconstruction costs being estimated at EUR 384 billion, as well as a loss of access to financial markets and a significant drop in public revenue, while public expenditure to address the humanitarian situation and to maintain the continuity of State services has increased markedly. Such estimates, as well as the analytical information from all other appropriate and subsequent sources, provide a relevant basis to establish the respective funding needs for the coming years, including regional and sectoral considerations. _____ 1. Rapid Damage and Needs Assessment, prepared by the World Bank, European Commission and United Nations. See	

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	World Bank Document.	World Bank Document.	World Bank Document.	
Recital 9				
17	(9) On 30 March 2023, the International Monetary Fund (IMF) estimated the State financing gap up to 2027 at EUR 75.1 billion and agreed with Ukraine a EUR 14.4 billion four-year programme to anchor policies that sustain fiscal, external, price and financial stability and support economic recovery, while enhancing governance and strengthening institutions to promote long-term growth in the context of post-war reconstruction and Ukraine's path	(9) On 30 March 2023, the International Monetary Fund (IMF) estimated the State financing gap up to 2027 at EUR 75.1 billion and agreed with Ukraine a EUR 14.4 billion four-year programme to anchor policies that sustain fiscal, external, price and financial stability and support economic recovery, while enhancing governance and strengthening institutions to promote long-term growth in the context of post-war reconstruction and Ukraine's path	(9) On 30 March 2023, the International Monetary Fund (IMF) estimated the State financing gap up to 2027 at EUR 75.1 billion and agreed with Ukraine a EUR 14.4 billion four-year programme to anchor policies that sustain fiscal, external, price and financial stability and support economic recovery, while enhancing governance and strengthening institutions to promote long-term growth in the context of post-war reconstruction and Ukraine's path	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of accession to the European Union.	of accession to the European Union.	of accession to the European Union.	
Recital 10				
18	(10) Given that a residual gap remains in Ukraine's financing needs for at least until 2027, flexible support to the Ukrainian government to maintain its functions as well as to support the recovery, reconstruction and modernisation of the country has to be mobilised.	(10) Given that <u>as long as Russia's war of aggression against Ukraine lasts, tax revenues collected by the Ukrainian government will continue to be largely allocated to the war effort, and that</u> a residual gap remains in Ukraine's financing needs for at least until 2027, <u>significant and flexible support has to be provided quickly</u> to the Ukrainian government to maintain its functions, <u>provide public</u>	(10) Given that a residual gap remains in Ukraine's financing needs for at least until 2027, flexible support to the Ukrainian government to maintain its functions as well as to support the recovery, reconstruction and modernisation of the country has to be mobilised.	

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		<u>services</u> , as well as to support the recovery, reconstruction and modernisation of the country has to be mobilised.		
Recital 11				
19	(11) Given the damage from Russia's war of aggression to the Ukrainian economy, society and infrastructure, the support to the country to maintain its functions, as well as short relief, fast recovery, reconstruction and modernisation of Ukraine will require comprehensive support to rebuild the economy, to create the foundations of a free and	(11) Given the damage from <u>caused by</u> Russia's war of aggression to the Ukrainian economy, society and infrastructure, the <u>Ukraine will require significant</u> support to the economy and institutional <u>management capacity</u> to maintain its functions, as well as short-term <u>relief, and assistance for</u> fast recovery, reconstruction and	(11) Given the damage from Russia's war of aggression to the Ukrainian economy, society and infrastructure, the support to the country to maintain its functions, as well as short relief, fast recovery, reconstruction and modernisation of Ukraine will require comprehensive support to rebuild the economy, to create the foundations of a free, prosperous	

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	prosperous country, anchored in European values, well integrated into the European and global economy, and progressing well on its path of accession to the European Union.	modernisation of <u>the country</u>. Ukraine will require comprehensive support to rebuild <u>the economy, to create "build back better" through a people-centred recovery that focuses on sustainable development, improves inclusiveness and cohesion, reduces inequality, and creates</u> the foundations off<u>or</u> a free and prosperous country <u>with a strong market economy</u>, anchored in European values, well integrated into the European and global economy, and progressing well on <u>its path off fast towards</u> accession to the European Union.	prosperous and culturally vibrant and country, anchored in European values, well integrated into the European and global economy, and progressing well on its path of accession to the European Union.	
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
20	(12) In this context, it is necessary to set up a medium-term single instrument that brings together the bilateral support provided by the Union to Ukraine, ensuring coordination and efficiency. To that end, it is necessary to establish a Ukraine Facility ('the Facility'), providing a balance between flexibility and programmability of the Union's response to address Ukraine's financing gap, recovery, reconstruction and modernisation needs, while at the same time supporting Ukraine's reforms effort as part its accession path to the Union.	(12) In this context, it is necessary to set up a medium-term single instrument that brings together the bilateral support provided by the Union to Ukraine, ensuring coordination and efficiency. To that end, it is necessary to establish a Ukraine Facility ('the Facility'), providing a balance between flexibility and programmability of the Union's response to address Ukraine's financing gap, recovery, reconstruction and modernisation needs, while at the same time supporting Ukraine's reforms effort as part its accession path to the Union.	(12) In this context, it is necessary to set up an exceptional medium-term single instrument that brings together the bilateral support provided by the Union to Ukraine, ensuring coordination and efficiency. To that end, it is necessary to establish a Ukraine Facility ('the Facility') for the period 2024-2027, providing a balance between flexibility and programmability of the Union's response to address Ukraine's financing gap, recovery, reconstruction and modernisation needs, while at the same time supporting Ukraine's reforms effort as part its accession path to the Union.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 13				
21	(13) The Ukraine Facility should be underpinned by a coherent and prioritised plan for reconstruction (the ‘Ukraine Plan’), prepared by the Government of Ukraine, providing a structured and predictable framework for the recovery, reconstruction and modernisation of Ukraine, clearly articulated with Union accession requirements.	(13) The Ukraine Facility should be underpinned by a coherent and prioritised plan for reconstruction (the ‘Ukraine Plan’), prepared by the Government of Ukraine <u>following consultation with representatives of civil society organisations, approved by the Verkhovna Rada and endorsed by the Union</u>, providing a structured and predictable framework for the recovery, reconstruction and modernisation of Ukraine <u>with Union budgetary, reform and investment support and</u> clearly articulated with Union accession	(13) Given the exceptional nature of the Ukraine Facility, it should be underpinned by a coherent and prioritised plan for reconstruction (the ‘Ukraine Plan’), prepared by the Government of Ukraine, providing a structured and predictable framework for the recovery, reconstruction and modernisation of Ukraine, clearly articulated with Union accession requirements.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		requirements.		
Recital 14				
22	(14) Union support to Ukraine from 2024 to 2027 should be provided primarily and mainly under the Ukraine Facility, ensuring a consistent approach through a unified instrument, by replacing or, where appropriate, complementing activities under the existing instruments.	(14) Union support to Ukraine from 2024 to 2027 should be provided primarily and mainly under the Ukraine Facility, ensuring a consistent approach through a unified instrument, by replacing or, where appropriate, complementing activities under the existing instruments.	(14) Union support to Ukraine from 2024 to 2027 should be provided primarily and mainly under the Ukraine Facility, avoiding any potential overlap with other programmes, in particular the Instrument for Pre-Accession assistance, and ensuring a consistent approach through a unified instrument, by replacing or, where appropriate, complementing activities under the existing instruments.	

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Recital 15				
23	(15) In this regard, Union support under the Facility should replace the bilateral support provided under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) established under Regulation (EU) 2021/947 of the European Parliament and of the Council. It is nevertheless important to ensure that Ukraine can continue to benefit from regional, thematic, and other forms of support under NDICI, including cross-border cooperation programmes, and more	(15) In this regard, Union support under the Facility should replace the bilateral support provided under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI) established under Regulation (EU) 2021/947 of the European Parliament and of the Council, <u>insofar as the latter will be progressively replaced by the Facility and be complementary with the funding provided under the IPA regulations, in case Ukraine becomes eligible</u>. It is nevertheless important to ensure	(15) In this regard, Union support under the Facility should replace the bilateral support provided under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICINDICI-GE) established under Regulation (EU) 2021/947 of the European Parliament and of the Council. It is nevertheless important to ensure that Ukraine can continue to benefit from regional, thematic, rapid response, and other formsform of support under NDICI, in particular including	

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	generally continue to advance regional, macro-regional and cross-border cooperation and territorial development, including through the implementation of Union macro-regional strategies.	that Ukraine can continue to benefit from regional, thematic, rapid response, and other forms of support under NDICI, including cross-border cooperation programmes, and more generally continue to advance regional, macro-regional and cross-border cooperation and territorial development, including through the implementation of Union macro-regional strategies.	cross-border cooperation programmes, and more generally continue to advance regional, macro-regional and cross-border cooperation and territorial development, including through the implementation of Union macro-regional strategies.	
Recital 16				
24	(16) Humanitarian aid, defence or support to Member States providing protection for Ukrainian	(16) Humanitarian aid, defence or support to Member States providing protection for Ukrainian	(16) Humanitarian aid, defence or support to Member States providing protection for Ukrainian	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	refugees fleeing the war should be provided outside the Facility. In addition, Ukraine may continue to benefit from relevant existing Union programmes.	refugees fleeing the war should be <u>humanely, adequately, consistently and in a timely manner</u> provided outside the Facility <u>and constructively coordinated with other donors</u>. In addition, Ukraine may continue to benefit from relevant existing Union programmes.	refugees people fleeing the war in Ukraine should be provided outside the Facility. In addition, Ukraine may continue to benefit from relevant existing Union programmes within the EU budget, such as NDICI-GE for actions referred to in recital 15, the European Instrument for International Nuclear Safety Cooperation, Humanitarian Aid, and activities under the Common Foreign and Security Policy, as well as measures under the European Peace Facility outside the EU budget. Furthermore, Ukrainian entities may participate in internal policy Union programmes such as Horizon Europe, EURATOM Research and Training	

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			Programme, Digital Europe Programme, Cooperation in the field of taxation (Fiscalis), Cooperation in the field of Customs (Customs), Erasmus+, EU4Health Programme, Creative Europe, LIFE, Single Market Programme, Union Civil Protection Mechanism, Connecting Europe Facility (CEF), Union Anti-Fraud Programme as well as other relevant programmes in accordance with their respective rules, objectives and the relevant association agreements.	
Recital 17				
25				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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.	(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. <u>Such support should be provided based on concrete reforms and investments, including reconstruction projects proposed by Ukraine, with milestones and timetables.</u> The assistance should support macro-financial stability in Ukraine, and ease Ukraine's external financing constraints. <u>In the interest of ensuring Ukraine's debt sustainability, preference should be given, to the extent possible, to grants. Loans should not undermine the long-term debt</u>	(17) The Facility should contribute to closing the funding gap of Ukraine until 2027, by providing non-repayable support grants and highly concessional financial relief loans in a predictable, continuous, orderly and timely manner. The assistance should support macro-financial stability in Ukraine, and ease Ukraine's external financing constraints.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>sustainability. A reappraisal of the dynamics of the Ukrainian public debt and the need to reduce it as a percentage of Ukraine's GDP should take place in 2026, ahead of adoption of the next Multiannual Financial Framework and the necessary financing arrangements.</u>		
Recital 18				
26	(18) Under the new Facility, investment in Ukraine's recovery, reconstruction and modernisation should start as a matter of urgency to provide decent living conditions for the Ukrainian population, to	(18) Under the new Facility, investment in Ukraine's <u>sustainable</u> recovery, reconstruction and modernisation should start as a matter of urgency to provide decent living conditions	(18) Under the new Facility, investment in Ukraine's recovery, reconstruction and modernisation should start as a matter of urgency to providehelp providing decent living conditions for the Ukrainian	

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	ensure generation of employment and revenues and progressively lower the volume of international assistance needed.	for the Ukrainian population <u>and reconstruct critical infrastructure</u> , to ensure generation of employment and revenues and progressively lower the volume of international assistance needed, <u>while also ensuring the mitigation of pressing environmental damage, to the extent possible in a war-torn country, and supporting Ukraine in the dual green and digital transition.</u>	population, to ensure generation of employment and revenues and progressively to lower the volume of international assistance needed.	
Recital 19				
27	(19) The Facility should tie the recovery, reconstruction and modernisation closely to the Union	(19) The Facility should tie the recovery, reconstruction and modernisation closely to the Union	(19) The Facility should tie the recovery, reconstruction and modernisation closely to the Union	

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	perspective, by linking financial support to the fulfilment of reforms and investments in view of accession.	perspective <u>accession requirements and process</u> , by linking financial support to the fulfilment of reforms and investments in view of accession.	perspective, by linking financial support to the fulfilment of reforms and investments in view of accession.	
Recital 20				
28	(20) The medium-term perspective provided by the Ukraine Plan through a single instrument should also encourage Ukraine to channel investments and reforms toward the transition to a green, digital and inclusive economy, and help mobilise like-minded donors for multiannual contributions to support Ukraine.	(20) The medium-term perspective provided by the Ukraine Plan through a single instrument should also encourage <u>better, while encouraging and leading</u> Ukraine to channel investments and reforms toward <u>towards</u> the transition to a green, <u>sustainable</u> , digital and inclusive economy, and help	(20) The medium-term perspective provided by the Ukraine Plan through a single instrument should also encourage Ukraine to channel investments and reforms toward the transition to a green, digital inclusive and sustainable inclusive economy, and help mobilise like-minded donors for multiannual contributions to	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	mobilise like-minded donors, <u>including from the private sector</u>, for multiannual contributions to support Ukraine. <u>Investments should be aligned, to the extent possible, with the Union climate and environmental acquis, and should contribute to the implementation of the Ukrainian National Climate and Energy Plan.</u>	support Ukraine.	
Recital 21			
29	(21) The recovery, reconstruction and modernisation effort should build on Ukraine's ownership, close cooperation and coordination	(21) The recovery, reconstruction and modernisation effort should build on Ukraine's ownership, close cooperation and coordination	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with supporting countries and organisations, and Ukraine's path towards accession to the Union. Regional and local administrations are also expected to play an important role. Peer-to-peer cooperation and programmes embedded in partnerships between cities and regions in the Union and those in Ukraine should enrich and accelerate the recovery, reconstruction and modernisation process.	with supporting countries and organisations, and Ukraine's path towards accession to the Union. Regional and local administrations <u>as well as Ukrainian civil society organisations and experts</u> are also expected to play an important role <u>in this process by fully participating in its design and scrutiny</u>. Peer-to-peer cooperation and programmes embedded in partnerships between cities and regions in the Union and those in Ukraine should <u>have already facilitated the delivery of humanitarian aid to Ukraine and thus provide a basis to</u> enrich and accelerate the recovery, reconstruction and modernisation process.	with supporting countries and organisations, and Ukraine's path towards accession to the Union. Regional and local administrations as well as civil society are also expected to play an important role. Peer-to-peer cooperation and programmes embedded in partnerships between cities and regions in the Union and those in Ukraine should enrich and accelerate the recovery, reconstruction and modernisation process.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 22				
30	(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	(22) The Union should also foster<u>ensure the involvement in policy shaping</u>, close consultation and association of local <u>and regional</u> 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 <u>close consultation and participation of Ukrainian civil society organisations and experts</u>. <u>The Union should ensure</u> their <u>meaningful</u> participation in the recovery, reconstruction and	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	modernisation of Ukraine, based on sustainable development and through the implementation of the Sustainable Development Goals at local <u>and regional</u> level. The Union should recognise <u>and support</u> the multiple roles played by the local <u>and regional</u> authorities <u>and civil society actors</u> as promoters of a territorial <u>and inclusive</u> approach to local <u>and regional</u> development, including decentralisation processes, participation and accountability, <u>which should be developed with the introduction of a public legal entity for municipalities</u>, and further enhance its support for local <u>and regional</u> authorities' capacity building, <u>as well as the provision of expertise necessary</u>	authorities as promoters of an inclusive and territorial approach to local development, including decentralisation processes, participation of civil society organisations and local communities, transparency and accountability, and further enhance its support for local authorities' capacity building.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>for the implementation of projects under the Facility.</i>		
Recital 23				
31	(23) The Union should provide support to the transition towards accession for the benefit of Ukraine, drawing on the experience of the Member States. Such cooperation should focus particularly on the sharing of experience that was acquired by the Member States during their own reform processes.	(23) The Union should provide support to the transition towards accession for the benefit of Ukraine, drawing on the experience of the Member States. Such cooperation should focus particularly on the sharing of experience that was acquired by the Member States during their own reform processes.	(23) The Union should provide support to the transition towards accession for the benefit of Ukraine, drawing on the experience of the Member States. Such cooperation should focus particularly on the sharing of experience that was acquired by the Member States during their own reform processes.	
Recital 24				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
32	(24) Support under the Facility should also build on and maximise synergies with key organisations supporting Ukraine's reforms and reconstruction, such as the European Investment Bank, the European Bank for Reconstruction and Development, the World Bank, the Organisation for Economic Co-operation and Development, and the International Monetary Fund.	(24) Support under the Facility should also build on and maximise synergies with key organisations supporting Ukraine's reforms and reconstruction, such as the European Investment Bank, the European Bank for Reconstruction and Development, the World Bank, the Organisation for Economic Co-operation and Development, and the International Monetary Fund.	(24) Support under the Facility should also build on and maximise synergies with key organisations supporting Ukraine's reforms and reconstruction, such as the European Investment Bank, the European Bank for Reconstruction and Development, Group, international financial institutions including the World Bank, the Organisation for Economic Co-operation and Development, and the International Monetary Fund; and European multilateral finance institutions, including the European Bank for Reconstruction and Development and the Council of Europe Development Bank; and bilateral	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			finance institutions such as development banks and export credit agencies.	
Recital 25				
33	(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,	(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,	(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 be provided for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	through a Council implementing decision<u>delegated act</u> 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.	individual periods of up to three months and 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. If necessary, exceptional financing should be available under the	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Facility before the adoption of the Ukraine Plan and the conclusion of the Framework Agreement. It could be additional to exceptional bridge financing, as applicable.	
Recital 26			
(26) The enlargement policy framework defined by the European Council and the Council, the association agreement, partnership and cooperation agreement, multilateral agreements to which the Union is a party and other agreements that establish a legally-binding relationship with	(26) The enlargement policy framework defined by the European Council and the Council, the association agreement, partnership and cooperation agreement, multilateral agreements to which the Union is a party and other agreements that establish a legally-binding relationship with	(26) The enlargement policy framework defined by the European Council and the Council, the association agreement, partnership and cooperation agreement, multilateral agreements to which the Union is a party and other agreements that establish a legally-binding relationship with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Ukraine, as well as resolutions of the European Parliament, communications of the Commission and joint communications of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy should constitute the overall policy framework for the implementation of this Regulation. The Commission should ensure coherence between the assistance under the Facility and the enlargement policy framework.	Ukraine, as well as resolutions of the European Parliament, communications of the Commission and joint communications of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy should constitute the overall policy framework for the implementation of this Regulation. The Commission should ensure coherence between the assistance under the Facility and the enlargement policy framework.	Ukraine, as well as resolutions of the European Parliament, communications of the Commission and joint communications of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy should constitute the overall policy framework for the implementation of this Regulation. The Commission should ensure coherence between the assistance under the Facility and the enlargement policy framework.	
Recital 27				
35				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(27) Article 49 of the Treaty on European Union provides that any European State which respects the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and is committed to promoting those values may apply to become a member of the Union. Those values are common to Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.	(27) Article 49 of the Treaty on European Union provides that any European State which respects the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and is committed to promoting those values may apply to become a member of the Union. Those values are common to Member States in a society in which <u>inclusiveness</u>, pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.	(27) Article 49 of the Treaty on European Union provides that any European State which respects the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and is committed to promoting those values may apply to become a member of the Union. Those values are common to Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men gender equality prevail.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 28				
36	(28) A European State which has applied to join the Union can become a member of the Union only where it has been confirmed that it fully meets the accession criteria established at the Copenhagen European Council in June 1993 (the ‘Copenhagen criteria’) and provided that the Union has the capacity to integrate the new member. The Copenhagen criteria relate to the stability of institutions which guarantee democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to	(28) A European State which has applied to join the Union can become a member of the Union only where it has been confirmed that it fully meets the accession criteria established at the Copenhagen European Council in June 1993 (the ‘Copenhagen criteria’) and provided that the Union has the capacity to integrate the new member. The Copenhagen criteria relate to the stability of institutions which guarantee democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to	(28) A European State which has applied to join the Union can become a member of the Union only where it has been confirmed that it fully meets the accession criteria established at the Copenhagen European Council in June 1993 (the ‘Copenhagen criteria’) and provided that the Union has the capacity to integrate the new member. The Copenhagen criteria relate to the stability of institutions which guarantee democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cope with competitive pressure and market forces within the Union, and the ability to assume not only the rights but also the obligations under the Treaties, including the pursuit of the aims of political, economic and monetary union.	cope with competitive pressure and market forces within the Union, and the ability to assume not only the rights but also the obligations under the Treaties, including the pursuit of the aims of political, economic and monetary union.	cope with competitive pressure and market forces within the Union, and the ability to assume not only the rights but also the obligations under the Treaties, including the pursuit of the aims of political, economic and monetary union.	
Recital 28a				
36a		<u>(28a) Ukraine has successfully addressed the reform of two key judicial governance bodies, the High Council of Justice and High Qualification Commission of Judges. Regarding the Constitutional Court Reform, the Union has certified 'good</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>progress'. It is of utmost importance that the internationally nominated members will have a decisive role as proposed by the government and in line with the Venice Commission recommendations. Regarding 'anti-corruption' and 'de-oligarchisation', Ukraine has made 'some progress', having appointed new heads of the Specialised Anti-Corruption Prosecutor Office and the National Anti-Corruption Bureau of Ukraine as well as having presented an action plan to reduce the influence of oligarchs.</u>		
Recital 29			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
37	(29) It is in the common interest of the Union and Ukraine to advance the efforts of Ukraine to reform its political, legal and economic systems with a view to Union membership. Considering Ukraine as candidate to accession is a strategic investment of the Union in peace, security, stability and prosperity in Europe and allows the Union to be better positioned to address global challenges. It also provides increased economic and trade opportunities to the mutual benefit of the Union and Ukraine, while supporting a gradual transformation of the country. The prospect of Union membership has a powerful transformative effect,	(29) It is in the common interest of the Union and Ukraine to advance the efforts of Ukraine to reform its political, legal and economic systems with a view to Union membership. Considering Ukraine as<u>Granting EU</u> candidate <u>status to Ukraine to accession</u> is a strategic investment of the Union in peace, security, stability and prosperity in Europe and allows the Union to be better positioned to address global challenges. It also provides increased economic and trade opportunities to the mutual benefit of the Union and Ukraine, while supporting a gradual transformation of the country. The prospect of Union membership has	(29) It is in the common interest of the Union and Ukraine to advance the efforts of Ukraine to reform its political, legal and economic systems with a view to Union membership. Considering Ukraine as candidate to accession is a strategic investment of the Union in peace, security, stability and prosperity in Europe and allows the Union to be better positioned to address global challenges. It also provides increased economic and trade opportunities to the mutual benefit of the Union and Ukraine, while supporting a gradual transformation of the country. The prospect of Union membership has a powerful transformative effect,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	embedding positive democratic, political, economic and societal change.	a powerful transformative effect, embedding positive democratic, political, economic and societal change.	embedding positive democratic, political, economic and societal change.	
Recital 30				
38	(30) Embracing and committing to core European values is a choice and is essential for Ukraine's aspiration to Union membership. In line with this, Ukraine should take ownership and fully commit to European values as well as to upholding a global order based on rules and values and vigorously pursuing the necessary reforms in the interest of its people.	(30) Embracing and committing to core European values is a choice and is essential for Ukraine's aspiration to Union membership. In line with this, Ukraine should take ownership and fully commit to European values as well as to upholding a global order based on rules and values and vigorously pursuing the necessary reforms in the interest of its people.	(30) Embracing and committing to core European values is a choice and is essential for Ukraine's aspiration to Union membership. In line with this, Ukraine should take ownership and fully commit to European values as well as to upholding a global order based on rules and values and vigorously pursuing the necessary reforms in the interest of its people.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 31				
39	(31) Reconstruction from the damage caused by the war of Russian aggression cannot be limited to rebuilding what was destroyed as it was before the war. The reconstruction offers an opportunity to support Ukraine in its process of integration into the Single Market and in accelerating its sustainable green and digital transitions, in line with Union policies. The Facility should promote reconstruction in a way that modernises and improves Ukraine's economy and society, building on Union rules and	(31) Reconstruction from the damage caused by the war of Russian aggression cannot be limited to rebuilding what was destroyed as it was before the war. The reconstruction offers an opportunity to support Ukraine in its process of <u>fostering economic integration with the Union and promoting socio-economic development, assistance for cross-border cooperation</u>, integration into the Single Market and in accelerating its sustainable green and digital transitions, in line with Union policies. The Facility should	(31) Reconstruction from the damage caused by the war of Russian aggression cannot be limited to rebuilding what was destroyed as it was before the war. The reconstruction offers an opportunity to support Ukraine in its process of integration into the Single Market and in accelerating its sustainable green and digital transitions, in line with Union policies. The Facility should promote reconstruction in a way that modernises and improves Ukraine's economy and society, building on Union rules and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	standards, by investing in the transition of Ukraine towards a green, digital and inclusive economy and in the recovery, reconstruction and modernisation of its critical infrastructure, productive capacity and human capital in a resilient way.	<u>therefore promote reconstruction as well as nature and environmental reconstruction and rehabilitation</u> in a way that modernises and improves Ukraine's economy and <u>benefits the whole</u> society. <u>The Facility should be consistent with Ukraine's national recovery plan adopted by the National Recovery Council in June 2022 and promote the recovery, reconstruction and modernisation of Ukraine, with a priority given to critical infrastructure, productive capacity and human capital in a resilient way, taking into account the growing cybersecurity risks and an overall complex threat landscape. Moreover, the Facility should</u>	standards, by investing in the transition of Ukraine towards a green, digital, inclusive and sustainable and inclusive economy and in the recovery, reconstruction and modernisation of its critical infrastructure, productive capacity and human capital in a resilient way. Reconstruction of cultural heritage should be based on national, international and European norms, on standard-setting texts, principles (such as New European Bauhaus) and lessons learned, and be consistent with the European quality principles for EU-funded interventions with potential impact on cultural heritage.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>build, building</u> on Union rules and standards, <u>by investing and invest</u> in the transition of Ukraine towards a green, <u>sustainable,</u> digital and inclusive economy and in the recovery, reconstruction and modernisation of its critical infrastructure, productive capacity and human capital in a resilient way <u>with the goal to transform Ukraine into a modern European welfare state and market economy. Such reconstruction should aim to address to the maximum extent possible the needs of vulnerable groups.</u>		
Recital 32				
40				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(32) The Facility should contribute to the adherence to the Paris Agreement and the United Nations Framework Convention on Climate Change, the United Nations Convention on Biological Diversity and the United Nations Convention to Combat Desertification and should not contribute to environmental degradation or cause harm to the environment or climate. In particular, funding allocated in the context of the Facility should be coherent with the long-term goal of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1,5°C. It should also be coherent with the	(32) The Facility should contribute to the adherence to the Paris Agreement and the United Nations Framework Convention on Climate Change, the United Nations Convention on Biological Diversity and the United Nations Convention to Combat Desertification and should not contribute to environmental degradation or cause harm to the environment or climate. In particular, funding allocated in the context of the Facility should be coherent with the long-term goal of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1,5°C. It should also be coherent with the	(32) The Facility should contribute to the adherence to the Paris Agreement and the United Nations Framework Convention on Climate Change, the United Nations Convention on Biological Diversity and the United Nations Convention to Combat Desertification and should not contribute to environmental degradation or cause harm to the environment or climate. In particular, funding allocated in the context of the Facility should be coherent with the long-term goal of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1,5°C. It should also be coherent with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	objective to increase the ability to adapt to the adverse effects of climate change and foster climate resilience, and with the support of biodiversity conservation, circular economy and zero-pollution. Particular attention should be given to actions that create co-benefits and meet multiple objectives, including for climate, biodiversity and the environment.	objective to increase the ability to adapt to the adverse effects of climate change and foster climate resilience, and with the support of biodiversity conservation, circular economy and zero-pollution. Particular attention should be given to actions that create co-benefits and meet multiple objectives, including for climate, biodiversity and the environment. <u>The Facility should also contribute to alleviating and repairing enormous environmental damage caused by Russian aggressors, including the floods caused by blowing up the Kakhovka hydroelectric dam and bombing and mining of a large territory of Ukraine. To that end, the measures supported by the</u>	objective to increase the ability to adapt to the adverse effects of climate change and foster climate resilience, and with the support of biodiversity conservation, circular economy and zero-pollution. Particular attention should be given to actions that create co-benefits and meet multiple objectives, including for climate, biodiversity and the environment.	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>Ukraine Plan under the Facility should, to the extent possible, contribute to climate change mitigation and adaptation, environmental protection, to the green transition, including biodiversity, or to addressing the challenges resulting therefrom, and should aim to account for an amount that represents at least 20 % of the Ukraine Plan's total allocation based on the methodology for climate tracking set out in an annex to this Regulation.</u>		
Recital 33			
41			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(33) In this context, measures funded under the Facility should be guided by the principles of ‘do no harm’ and ‘leaving no one behind’.	(33) In this context, measures funded under the Facility should, <u>to the best possible extent in a war-torn country, be compatible with the climate and environmental standards of the EU and be-guided by</u> the principles of ‘do no <u>significant</u> harm’, <u>within the meaning of Article 17 of Regulation (EU) 2020/852</u> and ‘leaving no one behind’. <u>The Facility should be based on a needs-based, efficient and effective resource allocation and use, and should avoid undue or excessive sectoral or geographical concentration, so that funding needs of all regions, sectors and company-sizes are fairly assessed on the basis of their needs-based merit.</u>	(33) In this context, measures funded under the Facility should apply the rights-based approach and mainstream climate change, environmental protection, human rights, democracy, gender equality and non-discrimination, and where relevant, disaster risk reduction. Particular attention should be paid to interlinkages with the Sustainable Development Goals (SDGs), to promote integrated actions that can create co-benefits and meet multiple objectives in a coherent way, contributing to poverty reduction and promoting peaceful and inclusive societies without undermining other objectives. The measures funded	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			under the Facility should be guided by the principles of ‘do no harm’ and ‘leaving no one behind’.	
Recital 34				
42	(34) The implementation of this Regulation should be guided by the principles of equality and non-discrimination, as elaborated in the Union of Equality strategies. It should promote gender equality and the empowerment of women and girls, and seek to protect and promote women’s and girls’ rights in line with the EU Gender Action Plans and relevant Council conclusions and international	(34) The implementation of this Regulation should be guided by the principles of equality, <u>inclusivity</u> and non-discrimination, as elaborated in the Union of Equality strategies. It should <u>ensure</u> <u>women’s meaningful participation in decision-making processes</u>, promote <u>and advance</u> gender equality and <u>mainstreaming</u>, the empowerment of women and girls, and seek to protect and promote	(34) The implementation of this Regulation should be guided by the principles of equality and non-discrimination, as elaborated in the Union of Equality strategies. It should promote gender equality and the empowerment of women and girls, and seek to prevent and combat violence against women, gender-based violence and domestic violence and to protect and promote women’s and girls’	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conventions. The implementation of the Facility should be in line with the United Nations Convention on the Rights of Persons with Disabilities and ensure accessibility in its investments and technical assistance.	women's and girls'<u>their</u> rights in line with the EU Gender Action Plans and relevant Council conclusions and international conventions. The <u>Facility should respond to the healthcare needs of Ukraine and support the recovery of Ukraine's immensely traumatised society through proactive and targeted mental health and trauma care as a necessity for a healthy post-war society, with a particular focus on children.</u> The implementation of the Facility should be in line with the United Nations Convention on the Rights of Persons with Disabilities and ensure <u>relevant stakeholder involvement in decision-making processes as well as</u> accessibility in its investments	rights in line with taking into account the EU Gender Action Plans and relevant Council conclusions and international conventions. The implementation of the Facility should be in line with the United Nations Convention on the Rights of Persons with Disabilities and ensure accessibility in its investments and technical assistance. The implementation of the Facility should also be in line with the United Nations Convention on the rights of the child and support children and youth as key agents of change and as contributors to the realisation of the 2030 Agenda.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and technical assistance. <u>The Facility should also support and promote reforms of the childcare system.</u>		
Recital 35				
43	(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 pluralistic media and fighting disinformation, strengthening public administration reform, including in the fields of public	(35) <u>There remain key challenges that are essential for Ukraine to come closer to the Union and to prepare to fully assume the obligations of Union membership. These include:</u> strengthening the rule of law, including the independence of the judiciary; ² the fight against corruption <u>and in particular high-level corruption, oligarchic structures, as well as</u>	(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 pluralistic media and fighting disinformation and hybrid threats , strengthening public administration reform, including in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>any kind of favouritism</u>, money laundering, <u>tax avoidance</u>, <u>tax evasion</u>, <u>tax fraud</u> and organised crime; <u>strengthening transparency, including public access to information</u>; as well as <u>transparency</u>; good governance at all levels <u>through guaranteeing the legal personality of municipalities, and the participation of civil society organisations and experts, as well as by ensuring a safe and enabling operating space for human rights defenders; safeguarding the free and pluralistic media and fighting disinformation foreign information manipulation and interference; strengthening public administration reform, including</u>	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>in the fields of public procurement, competition and State aid</u>, 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.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 36				
44	(36) In accordance with the principle of participatory democracy, the Union should encourage the strengthening of parliamentary capacities, parliamentary oversight, democratic procedures and fair representation in Ukraine.	(36) In accordance with the principle of participatory democracy <u>and for the purpose of checks and balances</u>, the Union should encourage the strengthening of parliamentary capacities, parliamentary oversight, democratic procedures and fair representation in Ukraine <u>as well as meaningful participation of regions and municipalities, as well as of civil society at all stages of the democratic process allowing for enhanced democratic scrutiny.</u> <u>The Ukraine Plan should demonstrate how meaningful participation of stakeholders was planned and conducted via</u>	(36) In accordance with the principle of participatory democracy, the Union should encourage the strengthening of parliamentary capacities, parliamentary oversight, democratic procedures and fair representation in Ukraine, including civil society.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>consultations, with sufficient timeframes and transparency, and clear follow-up procedures to input given. The Verkhovna Rada of Ukraine should be informed and consulted at all the stages of the Facility life cycle.</u>		
Recital 37				
45	(37) Enhanced strategic and operational cooperation between the Union and Ukraine on security is pivotal to addressing effectively and efficiently the threats of security, organised crime and terrorism.	(37) Enhanced strategic and operational cooperation between the Union and Ukraine on security is pivotal to addressing effectively and efficiently the threats of security, organised crime and terrorism.	(37) Enhanced strategic and operational cooperation between the Union and Ukraine on security is pivotal to addressing effectively and efficiently the threats of security, including hybrid threats such as cyber threats , organised crime and terrorism.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 38				
46	(38) Actions under the Ukraine Facility should also support, where appropriate, confidence-building measures and processes that promote justice, truth-seeking, reparations and guarantees of non-recurrence as well as collection of evidence of crimes committed during the war.	(38) Actions under the Ukraine Facility should also support, where appropriate, confidence-building measures and processes that promote justice, truth-seeking, reparations <u>payment by the aggressor for the damages caused</u> and guarantees of non-recurrence as well as collection of evidence of crimes committed during the war <u>for the purpose of the prosecution of the crimes committed by Russia, its allies and proxies, during the full-scale war in Ukraine.</u>	(38) Actions under the Ukraine Facility should also, in line with point c of Article 21(2) of the TEU and in accordance with the purposes and principles of the UN Charter including the right of self-defence, strengthen support, where appropriate, capacities across the Ukrainian society for conflict prevention, peacebuilding and the addressing of pre- and post-crisis needs, including through confidence-building measures and processes that promote justice, truth-seeking, comprehensive post-conflict	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			rehabilitation for an inclusive, peaceful society and reparations and guarantees of non-recurrence as well as collection of evidence of crimes committed during the war. Particular attention should be given to the promotion of a culture of non-violence, including by supporting formal, informal and non-formal peace education.	
	Recital 39			
47	(39) The support under the Facility should be made available under the precondition that Ukraine continues to respect effective democratic mechanisms and	(39) The support under the Facility should be made available under the precondition that Ukraine continues to respect <u>parliamentary democracy</u> , effective democratic	(39) The support under the Facility should be made available under the precondition that Ukraine continues to respect effective democratic mechanisms and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	mechanisms and institutions, including <u>appropriate checks and balances</u>, a multi-party parliamentary system, <u>good governance at all levels, free and fair elections in line with Ukraine's constitution</u>, and the rule of law, and <u>including an independent judiciary and public prosecutor, continued advances in fighting corruption. Ukraine should also continue</u> to guarantee respect for human rights, including the rights of persons belonging to minorities, <u>and work towards increased women's participation in decision-making</u>.	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. If the precondition is not met or no longer met, payments under the Facility should be suspended through a Council implementing decision upon a proposal by the Commission.	
Recital 40				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
48	(40) The support under the Ukraine Facility, including to Ukraine's path toward accession, should be provided to meet general and specific objectives, based on established criteria and with clear conditionalities.	(40) The support under the Ukraine Facility, including to Ukraine's path toward accession, should be provided to meet general and specific objectives, based on established criteria and with clear conditionalities.	(40) The support under the Ukraine Facility, including to Ukraine's path toward accession, should be provided to meet general and specific objectives, based on established criteria and with clear conditionalities.	
Recital 41				
49	(41) The general objectives of the Ukraine Facility should be to assist Ukraine in addressing the social, economic and environmental consequences of the war, contributing to the reconstruction,	(41) The general objectives of the Ukraine Facility should be <u>inter alia</u> to assist Ukraine in addressing the social, economic ² <u>psychological</u> and environmental consequences of the war,	(41) The general objectives of the Ukraine Facility should be to assist Ukraine in addressing the social, economic and environmental consequences of the war, contributing to the reconstruction,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	including recovery, and modernisation of the country; in fostering social, economic and environmental resilience and progressive integration into the Union and global economy and markets; and in preparing Ukraine for future membership of the Union by supporting its accession process. Such objectives should be pursued in a mutually reinforcing manner.	contributing to the reconstruction, including recovery, <u>restoration</u> and modernisation of the country; the <u>fostering, fostering democratic</u> social, economic, <u>environmental</u> <u>and territorial cohesion and</u> and <u>environmental</u> resilience, <u>and a</u> and progressive integration into the Union and global economy and markets; and <u>as well as an upward economic, social and environmental convergence towards Union standards,</u> preparing Ukraine for future membership of the Union by supporting its accession process. Such objectives should be pursued in a mutually reinforcing manner <u>and with a regular monitoring of the evolving social and economic circumstances in Ukraine.</u>	including a peaceful recovery, and modernisation of the country; in fostering social cohesion, economic and environmental resilience and progressive integration into the Union and global economy and markets; and in preparing Ukraine for future membership of the Union by supporting its accession process. Such objectives should be pursued in a mutually reinforcing manner.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Ukraine should guarantee public access to the information on funding opportunities under this Facility, as well as free and fair competition during tendering process and grant allocation under the Facility.</u>		
Recital 41a				
49a		<u>(41a) The Facility should ensure the establishment and coordination of decentralised implementation frameworks and know-how for resource allocation and use, with a particular emphasis on supporting SMEs and civil society actors.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 42				
50	(42) In line with the European Pillar of Social Rights, the Facility should support solidarity, integration, and social justice with the aim of creating and sustaining quality employment and sustainable growth, ensuring equality of, and access to, opportunities and social protection, protecting vulnerable groups and improving living standards. The Facility should also contribute to fighting poverty and tackling unemployment and lead to quality job creation, the inclusion and integration of disadvantaged	(42) In line with the European Pillar of Social Rights, the Facility should support solidarity, integration, and social justice with the aim of creating and sustaining quality employment and sustainable <u>and inclusive</u> growth, ensuring equality of, and access to, opportunities and social protection, protecting vulnerable groups, <u>in particular women, youth, orphans, persons with disabilities and war veterans</u>, and improving living standards. The Facility should <u>support reforms of the childcare system. The Facility should</u> also	(42) In line with the European Pillar of Social Rights, the Facility should support solidarity, integration, and social justice with the aim of creating and sustaining quality employment and sustainable growth, ensuring equality of, and access to, opportunities, education and social protection, protecting groups in vulnerable groupsituations and improving living standards. The Facility should also contribute to fighting poverty and tackling unemployment and lead to quality job creation, the inclusion and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	groups. The Facility should provide for investment opportunities in skills including through vocational education and training aiming to prepare the workforce to the digital and green transitions. It should also enable the strengthening of social dialogue, infrastructure and services.	contribute to fighting poverty and <u>homelessness and</u> tackling unemployment and lead to quality job creation, the inclusion and integration of disadvantaged groups. The Facility should provide for investment opportunities in skills including through vocational education and training aiming to prepare the workforce to the digital and green transitions. It should also <u>enable</u> <u>support</u> the strengthening of social dialogue, infrastructure and services.	integration of disadvantaged groups. The Facility should provide for investment opportunities in skills including through vocational education and training aiming to prepare the workforce to the digital and green transitions. It should also enable the strengthening of social dialogue, infrastructure and services.	
Recital 43				
51				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(43) The Facility should ensure consistency with, and complementarity to, the general objectives of Union external action as laid down in Article 21 of the Treaty on European Union, including respect for fundamental rights and principles as well as the protection and promotion of human rights, democracy and fundamental principles of the rule of law, including on anti-corruption, judiciary, public administration and good governance.	(43) The Facility should ensure consistency with, and complementarity to, the general objectives of Union external action as laid down in Article 21 of the Treaty on European Union, including respect for fundamental rights and principles as well as the protection and promotion of human rights, democracy and fundamental principles of the rule of law, including on anti-corruption, judiciary, public administration and good governance.	(43) The Facility should ensure consistency with, and complementarity to, the general objectives of Union external action as laid down in Article 21 of the Treaty on European Union, including respect for fundamental rights and principles as well as the protection and promotion of human rights, democracy and fundamental principles of the rule of law, including on anti-corruption, judiciary, public administration, good governance and transparency and accountability and good governance .	
Recital 44				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
52	(44) Given the uncertainties linked to Russia's war of aggression, the Facility should be a flexible instrument enabling the Union to address Ukraine's needs through a diversified toolbox which provides financing of the Ukrainian State, support to short-term recovery and reconstruction priorities, support to investments and access to finance, as well as technical assistance and capacity building and other relevant activities.	(44) Given the uncertainties linked to Russia's war of aggression, the Facility should be a flexible instrument enabling the Union to address Ukraine's needs through a diversified toolbox which provides financing of the Ukrainian State, support to short-term recovery and reconstruction priorities, support to investments and access to finance, as well as technical assistance and capacity building and other relevant activities.	(44) Given the uncertainties linked to Russia's war of aggression, the Facility should be a flexible instrument enabling the Union to address Ukraine's needs through a diversified toolbox which provides financing of the Ukrainian State, support to short-term recovery and reconstruction priorities, support to investments and access to finance, as well as technical assistance and capacity building and other relevant activities.	
Recital 45				
53				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(45) Union support should be organised around three pillars, namely (i) financial support to the Ukrainian State for the implementation of reforms and investments, as well as to maintain macro-financial stability of the country, as set out in the Ukraine Plan; (ii) a Ukraine Investment Framework to mobilise investments and enhance access to finance; (iii) accession assistance to mobilise technical expertise and capacity building.	(45) Union support should be organised around three pillars, namely (i) financial support to the Ukrainian State for the implementation of reforms and investments, as well as to maintain macro-financial stability of the country, as set out in the Ukraine Plan; (ii) a Ukraine Investment Framework to mobilise investments and enhance access to finance; (iii) accession assistance to mobilise technical expertise and capacity building.	(45) Union support should be organised around three pillars, namely (i) financial support to the Ukrainian State for the implementation of reforms and investments, as well as to maintain macro-financial stability of the country, as set out in the Ukraine Plan; (ii) a Ukraine Investment Framework to mobilise investments and enhance access to finance; (iii) accession assistance to mobilise technical expertise and capacity building.	
Recital 46				
54	(46) As the recovery,	(46) As the recovery,	(46) As the recovery,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reconstruction and modernisation needs are substantial, and cannot be covered by the Union budget alone, both public and private investments should play a role. The Facility should enable the mobilisation of both public and private investments and should allow for the possibility to scale up support for investments in long-term reconstruction when circumstances allow, also considering implementation and absorption capacity of Ukraine.	reconstruction and modernisation needs are substantial, and cannot be covered by the Union budget alone, both public and private investments should play a role. The Facility should enable the <u>timely</u> mobilisation of both public and private investments and should allow for the possibility to scale up support for investments in long-term reconstruction when circumstances allow, also considering implementation and absorption capacity of Ukraine. <u>The mobilisation of private investment via the Facility should contribute to the long-term competitiveness and the innovative capacity of Ukraine.</u>	reconstruction and modernisation needs are substantial, and cannot be covered by the Union budget alone, both public and private investments should play a role. The Facility should enable the mobilisation of both public and private investments and should allow for the possibility to scale up support for investments in long-term reconstruction when circumstances allow, also considering implementation and absorption capacity of Ukraine.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 46a				
54a		<u>(46a) Russia and its allies must pay for the damage caused to Ukraine. The Union and its Member States should, in close cooperation, with other institutions and countries, establish 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, which is permitted under customary international law either as a collective countermeasure in response to Russia's violation of the fundamental rule prohibiting wars of aggression or as an act of</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>collective self-defense under Article 51 of the UN Charter.</u>		
Recital 46b				
54b		<u>(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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Federation or other states, entities or individuals directly in connection with the Russian war of aggression pursuant to Union restrictive measures, or from any proceeds obtained from managing those assets or accrued interest rates, under any relevant Union legal act to be adopted in the future, in accordance with applicable rules of customary international law. Any such revenues should come in addition to the resources already available under the Facility and be used in the form of grants.</u>		
Recital 47				
55				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(47) The overall maximum amount for the Union support to the Facility should be EUR 50 billion in current prices for the period from 2024 to 2027, for all types of support. In light of the evolving circumstances and of the objectives of the Facility itself, the Union support needs to provide a balance between flexibility and programmability.	(47) The overall maximum amount for the Union support to the Facility should be EUR 50 billion in current prices for the period from 2024 to 2027, for all types of support. In light of the evolving circumstances and of the objectives of the Facility itself, the Union support needs to provide a balance between flexibility and programmability. <u>As all bilateral assistance to Ukraine will be provided under the Ukraine Facility, additional funds are needed in the form of external assigned revenue on top of the financial envelope as defined in Article 6 to provide additional grants to further support Ukraine.</u>	(47) The overall maximum amount for the Union support to the Facility should be EUR [50 billion] in current prices for the period from 2024 to 2027, for all types of support. In light of the evolving circumstances and of the objectives of the Facility itself, the Union support needs to provide a balance between flexibility and programmability.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 48				
56	(48) As for the Union support, other than in the form of loans, this Regulation should be financed by and in accordance with the Ukraine Reserve, as proposed in the amendment to Council Regulation (EU, Euratom) 2020/2093¹, up to EUR 50 billion for the period 2024 to 2027. Such maximum amount does not constitute the prime reference amount, within the meaning of point 18 of the Interinstitutional Agreement of December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on	(48) As for the Union support, other than in the form of loans, this Regulation should be financed by and in accordance with the Ukraine Reserve, as proposed in the amendment to Council Regulation (EU, Euratom) 2020/2093¹, up to EUR 50 billion for the period 2024 to 2027. Such maximum amount does not constitute the prime reference amount, within the meaning of point 18 of the Interinstitutional Agreement of December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on	(48) As for the Union support, other than in the form of loans, this Regulation should be financed by and in accordance with the Ukraine Reserve, as proposed in the amendment to Council Regulation (EU, Euratom) 2020/2093¹, up to EUR 50 [17 billion] for the period 2024 to 2027. Such maximum amount does not constitute the prime reference amount, within the meaning of point 18 of the Interinstitutional Agreement of December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources, for the European Parliament and the Council during the annual budgetary procedure. _____ 1. COM(2023)337 final.	cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources, for the European Parliament and the Council during the annual budgetary procedure. _____ 1. COM(2023)337 final.	cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources, for the European Parliament and the Council during the annual budgetary procedure. Potential revenues could be generated under the relevant legal acts, concerning the use of extraordinary revenues held by private entities stemming directly from the immobilised Central Bank of Russia assets. _____ 1. COM(2023)337 final.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 49				
57	(49) The mobilisation of the Ukraine Reserve should aim at providing at least an annual indicative amount for support, other than in the form of loans, in accordance with Article 10b of the proposed amendment to Council Regulation (EU, Euratom) 2020/2093¹. _____ 1. Ibidem.	(49) The mobilisation of the Ukraine Reserve should aim at providing at least an annual indicative amount for support, other than in the form of loans, in accordance with Article 10b of the proposed amendment to Council Regulation (EU, Euratom) 2020/2093¹. _____ 1. Ibidem.	(49) In accordance with Article 10b of the proposed amendment to Council Regulation (EU, Euratom) 2020/2093¹ the mobilisation of the Ukraine Reserve should aim at providing at least an annual indicative maximum amount for support, other than in the form of loans, in accordance with Article 10b of EUR 5 billion, ² The unused portion of the annual amount of the proposed amendment to Council Regulation (EU, Euratom) 2020/2093¹ non-repayable financial support should remain available for the remaining part of the period for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			which the Facility is established. _____ 1. Ibidem. 2. Ibidem.	
Recital 50				
58	(50) In the framework of the Union's restrictive measures, adopted on the basis of Article 29 of the Treaty on European Union (TEU) and 215(2) of the Treaty on the Functioning of the European Union (TFEU), no funds or economic resources may be made available, directly or indirectly, to or for the benefit of designated	(50) In the framework of the Union's restrictive measures, adopted on the basis of Article 29 of the Treaty on European Union (TEU) and 215(2) of the Treaty on the Functioning of the European Union (TFEU), no funds or economic resources may be made available, directly or indirectly, to or for the benefit of designated	(50) In the framework of the Union's restrictive measures, adopted on the basis of Article 29 of the Treaty on European Union (TEU) and 215(2) of the Treaty on the Functioning of the European Union (TFEU), no funds or economic resources may be made available, directly or indirectly, to or for the benefit of designated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	legal persons, entities or bodies. Such designated entities, and entities owned or controlled by them, therefore cannot be supported by the Facility.	legal persons, entities or bodies. Such designated entities, and entities owned or controlled by them, therefore cannot be supported by the Facility.	legal persons, entities or bodies. Such designated entities, and entities owned or controlled by them, therefore cannot be supported by the Facility.	
Recital 51				
59	(51) The commitment appropriations and corresponding payment appropriations from the Ukraine Reserve should be mobilised annually in the budget over and above the ceilings of the Multiannual Financial Framework.	(51) The commitment appropriations and corresponding payment appropriations from the Ukraine Reserve should be mobilised annually in the budget over and above the ceilings of the Multiannual Financial Framework. <u><i>In order to effectively allow the budgetary authority oversight and freedom of action, the Ukraine</i></u>	(51) The commitment appropriations and corresponding payment appropriations from the Ukraine Reserve should be mobilised annually in the budget over and above the ceilings of the Multiannual Financial Framework.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Reserve should be composed of at least three additional budgetary lines, corresponding to each of the pillars in which the proposal is structured.</u>		
Recital 52				
60	(52) For the part of the Ukraine Facility support provided in the form of loans, it is appropriate to extend the Union budget guarantee to cover the financial assistance which is made available to Ukraine, authorised in accordance with Article 220(1) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the	(52) For the part of the Ukraine Facility support provided in the form of loans, it is appropriate to extend the Union budget guarantee to cover the financial assistance which is made available to Ukraine, authorised in accordance with Article 220(1) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the	(52) For the part of the Ukraine Facility support provided in the form of loans, it is appropriate to extend the Union budget guarantee to cover the financial assistance which is made available to Ukraine, authorised in accordance with Article 220(1) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Council¹. As a consequence, the amendment to Council Regulation (EU, Euratom) 2020/2093² proposes to mobilise the necessary appropriations in the Union budget over and above the ceilings of the Multiannual Financial Framework for financial assistance to Ukraine available until the end of 2027. _____ 1. 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).	Council¹. As a consequence, the amendment to Council Regulation (EU, Euratom) 2020/2093² proposes to mobilise the necessary appropriations in the Union budget over and above the ceilings of the Multiannual Financial Framework for financial assistance to Ukraine available until the end of 2027. _____ 1. 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).	Council¹. As a consequence, the amendment to Council Regulation XXX amending Council Regulation (EU, Euratom) 2020/2093² proposes to mobilise the necessary appropriations in the Union budget over and above the ceilings of the Multiannual Financial Framework for financial assistance to Ukraine available until the end of 2027. _____ 1. 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. COM(2023) 337 final	2. COM(2023) 337 final	Regulation (EU, Euratom) No 966/2012 (OJ L 193 30.7.2018, p. 1). 2. COM(2023) 337 final.	
Recital 53				
61	(53) While respecting the principle that the Union budget is set annually, the possibility to apply the flexibilities in accordance with Regulation (EU, Euratom) 2018/1046 for other policies should be ensured, namely for carry overs and re-commitments of funds, to ensure efficient use of the Union funds, thus maximising the Union funds available under the Facility.	(53) While respecting the principle that the Union budget is set annually, the possibility to apply the flexibilities in accordance with Regulation (EU, Euratom) 2018/1046 for other policies should be ensured, namely for carry overs and re-commitments of funds, to ensure efficient use of the Union funds, thus maximising the Union funds available under the Facility.	(53) While respecting the principle that the Union budget is set annually, the possibility to apply the flexibilities in accordance with Regulation (EU, Euratom) 2018/1046 for other policies should be ensured, namely for carry overs and re-commitments of funds, to ensure efficient use of the Union funds, thus maximising the Union funds available under the Facility.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 54				
62	(54) Restrictions of eligibility in award procedures under the Facility should be allowed on account of the specific nature of the activity or when the activity affects security or public order.	(54) Restrictions of eligibility in award procedures under the Facility should be allowed on account of the specific nature of the activity or when the activity affects security or public order.	(54) Restrictions of eligibility in award procedures under the Facility should be allowed on account of the specific nature of the activity or when the activity affects security or public order.	
Recital 55				
63	(55) In order to ensure an efficient implementation of the Facility, including the facilitation of	(55) In order to ensure an efficient implementation of the Facility, including the facilitation of	(55) In order to ensure an efficient implementation of the Facility, including the facilitation of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Ukraine's integration in European value chains, all supplies and materials financed and procured under this Facility should originate from Member States, Ukraine, contracting parties to the Agreement on the European Economic Area, countries covered by Annex I to Regulation (EU) 2021/947 and Annex I to Regulation (EU) 2021/1529 of the European Parliament and of the Council, and countries for which reciprocal access to external assistance in Ukraine is established by the Commission, unless the supplies and materials cannot be sourced at reasonable conditions in any of those countries.	Ukraine's integration in European value chains, all supplies and materials financed and procured under this Facility should originate from Member States, Ukraine, contracting parties to the Agreement on the European Economic Area, countries covered by Annex I to Regulation (EU) 2021/947 and Annex I to Regulation (EU) 2021/1529 of the European Parliament and of the Council, and countries for which reciprocal access to external assistance in Ukraine is established by the Commission, unless the supplies and materials cannot be sourced at reasonable conditions in any of those countries.	Ukraine's integration in European value chains, all supplies and materials financed and procured under this Facility should originate from Member States, Ukraine, Western Balkan partners, Georgia and Moldova, contracting parties to the Agreement on the European Economic Area, and countries covered by Annex I to Regulation (EU) 2021/947 and Annex I to Regulation (EU) 2021/1529 of the European Parliament and of the Council, and countries which provide a level of support to Ukraine comparable to the one provided by the European Union taking into account the size of their economy and for which reciprocal access to external	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			assistance in Ukraine is established by the Commission, unless the supplies and materials cannot be sourced at reasonable conditions in any of those countries. In the latter, case, the Commission should keep the Council informed.	
Recital 56				
64	(56) The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. That should be achieved through coherence, consistency and complementarity with the other	(56) The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. That should be achieved through coherence, consistency and complementarity with the other	(56) The Union should seek the most efficient use of available resources in order to optimise the impact of its external action. That should be achieved through coherence, consistency and complementarity with the other	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Union's external financing instruments, as well as through synergies with other Union policies and programmes. In order to maximise the impact of combined interventions to achieve a common objective, it should be provided that the Facility should be able to contribute to actions under other programmes.	Union's external financing instruments, as well as through synergies with other Union policies and programmes. In order to maximise the impact of combined interventions to achieve a common objective, it should be provided that the Facility should be able to contribute to actions under other programmes.	Union's external financing instruments, as well as through synergies with other Union policies and programmes. In order to maximise the impact of combined interventions to achieve a common objective, it should be provided that the Facility should be able to contribute to actions under other programmes, without causing duplication of support measures.	
Recital 57				
65	(57) The Union should promote a multilateral, rules-based and values-based approach to global goods and challenges and should	(57) The Union should promote a multilateral, rules-based and values-based approach to global goods and challenges and should	(57) The Union should promote a multilateral, rules-based and values-based approach to global goods and challenges and should	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cooperate with Member States, partner countries, international organisations and other donors in that respect.	cooperate with Member States, partner countries, international organisations and other donors in that respect.	cooperate with Member States, partner countries, international organisations and other donors in that respect.	
Recital 58				
66	(58) In view of the need to coordinate international support to the recovery, reconstruction and modernisation of Ukraine, it should be possible for Member States, third countries, international organisations, international financial institutions or other sources to contribute to the implementation of the Facility. Such contributions should be	(58) In view of the need to coordinate international support to the recovery, reconstruction and modernisation of Ukraine, it should be possible for Member States, third countries, international organisations, international financial institutions or other sources to contribute to the implementation of the Facility. Such contributions should be	(58) In view of the need to coordinate international support to the recovery, reconstruction and modernisation of Ukraine, it should be possible for Member States, third countries, international organisations, international financial institutions or other sources to contribute to the implementation of the Facility. Such contributions should be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implemented in accordance with the same rules and conditions and should constitute external assigned revenue within the meaning of Article 21(2)(a)(ii), (d), and (e) of Regulation (EU, Euratom) 2018/1046.	implemented in accordance with the same rules and conditions and should constitute external assigned revenue within the meaning of Article 21(2)(a)(ii), (d), and (e) of Regulation (EU, Euratom) 2018/1046.	implemented in accordance with the same rules and conditions and should constitute external assigned revenue within the meaning of Article 21(2)(a)(ii), (d), and (e) of Regulation (EU, Euratom) 2018/1046. Support under the Facility should, as far as possible, be integrated into the overall financial architecture for the recovery of Ukraine and be coordinated with relevant donors and international financial institutions.	
Recital 59				
67	(59) The Commission and the	(59) The Commission, <u>in</u>	(59) The Commission and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>consultation with the European Parliament</u>, and the Member States should ensure the compliance, <u>transparency</u>, 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 <u>with all relevant stakeholders</u>, including at local <u>and regional</u> 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 <u>an agreement on common standards and</u> regular consultations. In this regard, 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 and strategic outreach. These steps should strive to prevent excessive administrative burden for Ukrainian authorities and encourage a substantive division of labor based on specific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Multi-Agency Donor Coordination Platform should be used as an already established forum for such exchange. <u>The European Parliament, together with the Verkhovna Rada of Ukraine and the US Congress, as the parliaments of the three co-chairing entities of the Platform, should be granted observer status in its Steering Committee in order to ensure full parliamentary scrutiny, democratic oversight, transparency and accountability.</u> <u>The Platform should also make a provision for a territorial component, in which the European Alliance of Cities and Regions for the Reconstruction of Ukraine would play a coordinating role.</u>	expertise. In this regard, the Multi-Agency Donor Coordination Platform should be used as an already established forum for such exchange.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 60				
68	(60) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU should apply to this Regulation. Those rules are laid down in Regulation (EU, Euratom) 2018/1046 and determine in particular the procedure for establishing and implementing the budget through grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts, and provide for checks on the	(60) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU should apply to this Regulation. Those rules are laid down in Regulation (EU, Euratom) 2018/1046 and determine in particular the procedure for establishing and implementing the budget through grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts, and provide for checks on the	(60) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU should apply to this Regulation. Those rules are laid down in Regulation (EU, Euratom) 2018/1046 and determine in particular the procedure for establishing and implementing the budget through grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts, and provide for checks on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsibility of financial actors.	responsibility of financial actors.	responsibility of financial actors.	
Recital 61				
69	(61) The types of financing and the methods of implementation under this Regulation should be selected on the basis of their ability to achieve the objectives of the Facility and to deliver results, taking into account, in particular, the costs of controls, administrative burdens, and the expected risk of non-compliance. That should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in	(61) The types of financing and the methods of implementation under this Regulation should be selected on the basis of their ability to achieve the objectives of the Facility and to deliver results, taking into account, in particular, the costs of controls, administrative burdens, and the expected risk of non-compliance. That should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in	(61) The types of financing and the methods of implementation under this Regulation should be selected on the basis of their ability to achieve the objectives of the Facility and to deliver results, taking into account, in particular, the costs of controls, administrative burdens, and the expected risk of non-compliance. That should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 125(1) of Regulation (EU, Euratom) 2018/1046.	Article 125(1) of Regulation (EU, Euratom) 2018/1046.	Article 125(1) of Regulation (EU, Euratom) 2018/1046.	
Recital 62				
70	(62) A Framework agreement should be concluded with Ukraine to set up the principles of the financial cooperation between the Union and Ukraine, including necessary mechanisms to control and audit expenditures. Financing and loan agreements should also be concluded with Ukraine, where appropriate depending on each pillar, to define conditions for releasing funds.	(62) A Framework agreement should be concluded with Ukraine to set up the principles of the financial cooperation between the Union and Ukraine, including necessary mechanisms to control and audit expenditures. Financing and loan agreements should also be concluded with Ukraine, where appropriate depending on each pillar, to define conditions for releasing funds.	(62) A Framework agreement should be concluded with Ukraine to set up the principles of the financial cooperation between the Union and Ukraine, including necessary mechanisms to control and audit expenditures, and should ensure that Ukraine achieves a high level of protection of the financial interests of the Union, comparable to the one provided for in Regulation (EU, Euratom) 2018/1046 and other related	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Union legislation. Financing and loan agreements should also be concluded with Ukraine, where appropriate depending on each pillar, to define conditions for releasing funds.	
Recital 62a				
70a		<u>(62a) The recipients of Union funding should acknowledge the origin and ensure the visibility of the Union funding, including, where applicable, by displaying the emblem of the Union and an appropriate funding statement that reads “funded by the European Union”.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 63				
71	(63) By way of derogation from the first, second, and fourth subparagraphs of Article 209(3) of Regulation (EU, Euratom) 2018/1046, it is appropriate that repayments and revenues generated by a financial instrument should constitute internal assigned revenue to the Facility or its successor programme.	(63) By way of derogation from the first, second, and fourth subparagraphs of Article 209(3) of Regulation (EU, Euratom) 2018/1046, it is appropriate that repayments and revenues generated by a financial instrument should constitute internal assigned revenue to the Facility or its successor programme.	(63) By way of derogation from the first, second, and fourth subparagraphs of Article 209(3) of Regulation (EU, Euratom) 2018/1046, it is appropriate that repayments and revenues generated by a financial instrument should constitute internal assigned revenue to the Facility or its successor programme.	
Recital 64				
72				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(64) By way of derogation from Article 213(4)(a) of Regulation (EU, Euratom) 2018/1046, it is appropriate that surplus from the provisions for the Ukraine Guarantee should constitute internal assigned revenue to the Facility or its successor programme.	(64) By way of derogation from Article 213(4)(a) of Regulation (EU, Euratom) 2018/1046, it is appropriate that surplus from the provisions for the Ukraine Guarantee should constitute internal assigned revenue to the Facility or its successor programme.	(64) By way of derogation from Article 213(4)(a) of Regulation (EU, Euratom) 2018/1046, it is appropriate that surplus from the provisions for the Ukraine Guarantee should constitute internal assigned revenue to the Facility or its successor programme.	
Recital 65				
73	(65) Under pillar I of the Facility, financing should be provided to support the implementation of the Ukraine Plan setting out the reform and investment agenda of Ukraine towards the achievement of the	(65) Under pillar I of the Facility, financing should be provided to support the implementation of the Ukraine Plan setting out the reform and investment agenda of Ukraine towards the achievement of the	(65) Under pillar I of the Facility, financing should be provided to support the implementation of the Ukraine Plan setting out the reform and investment agenda of Ukraine towards the achievement of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	general and specific objectives of the Facility, which should also be integrated in an economic and fiscal policy framework. Financing under this pillar should be provided upon satisfactory fulfilment of conditions set out in the Plan.	general and specific objectives of the Facility, which should also be integrated in an economic and fiscal policy framework. Financing under this pillar should be provided upon satisfactory fulfilment of conditions set out in the Plan.	general and specific objectives of the Facility, which should also be integrated in an economic and fiscal policy framework. Financing under this pillar should be provided upon satisfactory fulfilment of conditions set out in the Plan.	
Recital 66				
74	(66) Ukraine should prepare the Plan as a coherent, comprehensive and adequately balanced response to rebuilding and modernising Ukraine, supporting its economic, social and environmental recovery and its progress towards accession to the Union. As such, the Ukraine	(66) Ukraine should prepare the Plan as a coherent, comprehensive and adequately balanced response to rebuilding and modernising Ukraine, supporting its economic, social and environmental recovery, sustainable development and its progress towards accession to the	(66) Ukraine should prepare the Plan as a coherent, comprehensive and adequately balanced response to rebuilding and modernising Ukraine, supporting its economic, social and environmental recovery and its progress towards accession to the Union. As such, the Ukraine	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Plan would also provide a basis for other donors to identify the priority funding areas for the reconstruction of Ukraine and foster ownership, coherence and additional contributions to that end. For that purpose, Ukraine should ensure that the Plan as prepared covers its recovery, reconstruction and modernisation needs in an integrated manner, identifying to what extent the measures of the Plan are expected to be financed by the Union through the Facility. In preparing the Plan, Ukraine should take into account support provided under other Union programmes. Ukraine should develop its Plan ensuring that other donors are able to contribute to supporting the measures of the Plan, including by	Union, <u><i>in line with the Facility's objectives and requirements</i></u>. As such, the Ukraine Plan would also provide a basis for other donors to identify the priority funding areas for the reconstruction of Ukraine and foster ownership, coherence and additional contributions to that end. For that purpose, Ukraine should ensure that the Plan as prepared covers its recovery, reconstruction and modernisation needs in an integrated manner, identifying to what extent the measures of the Plan are expected to be financed by the Union through the Facility. In preparing the Plan, Ukraine should take into account support provided under other Union programmes. Ukraine should develop its Plan ensuring	Plan would also provide a basis for other donors to identify the priority funding areas for the reconstruction of Ukraine and foster ownership, coherence and additional contributions to that end. For that purpose, Ukraine should ensure that the Plan as prepared covers its recovery, reconstruction and modernisation needs in an integrated manner, identifying to what extent the measures of the Plan are expected to be financed by the Union through the Facility. In preparing the Plan, Ukraine should take into account support provided under other Union programmes as well as from other donors. Ukraine should develop its Plan ensuring that other donors are able to contribute to supporting the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	increasing the funding available under the Facility.	that other donors are able to contribute to supporting the measures of the Plan, including by increasing the funding available under the Facility.	measures of the Plan, including by increasing the funding available under the Facility. The Plan should ensure there is a proper coordination and complementarity with relevant donors and international financial institutions. The Commission should keep the Council regularly informed about the progress in the drafting of the Ukraine Plan.	
Recital 67				
75	(67) While the Ukraine Plan should constitute the basis for the support provided under the first	(67) While the Ukraine Plan should constitute the basis for the support provided under the first	(67) While the Ukraine Plan should constitute the basis for the support provided under the first	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pillar of the Facility, it should also provide a reference for the support to be provided under the second and third pillars of the Facility. The measures financed under the second and third pillar should support the objectives and the implementation of the Plan.	pillar of the Facility, it should also provide a reference for the support to be provided under the second and third pillars of the Facility. The measures financed under the second and third pillar should support the objectives and the implementation of the Plan.	pillar of the Facility, it should also provide a reference for the support to be provided under the second and third pillars of the Facility. The measures financed under the second and third pillar should support the objectives and the implementation of the Plan.	
Recital 68				
76	(68) The Ukraine Plan should include reform and investment measures, along with the qualitative and quantitative steps that warrant satisfactory fulfilment of those measures, and an indicative timetable for the	(68) The Ukraine Plan should include reform and investment measures, along with the qualitative and quantitative steps that warrant satisfactory fulfilment of those measures, and an indicative timetable for the	(68) The Ukraine Plan should include reform and investment measures, along with the qualitative and quantitative steps that warrant satisfactory fulfilment of those measures, and an indicative timetable for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementation of those measures. Measures started from 1 January 2023 onwards should be eligible.	implementation of those measures. Measures started from 1 January 2023 onwards should be eligible.	implementation of those measures. Measures started from 1 January 2023 onwards should be exceptionally eligible.	
Recital 69				
77	(69) The Plan should set out conditions reflecting progress expected to be made in the implementation of the measures it contains. Those conditions should take the form of qualitative or quantitative steps. Those steps should be planned for no later than 31 December 2027, although the overall completion of the measures to which such steps refer may	(69) The Plan should set out conditions reflecting progress expected to be made in the implementation of the measures it contains. Those conditions should take the form of qualitative or quantitative steps. Those steps should be planned for no later than 31 December 2027, although the overall completion of the measures to which such steps refer may	(69) The Plan should set out conditions reflecting progress expected to be made in the implementation of the measures it contains. Those conditions should take the form of qualitative or quantitative steps. Those steps should be planned for no later than 31 December 2027, although the overall completion of the measures to which such steps refer may	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	extend beyond 2027. Given the need to ensure the macro-financial stability of Ukraine while supporting its recovery, reconstruction and modernisation efforts in view of the accession to the Union, the Plan should, in particular, include conditions linked to (i) essential requirements, such as macro-financial stability, budget oversight, and public financial management, which may be defined so as to reflect satisfactory progress towards fulfilment; and (ii) sectoral and structural reforms and investments set out in the Plan. Payments should be structured accordingly around such categories of conditions, reflecting the objectives of the Facility.	extend beyond 2027. Given the need to ensure the macro-financial stability of Ukraine while supporting its recovery, reconstruction and modernisation efforts in view of the accession to the Union, the Plan should, in particular, include conditions linked to (i) essential requirements, such as macro-financial stability, budget oversight, and public financial management, which may be defined so as to reflect satisfactory progress towards fulfilment; and (ii) sectoral and structural reforms and investments set out in the Plan. Payments should be structured accordingly around such categories of conditions, reflecting the objectives of the Facility.	extend beyond 2027. Given the need to ensure the macro-financial stability of Ukraine while supporting its recovery, reconstruction and modernisation efforts in view of the accession to the Union, the Plan should, in particular, include conditions linked to (i) essential requirements, such as macro-financial stability, budget oversight, and public financial management, which may be defined so as to reflect satisfactory progress towards fulfilment; and (ii) sectoral and structural reforms and investments set out in the Plan. Payments should be structured accordingly around such categories of conditions, reflecting the objectives of the Facility.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 70				
78	(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	(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 <u>meaningful and non-discriminatory</u> consultation with regional, local, urban and other public authorities <u>and civil society organisations and experts</u>, in accordance with the multi-level governance principle and taking	(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. When available, local recovery plans should be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 sub-national authorities constitute an adequately substantial share of the support.	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, <u>which should be complemented by explicit recognition of a public legal personality for territorial entities.</u> <u>The Plan should</u> 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, <u>and subnational civil society organisations,</u> in decision-making on the use of support in the reconstruction process at local level, and that the	taken into account. 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		reconstruction projects selected and implemented by such sub-national authorities constitute an adequately substantial share of the support. <u>A chapter of the Plan should outline how the relevant stakeholders have been consulted without bias and in sufficient time, where their inputs have been reflected in the Plan and where they have been disregarded, and an annex should detail their inputs.</u>		
Recital 71				
79	(71) The Plan should also include an explanation of Ukraine's system	(71) The Plan should also include an <u>detailed</u> explanation of	(71) The Plan should also ensure the protection of the financial	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to effectively prevent, detect and correct irregularities, corruption, fraud and conflicts of interests, when using the funds provided under the Facility, and the arrangements that aim to avoid double funding from the Facility and other Union programmes as well as other donors. Measures under the Plan should, where appropriate, contribute to ensuring an efficient management and control system. Such measures should be implemented by Ukraine by an indicative date which could be set, as appropriate depending on the course of the lifetime of the Facility.	Ukraine's system <u>and planned measures</u> to effectively prevent, detect and correct irregularities, corruption <u>and in particular high-level corruption</u>, fraud and conflicts of interests, when <u>using and to effectively investigate and prosecute criminal offences affecting</u> the funds provided under the Facility, and the arrangements that aim to avoid double funding from the Facility and other Union programmes as well as other donors. Measures under the Plan should, where appropriate, <u>contribute to ensuring ensure</u> an efficient management and control system. Such measures should be implemented by Ukraine by an indicative date which could <u>should</u> be set, as appropriate depending on	interests of the Union. It should include an explanation of Ukraine's system to effectively prevent, detect and correct irregularities, corruption, fraud and conflicts of interests, when including the effective investigation and prosecution of criminal offences affecting the funds provided under the Facility, and the arrangements that aim to avoid double funding from the Facility and other Union programmes as well as other donors. Measures under the Plan should, where appropriate, contribute to ensuring an efficient and transparent management and control system. Such measures should be implemented by Ukraine by an indicative date which could	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		each measure, over the course of the lifetime of the Facility. <u>Compliance with this plan will be instrumental to both preserve the financial interests of the Union and integrate the acquis communautaire into Ukraine's internal legal order, bringing Ukraine closer to Union membership.</u>	be set, as appropriate depending on each measure, over the course of the lifetime of the Facility.	
Recital 72				
80	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	of the support to Ukraine Plan, implementing powers <u>the Commission</u> 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. <u>empowered to adopt a delegated act.</u>	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 a Council implementing decision.	
Recital 73				
81	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 from other donors or from other sources, such as revenue generated on frozen and	to amend the Council implementing decision<u>delegated act</u>, where the Ukraine Plan, including relevant qualitative and quantitative steps, is no longer achievable by Ukraine, either partially or totally, because of objective circumstances <u>related to the war</u>. The Commission may, in agreement with Ukraine, also make a proposal to amend the Council implementing decision<u>delegated act</u>, 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	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 changes in the circumstances allowing for an increase in ambition or 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	immobilised Russian assets.	frozen and immobilised Russian assets.	other donors or from other sources, such as revenue generated on frozen and immobilised Russian assets.	
Recital 74				
82	(74) Financial support for the Ukraine Plan should be possible in the form of a loan. In the context of Ukraine's urgent financing needs, it is appropriate to organise the financial assistance under the diversified funding strategy provided for in Article 220a of Regulation (EU, Euratom) 2018/1046 and established as a single funding method therein,	(74) Financial support for the Ukraine Plan should be possible in the form of a loan. In the context of Ukraine's urgent financing needs, it is appropriate to organise the financial assistance under the diversified funding strategy provided for in Article 220a of Regulation (EU, Euratom) 2018/1046 and established as a single funding method therein,	(74) Financial support for the Ukraine Plan should be possible in the form of a loan. In the context of Ukraine's urgent financing needs, it is appropriate to organise the financial assistance under the diversified funding strategy provided for in Article 220a of Regulation (EU, Euratom) 2018/1046 and established as a single funding method therein,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which is expected to enhance the liquidity of Union bonds and the attractiveness and cost-effectiveness of Union issuance.	which is expected to enhance the liquidity of Union bonds and the attractiveness and cost-effectiveness of Union issuance.	which is expected to enhance the liquidity of Union bonds and the attractiveness and cost-effectiveness of Union issuance.	
Recital 75				
83	(75) Given the situation of Ukraine caused by Russia's war of aggression and to support Ukraine on its long-term stability path, it is appropriate to provide loans to Ukraine on highly concessional terms with a maximum duration of 35 years and to not start the repayment of the principal before 2034. It is also appropriate to derogate from Article 220(5), point	(75) Given the situation of Ukraine caused by Russia's war of aggression and to support Ukraine on its long-term stability path, it is appropriate to provide loans to Ukraine on highly concessional terms with a maximum duration of 35 years and to not start the repayment of the principal before 2034. It is also appropriate to derogate from Article 220(5), point	(75) Given the situation of Ukraine caused by Russia's war of aggression and to support Ukraine on its long-term stability path, it is appropriate to provide loans to Ukraine on highly concessional terms with a maximum duration of 35 years and to not start the repayment of the principal before 2034. It is also appropriate to derogate from Article 220(5), point	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e), of Regulation (EU, Euratom) 2018/1046 and to allow the Union the possibility to cover, for the period from 1 January 2024 to 31 December 2027, the interest rate costs (cost of funding and cost of liquidity management) and to waive the administrative costs (cost of service for administrative overheads) that would otherwise be borne by Ukraine. The borrowing costs subsidy should be granted as an instrument deemed appropriate to ensure the effectiveness of the support under the Facility within the meaning of Article 220(1) of Regulation (EU, Euratom) 2018/1046.	(e), of Regulation (EU, Euratom) 2018/1046 and to allow the Union the possibility to cover, for the period from 1 January 2024 to 31 December 2027, the interest rate costs (cost of funding and cost of liquidity management) and to waive the administrative costs (cost of service for administrative overheads) that would otherwise be borne by Ukraine. The borrowing costs subsidy should be granted as an instrument deemed appropriate to ensure the effectiveness of the support under the Facility within the meaning of Article 220(1) of Regulation (EU, Euratom) 2018/1046.	(e), of Regulation (EU, Euratom) 2018/1046 and to allow the Union the possibility to cover, for the period from 1 January 2024 to 31 December 2027, the interest rate costs (cost of funding and cost of liquidity management) and to waive the administrative costs (cost of service for administrative overheads) that would otherwise be borne by Ukraine. The borrowing costs subsidy should be granted as an instrument deemed appropriate to ensure the effectiveness of the support under the Facility within the meaning of Article 220(1) of Regulation (EU, Euratom) 2018/1046.	
Recital 76				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
84	(76) It should be possible for Ukraine to request the interest rate subsidy and the waiver of administrative costs each year.	(76) It should be possible for Ukraine to request the interest rate subsidy and the waiver of administrative costs each year.	(76) It should be possible for Ukraine to request the interest rate subsidy and the waiver of administrative costs each year.	
Recital 77				
85	(77) The financial liability from loans under this Regulation should not be supported by the External Action Guarantee, by derogation from Article 31(3), second sentence, of Regulation (EU) 2021/947. Loans type of support under the Facility should constitute financial assistance within the	(77) The financial liability from loans under this Regulation should not be supported by the External Action Guarantee, by derogation from Article 31(3), second sentence, of Regulation (EU) 2021/947. Loans type of support under the Facility should constitute financial assistance within the	(77) The financial liability from loans under this Regulation should not be supported by the External Action Guarantee, by derogation from Article 31(3), second sentence, of Regulation (EU) 2021/947. Loans type of support under the Facility should constitute financial assistance within the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	meaning of Article 220(1) of Regulation (EU, Euratom) 2018/1046. In considering the financial risks and the budgetary coverage, no provisioning should be constituted for the financial assistance in the form of loans under the Facility, as proposed to be guaranteed over and above the ceilings, and, by derogation from Article 211(1) of Regulation (EU, Euratom) 2018/1046, no provisioning rate should be set.	meaning of Article 220(1) of Regulation (EU, Euratom) 2018/1046. In considering the financial risks and the budgetary coverage, no provisioning should be constituted for the financial assistance in the form of loans under the Facility, as proposed to be guaranteed over and above the ceilings, and, by derogation from Article 211(1) of Regulation (EU, Euratom) 2018/1046, no provisioning rate should be set.	meaning of Article 220(1) of Regulation (EU, Euratom) 2018/1046. In considering the financial risks and the budgetary coverage, no provisioning should be constituted for the financial assistance in the form of loans under the Facility, as proposed to be guaranteed over and above the ceilings, and, by derogation from Article 211(1) of Regulation (EU, Euratom) 2018/1046, no provisioning rate should be set.	
Recital 78				
86	(78) It is important to guarantee both flexibility and	(78) It is important to guarantee both flexibility and	(78) It is important to guarantee both flexibility and	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
programmability as well as stability in providing Union support to Ukraine. For that purpose, payments under the Facility should occur according to a fixed quarterly schedule, subject to availability of funding, based on a payment request submitted by Ukraine and following verification by the Commission of the satisfactory fulfilment of the relevant conditions. In case a condition is not fulfilled in accordance with the indicative timeline set in the decision approving the Plan, the Commission should deduct from the payment an amount corresponding to those conditions. The disbursement of the corresponding withheld funds	programmability as well as stability in providing Union support to Ukraine. For that purpose, payments under the Facility should occur according to a fixed quarterly schedule, subject to availability of funding, based on a payment request submitted by Ukraine and following verification by the Commission of the satisfactory fulfilment of the relevant conditions, <u>including all relevant milestones and targets</u>. In case a condition is not fulfilled in accordance with the indicative timeline set in the decision approving the Plan, the Commission should deduct from the payment an amount corresponding to those conditions <u>following a pre-set methodology</u>	programmability as well as stability in providing Union support to Ukraine. For that purpose, payments under the Facility should occur according to a fixed quarterly schedule, subject to availability of funding, based on a payment request submitted by Ukraine and following verificationthe assessment by the Commission of the satisfactory fulfilment of the relevant conditions. In case of a positive assessment, the Commission should submit without undue delay a proposal for a Council implementing decision establishing the satisfactory fulfilment of the conditions for payments. On the basis of the Council implementing decision,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	could take place during the next payment window and up to twelve months after the original deadline set out in the indicative timeline, provided the conditions have been fulfilled.	<u>for partial fulfilment</u>. The disbursement of the corresponding withheld funds could take place during the next <u>a subsequent</u> payment window and up to twelve months after the original deadline set out in the indicative timeline, provided the conditions have been fulfilled.	the Commission should adopt a decision authorising the disbursement. In case a condition is not fulfilled in accordance with the indicative timeline set in the decision approving the Plan, the Commission should deduct from the payment an amount corresponding to those conditions. The disbursement of the corresponding withheld funds could take place during the next payment window and up to twelve months after the original deadline set out in the indicative timeline, provided the conditions have been fulfilled.	
Recital 79				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
87	(79) In order to ensure that Ukraine has access to sufficient financing to cater for its macro-financial stability needs and initiate the recovery, reconstruction and modernisation of the country, Ukraine should have access to up to 7% of the non-repayable financial support and loan in the form of a pre-financing, subject to availability of funding and to the respect of the precondition for the support to Ukraine under the Facility.	(79) In order to ensure that Ukraine has access to sufficient financing to cater for its macro-financial stability needs and initiate the recovery, reconstruction and modernisation of the country, Ukraine should have access to up to 7% of the non-repayable financial support and loan in the form of a pre-financing, subject to availability of funding and to the respect of the precondition for the support to Ukraine under the Facility.	(79) In order to ensure that Ukraine has access to sufficient financing to cater for its macro-financial stability needs and initiate the recovery, reconstruction and modernisation of the country, Ukraine should have access to up to 7% of the non-repayable financial loan support and loan in the form of a pre-financing, subject to availability of funding and to the respect of the precondition for the support to Ukraine under the Facility.	
Recital 80				
88				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(80) By way of derogation from Article 116(2) and (5) of Regulation (EU, Euratom) 2018/1046, it is appropriate to set the payment deadline starting from the date of the communication of the decision authorising the disbursement to Ukraine and to exclude the payment of default interest by the Commission to Ukraine.	(80) By way of derogation from Article 116(2) and (5) of Regulation (EU, Euratom) 2018/1046, it is appropriate to set the payment deadline starting from the date of the communication of the decision authorising the disbursement to Ukraine and to exclude the payment of default interest by the Commission to Ukraine.	(80) By way of derogation from Article 116(2) and (5) of Regulation (EU, Euratom) 2018/1046, it is appropriate to set the payment deadline starting from the date of the communication of the decision authorising the disbursement to Ukraine and to exclude the payment of default interest by the Commission to Ukraine.	
Recital 81				
89	(81) Transparency in the implementation of the Facility is an important requirement of Union support. Ukraine should publish	(81) Transparency in <u>all phases of</u> the implementation of the Facility is an important requirement <u>of ongoing prerequisite to</u> Union	(81) Transparency in the implementation of the Facility is an important requirement of Union support. Ukraine should publish	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
twice a year data on persons and entities receiving amounts of funding exceeding the equivalent of EUR 500 000 for the implementation of reforms and investments specified in the Ukraine Plan. The information should not be published where disclosure risks threatening the rights and freedoms of the persons or entities concerned or seriously harming the commercial interests of the recipients. The framework agreement should include precise rules and a timeframe on the collection of data by Ukraine and the access for the Commission and OLAF, including as regards the format of the information.	support. Ukraine should publish twice a year<u>up to date</u> data on persons, <u>entities and final beneficiaries</u> and entities receiving amounts of funding exceeding the equivalent of EUR 500 000<u>100 000</u> for the implementation of reforms and investments specified in the Ukraine Plan. The <u>disclosure of a legal entities' beneficial owner should be a mandatory precondition for the reception of funding. In addition, a list of the 2000 largest final beneficiaries should be kept up-to-date and published by Ukraine. The</u> information should not be published, <u>if duly justified</u>, where disclosure risks threatening the rights and freedoms of the persons or entities concerned or seriously	twice a year data on persons and, entities receiving amounts of funding cumulatively exceeding the equivalent of EUR 500 000100 000 for the implementation of reforms and investments specified in the Ukraine Plan. The information should not be published where disclosure risks threatening the rights and freedoms of the persons or, entities concerned or seriously harming the commercial interests of the recipients. The framework agreement should include precise rules and a timeframe on the collection of data by Ukraine and the access for the Commission and the European Anti-Fraud Office (OLAF), the European Court of Auditors and, where applicable	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		harming the commercial interests of the recipients. The framework agreement should include precise rules and a timeframe on the collection of data by Ukraine and the access for the Commission, <u>OLAF and where applicable, the European Public Prosecutor's Office (EPPO)</u> and <u>OLAF</u>, including as regards the format of the information <u>and access to information rights for the European and Ukrainian public, as well as the Verkhovna Rada and the European Parliament.</u>	the European Public Prosecutor's Office (EPPO) OLAF, including as regards the format of the information.	
Recital 82				
90				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(82) Under pillar II of the Facility, an investment framework should be set up, aiming to support recovery and reconstruction investments undertaken by private sector companies, municipalities, state-owned enterprises or other actors. The Ukraine Investment Framework should address priorities identified in the Ukraine Plan, and support its objectives and its implementation. The Ukraine Investment Framework should involve Ukrainian authorities in its governance.	(82) Under pillar II of the Facility, an investment framework should be set up, aiming to support recovery and reconstruction investments undertaken by private sector companies, municipalities, state-owned enterprises or other actors. The Ukraine Investment Framework should address priorities identified in the Ukraine Plan, and support its objectives and its implementation. The Ukraine Investment Framework should involve Ukrainian authorities in its governance.	(82) Under pillar II of the Facility, an investment framework should be set up, aiming to support recovery and reconstruction investments undertaken by the Ukrainian authorities, private sector companies, municipalities, state-owned enterprises or other actors. The Ukraine Investment Framework should address priorities identified in the Ukraine Plan, and support its objectives and its implementation. The Ukraine Investment Framework should involve Ukrainian authorities in its governance as appropriate.	
Recital 82a				

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
90a	<u>(82a) In view of the need to coordinate international support to the recovery, reconstruction and modernisation of Ukraine, international organisations, international financial institutions, in particular EIB and the EBRD as key financial institutions, as well as, Member States, national development banks, third countries, or other donors can play a major role in financing or as implementing partners of measures or projects supported by the Facility. National and local private and state-controlled financial institutions in Ukraine can be involved in the implementation of</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>the instruments.</i>		
Recital 83				
91	(83) The investment framework should constitute an integrated financial package supplying financing capacity in the form of financial instruments, budgetary guarantees and blending operations in Ukraine. Support under the Ukraine Investment Framework should be implemented in indirect management, notably drawing on the financial and technical capacities of international financial institutions and European development finance institutions,	(83) The investment framework should constitute an integrated financial package supplying financing capacity in the form of financial instruments, budgetary guarantees and blending operations in Ukraine. Support under the Ukraine Investment Framework should be implemented in indirect management, notably drawing on the financial and technical capacities of international financial institutions and European development finance institutions,	(83) The investment framework should constitute an integrated financial package supplying financing capacity in the form of financial instruments, budgetary guarantees and blending operations in Ukraine. Support under the Ukraine Investment Framework should be implemented in indirect management, notably drawing on the financial and technical capacities of international financial institutions and , European development finance institutions,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	including their participation to the risk linked to investments with their own resources. Given the scale of recovery and reconstruction investments in Ukraine that will require risk-sharing, it is necessary for the Union to establish a dedicated guarantee capacity, the Ukraine Guarantee. Operations covered by the Ukraine Guarantee will be implemented in accordance with Article 208(4) of Regulation (EU, Euratom) 2018/1046. Export credit agencies and other financial institutions providing trade facilitation support may act as financial intermediaries. In implementing and managing the Ukraine Guarantee, the Commission should ensure close	including their participation to the risk linked to investments with their own resources. Given the scale of recovery and reconstruction investments in Ukraine that will require risk-sharing, it is necessary for the Union to establish a dedicated guarantee capacity, the Ukraine Guarantee. Operations covered by the Ukraine Guarantee will be implemented in accordance with Article 208(4) of Regulation (EU, Euratom) 2018/1046. Export credit agencies and other financial institutions providing trade facilitation support may act as financial intermediaries. In implementing and managing the Ukraine Guarantee, the Commission should ensure close	bilateral European finance institutions and export credit agencies, including their participation to the risk linked to investments with their own resources. Given the scale of recovery and reconstruction investments in Ukraine that will require risk-sharing, it is necessary for the Union to establish a dedicated guarantee capacity, the Ukraine Guarantee. Operations covered by the Ukraine Guarantee will be implemented in accordance with Article 208(4) of Regulation (EU, Euratom) 2018/1046. Export credit agencies and other financial institutions providing trade facilitation support may act as financial intermediaries. In implementing and managing the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	coordination with support implemented in the framework of the European Fund for Sustainable Development Plus established under Regulation (EU) 2021/947.	coordination with support implemented in the framework of the European Fund for Sustainable Development Plus established under Regulation (EU) 2021/947.	Ukraine Guarantee, the Commission should ensure close coordination with support implemented in the framework of the European Fund for Sustainable Development Plus established under Regulation (EU) 2021/947. The Ukraine Guarantee should benefit sovereign, sub-sovereign, non-commercial and commercial entities and the private sector.	
Recital 83a				
91a			(83a) Given its role under the Treaties and its experience over the last decades in supporting Union policies and in particular	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			its experience in supporting operations in Ukraine, the EIB should play a prominent role for the implementation of operations under the Ukraine Guarantee. For this reason, the EIB Group should be entrusted until 31 July 2026 with the implementation of a 25% dedicated indicative minimum amount of the Ukraine Guarantee for operations with sovereign counterparts and non-commercial sub-sovereign counterparts. In order to ensure the full use of the Ukraine Guarantee, after that date the unused part of the dedicated amounts should become available to all eligible counterparts for all types of operations.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 84				
92	(84) The flexibility of the support under the Facility should be enhanced by providing for flexible implementation of the Ukraine Guarantee, which might be granted gradually. It is appropriate to derogate from Article 211(2), second sentence, of the second subparagraph of Regulation (EU, Euratom) 2018/1046 to allow the constitution of provisioning until 31 December 2027 to be equal to the amount of provisioning corresponding to the guarantee granted instead of the amount of global provisioning. As part of the	(84) The flexibility of the support under the Facility should be enhanced by providing for flexible implementation of the Ukraine Guarantee, which might be granted gradually. It is appropriate to derogate from Article 211(2), second sentence, of the second subparagraph of Regulation (EU, Euratom) 2018/1046 to allow the constitution of provisioning until 31 December 2027 to be equal to the amount of provisioning corresponding to the guarantee granted instead of the amount of global provisioning. As part of the	(84) The flexibility of the support under the Facility should be enhanced by providing for flexible implementation of the Ukraine Guarantee, which might be granted gradually. It is appropriate to derogate from Article 211(2), second sentence, of the second subparagraph of Regulation (EU, Euratom) 2018/1046 to allow the constitution of provisioning until 31 December 2027 to be equal to the amount of provisioning corresponding to the guarantee granted instead of the amount of global provisioning. As part of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	derogation, it should also be possible to constitute the provisioning gradually to reflect the progress in selection and implementation of the financing and investment operations supporting the objectives of the Facility, instead of reflecting the financial statement referred to in Article 211(2), second sentence, of the second subparagraph of Regulation (EU, Euratom) 2018/1046.	derogation, it should also be possible to constitute the provisioning gradually to reflect the progress in selection and implementation of the financing and investment operations supporting the objectives of the Facility, instead of reflecting the financial statement referred to in Article 211(2), second sentence, of the second subparagraph of Regulation (EU, Euratom) 2018/1046.	derogation, it should also be possible to constitute the provisioning gradually to reflect the progress in selection and implementation of the financing and investment operations supporting the objectives of the Facility, instead of reflecting the financial statement referred to in Article 211(2), second sentence, of the second subparagraph of Regulation (EU, Euratom) 2018/1046.	
Recital 85				
93	(85) In order to efficiently use the funds under this pillar, the power	(85) In order to efficiently use the funds under this pillar, the power	(85) In order to efficiently use the funds under this pillar, the power	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the provisioning rate for the Ukraine guarantee. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the provisioning rate for the Ukraine guarantee. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the provisioning rate for the Ukraine guarantee. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	
Recital 85a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
93a		<u>(85a) To facilitate the private investment and the development of small and medium businesses, it is necessary to dedicate a portion of the funds backed by the Ukraine Guarantee to start-ups, Small and Medium-sized Enterprises (SMEs), as defined in Article 2 of the Annex to Recommendation 2003/361/EC, and to report and track the allocation of such portion of funds.</u>		
Recital 86				
94	(86) Under pillar III of the	(86) Under pillar III of the	(86) Under pillar III of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Facility, support should mainly aim at progressively aligning to Union rules, standards, policies and practices (‘acquis’) with a view to future Union membership, thereby contributing to the implementation of the Ukraine Plan. Relevant recommendations of international bodies, such as the Council of Europe and the Venice Commission should also be taken into account in this process. Support should also aim at strengthening stakeholders, including social partners, civil society organisations and local authorities’ capacities.	Facility, support should mainly aim at progressively aligning to Union rules, standards, policies and practices (‘acquis’) with a view to future Union membership, thereby contributing to the implementation of the Ukraine Plan. Relevant recommendations of international bodies <u>and regional alliances</u>, such as the Council of Europe and the Venice Commission should also be taken into account in this process. Support should also aim at strengthening stakeholders, including <u>democratic institutions</u>, <u>courts</u>, social partners, civil society organisations and local authorities’ capacities <u>as well as the capacity building of civil society actors</u> <u>including in their public scrutiny role</u>.	Facility, support should mainly aim at progressively aligning to Union rules, standards, policies and practices (‘acquis’) with a view to future Union membership, thereby contributing to the implementation of the Ukraine Plan. Relevant recommendations of international bodies, such as the Council of Europe and the Venice Commission should also be taken into account in this process. Support should also aim at strengthening stakeholders, including social partners, civil society organisations and local authorities’ capacities.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 86a				
94a			(86a) The resources from Pillar III should also be used to finance the borrowing costs of the Facility as well as identified borrowing costs and provisioning of budgetary guarantees deriving from previous support programmes for Ukraine.	
Recital 87				
95	(87) In accordance with	(87) In accordance with	(87) In accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU, Euratom) 2018/1046, Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council and Council Regulations (EC, Euratom) No 2988/95, (Euratom, EC) No 2185/96 and (EU) 2017/1939, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, fraud, corruption, conflict of interest, double funding, to the recovery of funds lost, wrongly paid or incorrectly used.	Regulation (EU, Euratom) 2018/1046, Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council and Council Regulations (EC, Euratom) No 2988/95, (Euratom, EC) No 2185/96 and (EU) 2017/1939 <u>and Directive (EU) 2017/1371 of the European Parliament and of the Council</u>, the financial interests of the Union are to be protected by means of proportionate<u>effective</u> measures, including measures relating to the prevention, detection, correction and investigation of irregularities, fraud, corruption, conflict of interest, double funding, to the recovery of funds lost, wrongly paid or incorrectly used, <u>and measures to effectively investigate,</u>	Regulation (EU, Euratom) 2018/1046, Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council and Council Regulations (EC, Euratom) No 2988/95, (Euratom, EC) No 2185/96 and (EU) 2017/1939, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, fraud, corruption, conflict of interest, double funding, to the recovery of funds lost, wrongly paid or incorrectly used.	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>prosecute and bring to judgment the perpetrators of, and accomplices to, criminal offences affecting the funds provided under the Facility. The Commission services should be provided with sufficient administrative capacities and personnel to ensure these objectives.</u>		
Recital 87a			
95a	<u>(87a) Whereas, in accordance with Regulation (EU) 2017/1939, the EPPO is competent in respect of the criminal offences affecting the financial interests of the Union, even if the main criminal</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>conduct takes place outside the Union, subject to extraterritorial jurisdiction of a participating EPPU Member State over an offence affecting the financial interests of the Union, it is essential, in accordance with Article 24(1) of that Regulation, that the Commission, the Audit Board and OLAF report to the EPPU, without undue delay, any criminal conduct affecting the funds awarded under this Regulation, with a view to EPPU assessing its competence and, if appropriate, initiating an investigation. It is furthermore essential that Ukrainian competent authorities treat, without delay, mutual legal assistance requests and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>extradition requests issued by EPPO and Member States' competent authorities in relation to these funds, in accordance with the relevant instruments concerning international cooperation in criminal matters.</u>		
Recital 88				
96	(88) In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) should be in a position to carry out administrative investigations, including on-the-spot checks and inspections, with a	(88) In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) should be in a position to carry out administrative investigations, including on-the-spot checks and inspections, with a	(88) In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) should be in a position to carry out administrative investigations, including on-the-spot checks and inspections, with a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.	view to <u>detecting and</u> establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union <u>and to reporting any criminal conduct to the EPPO, in accordance with Article 24(1) of Regulation (EU) 2017/1939.</u>	view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.	
Recital 89				
97	(89) In accordance with Regulation (EU, Euratom) 2018/1046, the necessary rights and access should be granted to the Commission OLAF, the European Court of Auditors and, where	(89) In accordance with Regulation (EU, Euratom) 2018/1046, the necessary rights and access should be granted to the Commission, <u>the European Parliament</u> , OLAF, the European	(89) In accordance with Regulation (EU, Euratom) 2018/1046, the necessary rights and access should be granted to the Commission OLAF, the European Court of Auditors and, where	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	applicable the European Public Prosecutor's Office (EPPO) where relevant, including from third parties involved in the implementation of Union funds. Ukraine should also report irregularities in relation to the use of the funds to the Commission.	Court of Auditors and, where applicable the European Public Prosecutor's Office (EPPO) where relevant, including from third parties involved in the implementation of Union funds. Ukraine should also <u>use the <i>Early Detection and Exclusion System</i></u> <u>and</u> report irregularities in relation to the use of the funds to the Commission.	applicable the European Public Prosecutor's Office (EPPO) where relevant, including from third parties involved in the implementation of Union funds. Ukraine should also report irregularities in relation to the use of the funds to the Commission.	
Recital 90				
98	(90) The reinforcement of internal control systems, the fight against corruption, the promotion of transparency, good administration,	(90) The reinforcement of internal control systems, <u>including <i>ex-ante controls</i></u> , the fight against <u>any forms of</u> corruption, <u>nepotism</u> ,	(90) The reinforcement of internal control systems, the fight against corruption, the promotion of transparency, good robust ,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and efficient public financial management are important reform priorities for Ukraine and should be supported by the Facility.	<u>favouritism or fraud</u> , the promotion of transparency, good administration, and efficient public financial management, <u>and verification by an independent external auditor</u> , are important reform priorities <u>for Ukraine and increase the legitimacy of support</u> for Ukraine and should be supported by the Facility.	accountable and transparent administration, and efficient public financial management are important reform priorities for Ukraine and should be supported by the Facility.	
Recital 91				
99	(91) The Commission should ensure that the financial interests of the Union are effectively protected under the Facility. To this end, an independent Audit Board should be	(91) The Commission should ensure that the financial interests of the Union are effectively protected under the Facility. To this end, an independent Audit Board should be	(91) The Commission should ensure that the financial interests of the Union are effectively protected under the Facility. To this end, an independent Audit Board should be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	set up to provide the Commission with information on possible mismanagement of funds. Such information should be made available to OLAF and where appropriate to the relevant Ukrainian authorities. The Commission, with the assistance of the Union delegation, should be entitled to perform checks on how Ukraine implements funds along the whole project life cycle. The Audit Board should ensure regular dialogue and cooperation with the European Court of Auditors.	set up to provide the Commission with information on possible mismanagement of funds <u>and guarantee that a declaration of assurance is obtained through an independent external audit. The Audit Board should be subject to the reporting obligations to EPPO, in accordance with Article 24(1) of Regulation (EU) 2017/1939</u>. Such information should be made available to OLAF, <u>EPPO</u> and where appropriate to the relevant Ukrainian authorities, <u>in particular the Accounting Chamber of the Verkhovna Rada</u>. The Commission, with the assistance of the Union delegation, should be entitled to perform <u>regular</u> checks on how Ukraine implements funds along the whole	set up to provideassist the Commission with information on fighting a possible mismanagement of funds by, among other, providing information to the Commission. Such information should be made available to OLAF and where appropriate to the relevant Ukrainian authorities. The Commission, with the assistance of the Union delegation, should be entitled to perform checks on how Ukraine implements funds along the whole project life cycle. The Audit Board should ensure regular dialogue and cooperation with the European Court of Auditors.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		project life cycle. <u>The Commission should be provided with sufficient funding and human resources to perform the audit and checks.</u> The Audit Board should ensure regular dialogue and cooperation with the European Court of Auditors.		
Recital 92				
100	(92) While it is primarily the responsibility of Ukraine to ensure that the Facility is implemented in compliance with applicable standards, taking into account the principle of proportionality and the specific conditions under which the Facility will operate, the	(92) While it is primarily the responsibility of Ukraine to ensure that the Facility is implemented in compliance with applicable standards, taking into account the principle of proportionality and the specific conditions under which the Facility will operate, the	(92) While it is primarily the responsibility of Ukraine to ensure that the Facility is implemented in compliance with applicable standards, taking into account the principle of proportionality and the specific conditions under which the Facility will operate, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission should be able to receive sufficient assurance from Ukraine in that regard. To that end, Ukraine should commit in the Plan to improve its current management and control system and to recovering amounts misused. Ukraine should establish a monitoring system feeding into an annual progress report. Ukraine should collect data and information allowing the prevention, detection and correction of irregularities, fraud, corruption and conflicts of interests, in relation to the measures supported by the Facility. The framework agreement and the financing and loan agreements should provide for the obligations of Ukraine to ensure the collection of, and access to, adequate data on	Commission should be able to receive sufficient assurance from Ukraine in that regard. To that end, Ukraine should commit in the Plan to improve its current management and control system and to recovering amounts misused. Ukraine should <u>also commit in the Plan to improve detection, investigation and prosecution of criminal offences affecting the funds provided under the Facility. In that regard, Ukraine should commit to ensure that the competent Ukrainian authorities would treat, without delay, mutual legal assistance requests and extradition requests issued by the EPPU and Member States' competent authorities. Ukraine should</u> establish a monitoring	Commission should be able to receive sufficient assurance from Ukraine in that regard. To that end, Ukraine should commit in the Plan to improve its current management and control system and to recovering amounts misused. Ukraine should establish a monitoring system feeding into an annual progress report. Ukraine should collect data and information allowing the prevention, detection and correction of irregularities, fraud, corruption and conflicts of interests, in relation to the measures supported by the Facility. The framework agreement and the financing and loan agreements should provide for the obligations of Ukraine to ensure the collection of, and access to, adequate data on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	persons and entities receiving funding for the implementation of measures of the Ukraine Plan.	system feeding into an annual progress report. Ukraine should collect data and information allowing the prevention, detection and correction of irregularities, fraud, corruption and conflicts of interests, in relation to the measures supported by <u>and allowing to effectively investigate, prosecute and bring to judgment the perpetrators of, and accomplices to, criminal offences affecting the funds provided under</u> the Facility. The framework agreement and the financing and loan agreements should provide for the obligations of Ukraine to ensure the collection of, and access to, adequate data <u>and information</u> on persons and entities receiving funding for the implementation of	persons and entities receiving funding for the implementation of measures of the Ukraine Plan.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		measures of the Ukraine Plan. The framework agreement, the financing agreement and the loan agreement should be made available to the European Parliament, the Council and the Verkhovna Rada.		
Recital 93				
101	(93) The Union financial interests should also be protected when the funds are implemented in direct management through grants and procurement and indirect management with pillar assessed entities, in particular under the second and third pillar of the	(93) The Union financial interests should also be protected when the funds are implemented in direct management through grants and procurement and indirect management with pillar assessed entities, in particular under the second and third pillar of the	(93) The Union financial interests should also be protected when the funds are implemented in direct management through grants and procurement and indirect management with pillar assessed entities, in particular under the second and third pillar of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Facility.	Facility.	Facility.	
Recital 94				
102	(94) Work programmes should be adopted to implement the assistance under the Facility.	(94) Work programmes should be adopted to implement the assistance under the Facility.	(94) Work programmes Assistance under the Facility should be adopted to implement the assistance under the Facility implemented by work programmes referred to in Article 110 of Regulation (EU, Euratom) 2018/1046 .	
Recital 95				
103				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(95) The communication capacities of Ukraine should be enhanced in order to ensure existence of strong and free pluralistic media and public support for and understanding of Union values and the benefits and obligations of potential Union membership, while addressing disinformation. Visibility of the Union funding should also be ensured.	(95) The communication capacities of Ukraine should be enhanced in order to ensure existence of strong and free pluralistic media and public <u>support for and to promote</u> understanding of Union values and the benefits and obligations of potential Union membership, while addressing disinformation, <u>foreign information manipulation and interference</u>. Visibility of the Union funding should also <u>needs to</u> be ensured.	(95) The communication capacities of Ukraine should be enhanced in order to ensure existence of strong and free pluralistic media and public support for and understanding of Union values and the benefits and obligations of potential Union membership, while addressing disinformation and safeguarding strong and free pluralistic media. Visibility of the Union funding should also be ensured.	
Recital 96				
104	(96) The Commission should	(96) The Commission should	(96) The Commission should	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ensure clear monitoring and evaluation mechanisms are in place in order to provide effective accountability and transparency in implementing the Union budget, and to ensure effective assessment of progress towards the achievement of this Regulation's objectives.	ensure clear monitoring and evaluation mechanisms are in place in order to provide effective accountability and transparency in implementing the Union budget, and to ensure effective assessment of progress towards the achievement of this Regulation's objectives.	ensure clear monitoring and evaluation mechanisms are in place in order to provide effective accountability and transparency in implementing the Union budget, and to ensure effective assessment of progress towards the achievement of this Regulation's objectives.	
Recital 97				
105	(97) The Commission should assess each year the implementation of support under the Ukraine Facility. It should allow the Committee established by this Regulation to have	(97) The Commission should assess each year the implementation of support under the Ukraine Facility. It should allow the Committee established by this Regulation to have	(97) The Commission should assess each year the implementation of support under the Ukraine Facility. It should allow the Committee established by this Regulation to have	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	adequate information to assist the Commission. For the effective monitoring of implementation, Ukraine should report once a year in an annual progress report on the implementation. Such reports prepared by the government should be appropriately reflected in the Ukraine Plan. Proportionate reporting requirements should be imposed on recipients of Union funding implemented under the second and third pillars of the Facility.	adequate information to assist the Commission. <u>This information should also be made available to the European Parliament and the Council.</u> For the effective monitoring of implementation, Ukraine should report once a year in an annual progress report on the implementation. Such reports prepared by the government should be appropriately reflected in the Ukraine Plan. Proportionate reporting requirements should be imposed on recipients of Union funding implemented under the second and third pillars of the Facility.	adequate information to assist the Commission. For the effective monitoring of implementation, Ukraine should report once a year in an annual progress report on the implementation. Such reports prepared by the government should be appropriately reflected in the Ukraine Plan. Proportionate reporting requirements should be imposed on recipients of Union funding implemented under the second and third pillars of the Facility.	
Recital 98				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
106	(98) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	(98) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	(98) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 98a				
106a			(98a) In view of the importance of the financial effects of the support to Ukraine under the Facility and of the consequences of certain decisions to be taken for the implementation of the Facility in light of the specific situation of Ukraine, implementing powers should be conferred on the Council in the cases identified by this Regulation.	
Recital 99				
107				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(99) The Commission will duly take into account Council decision 2010/427/EU and the role of the EEAS where appropriate, and in particular when monitoring the fulfilment of the precondition for Union support, in its assessment of the Ukraine plan and while gathering advice on the Ukraine investment framework.	(99) The Commission will duly take into account Council decision 2010/427/EU and the role of the EEAS where appropriate, and in particular when monitoring the fulfilment of the precondition for Union support, in its assessment of the Ukraine plan and while gathering advice on the Ukraine investment framework.	(99) The Commission will should duly take into account Council decision 2010/427/EU and the role of the EEAS where appropriate, and in particular when monitoring the fulfilment of the precondition for Union support, in its assessment of the Ukraine plan and while gathering advice on the Ukraine investment framework.	
	Recital 100			
108	(100) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can be better achieved at Union level, the Union may adopt	(100) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can be better achieved at Union level, the Union may adopt	(100) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can be better achieved at Union level, the Union may adopt	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.	
Recital 101				
109	(101) In order to ensure continuity in providing support in the relevant policy area, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the Official Journal of the European Union,	(101) In order to ensure continuity in providing support in the relevant policy area, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the Official Journal of the European Union,	(101) In order to ensure continuity in providing support in the relevant policy area, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the Official Journal of the European Union,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
110	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
CHAPTER I				
111	CHAPTER I General provisions	CHAPTER I General provisions	CHAPTER I General provisions	
Article 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
112	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1(1), first subparagraph				
113	1. This Regulation establishes the Ukraine Facility (the ‘Facility’).	1. This Regulation establishes the Ukraine Facility (the ‘Facility’).	1. This Regulation establishes the Ukraine Facility (the ‘Facility’) for the period 2024 to 2027.	
Article 1(1), second subparagraph				
114	It lays down the objectives of the	It lays down the objectives of the	It lays down the objectives of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Facility, its financing, the budget for the period 2024-2027, the forms of Union funding under it and the rules for providing such funding.	Facility, its financing, the budget for the period 2024-2027, the forms of Union funding under it and the rules for providing such funding.	Facility, its financing, the budget for the period 2024-2027, the forms of Union funding under it and the rules for providing such funding.	
Article 1(2)				
115	2. The Facility shall provide assistance to Ukraine under the following three pillars:	2. The Facility shall provide assistance to Ukraine under the following three pillars:	2. The Facility shall provide assistance to Ukraine under the following three pillars:	
Article 1(2), point (a)				
116	(a) Pillar I: financial support to be	(a) Pillar I: financial support to be	(a) Pillar I: financial support to be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provided to Ukraine for the delivery of reforms and investments to implement the Ukraine Plan as well as to maintain macro-financial stability of the country, as set out in Chapter III;	provided to Ukraine for the delivery of reforms and investments to implement the Ukraine Plan as well as to maintain macro-financial stability of the country, as set out in Chapter III;	provided to Ukraine for the delivery of reforms and investments to implement the Ukraine Plan as well as to maintain macro-financial stability of the country, as set out in Chapter III;	
Article 1(2), point (b)				
117	(b) Pillar II: a specific Ukraine Investment Framework to support investments and provide access to finance as set out in Chapter IV;	(b) Pillar II: a specific Ukraine Investment Framework to support investments and provide access to finance as set out in Chapter IV;	(b) Pillar II: a specific Ukraine Investment Framework to support investments and provide access to finance as set out in Chapter IV;	
Article 1(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
118	(c) Pillar III: technical assistance and related support to Ukraine to design and implement EU accession-related reforms and to foster Ukraine's administrative capacity, as well as other relevant activities, as set out in Chapter V.	(c) Pillar III: technical assistance and related support to Ukraine to design and implement EU accession-related reforms and to foster Ukraine's administrative capacity, as well as other relevant activities, as set out in Chapter V.	(c) Pillar III: technical assistance and related support to Ukraine to design and implement EU accession-related reforms and to foster Ukraine's administrative capacity, borrowing cost subsidies and provisioning , as well as other relevant activities, as set out in Chapter V.	
Article 2				
119	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph				
120	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	
Article 2, first paragraph, point (1)				
121	1. 'Framework agreement' means an arrangement concluded between the Commission and Ukraine laying down the principles of the financial cooperation between Ukraine and the Commission under this Regulation.	1. 'Framework agreement' means an arrangement concluded between the Commission and Ukraine laying down the principles of the financial cooperation between Ukraine and the Commission under this Regulation.	1. 'Framework agreement' means an arrangement concluded between the Commission and Ukraine laying down the principles of the financial cooperation between Ukraine and the Commission under this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (2)				
122	2. 'Measures' means reforms and investments under the Ukraine Plan set out in Chapter III.	2. 'Measures' means reforms and investments under the Ukraine Plan set out in Chapter III.	2. 'Measures' means reforms and investments under the Ukraine Plan set out in Chapter III.	
Article 2, first paragraph, point (3)				
123	3. 'Conditions' means qualitative or quantitative steps relating to ensuring the maintenance of economic and financial stability or relating to the implementation of the reforms and investments set out in the Ukraine Plan set out in Chapter III.	3. 'Conditions' means qualitative or quantitative steps relating to ensuring the maintenance of economic and financial stability or relating to the implementation of the reforms and investments set out in the Ukraine Plan set out in Chapter III.	3. 'Conditions' means qualitative or quantitative steps relating to ensuring the maintenance of economic and financial stability or relating to the implementation of the reforms and investments set out in the Ukraine Plan set out in Chapter III.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (4)			
124	4. ‘Blending operation’ means an operation supported by the Union budget that combines non-repayable forms of support or repayable forms of support or both, from the Union budget with repayable forms of support from development or other public finance institutions, or from commercial finance institutions and investors.	4. ‘Blending operation’ means an operation supported by the Union budget that combines non-repayable forms of support or repayable forms of support or both, from the Union budget with repayable forms of support from development or other public finance institutions, or from commercial finance institutions and investors.	4. ‘Blending operation’ means an operation supported by the Union budget that combines non-repayable forms of support or repayable forms of support or both, from the Union budget with repayable forms of support from development or other public or commercial finance institutions, or from commercial finance institutions and including export credit agencies, or from investors.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3				
125	Article 3 Objectives of the Ukraine Facility	Article 3 Objectives of the Ukraine Facility	Article 3 Objectives of the Ukraine Facility	
Article 3(1)				
126	1. The general objectives of the Facility shall be to support Ukraine to:	1. The general objectives of the Facility shall be to support Ukraine to:	1. The general objectives of the Facility shall be to support Ukraine to:	
Article 3(1), point (a)				
127				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) address the social, economic and environmental consequences of the war, thereby contributing to the recovery, reconstruction and modernisation of the country;	(a) address the social, economic and environmental <u>and</u> <u>psychological</u> consequences of the <u>Russia's war of aggression</u> , thereby contributing to the recovery, reconstruction, <u>restoration</u> and modernisation of the country <u>and to the post-war recovery of Ukrainian society</u> ;	(a) address the social, economic and environmental consequences of the war, thereby contributing to the peaceful recovery, reconstruction and modernisation of the country;	
Article 3(1), point (b)				
128	(b) foster social, economic and environmental resilience and progressive integration into the Union and global economy and markets;	(b) foster <u>democratic</u> , social, economic and environmental <u>and</u> <u>territorial cohesion and</u> resilience and progressive integration into the Union and global economy and markets <u>and upward economic</u> ,	(b) foster social cohesion , economic and environmental resilience and progressive integration into the Union and global economy and markets;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>social and environmental convergence towards EU standards;</u>		
Article 3(1), point (ba)				
128a		<u>(ba) improve access to capital, including through advancing the institutional banking and insurance framework, to strengthen entrepreneurial activity and advanced research and development;</u>		
Article 3(1), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
129	(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.	(c) <u>provide additional support for Ukraine in adopting and implementing the political, institutional, legal, administrative, social and economic reforms required, to progressively align withto Union rules, values, standards, policies and practices ('acquis') with a view to future Union membership, thereby contributing to mutual stability, security, peace, prosperity and sustainability.</u>	(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.	
Article 3(2)				
130				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. The specific objectives of the Facility shall include:	2. The specific objectives of the Facility shall include:	2. The specific objectives of the Facility shall include:	
Article 3(2), point (a)				
131	(a) help maintain the macro-financial stability of the country and ease Ukraine's external and internal financing constraints;	(a) help maintain the macro-financial stability of the country and ease Ukraine's external and internal financing constraints, <u>in particular by providing temporary payment support, including for recurring expenses, as part of macro-economic assistance to ensure fiscal stability and the continued functioning of the Ukrainian State;</u>	(a) help maintain maintaining the macro-financial stability of the country and ease Ukraine's external and internal financing constraints;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3(2), point (b)				
132	(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	(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, <u>educational and cultural infrastructure</u>, and foster modern, improved and resilient infrastructures; restore food production capacities; help address social <u>and health</u> challenges stemming from the war <u>and, improve and strengthen the social care systems and their accessibility</u>, including <u>with regard to psychological and psychosocial rehabilitation, in particular</u> for	(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 children and youth, persons with disabilities, older people, minorities and other persons in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	effort;	specific groups such as war<u>affected by the war, such as</u> veterans, Internally Displaced Persons, single parents, disabled people, minorities and other vulnerable<u>war widows and</u> <u>widowers, orphans, children,</u> <u>especially those without parental</u> <u>care, including children in or</u> <u>from institutions,</u> persons; contribute to the demining effort <u>with disabilities, people with long-</u> <u>term health conditions inflicted by</u> <u>the war, minorities, young and</u> <u>elderly people, and other persons</u> <u>at-risk;</u>	vulnerable persons<u>situations</u>; contribute to the demining effort<u>and other mine action</u> <u>efforts;</u>	
Article 3(2), point (ba)				
132a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(ba) strengthen cyber security and defence as well as resilience against disinformation, foreign information manipulation and interference; contribute to the demining and decontamination effort as enablers of recovery and reconstruction work;</u>		
Article 3(2), point (c)				
133	(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	(c) foster the transition to a sustainable , <u>climate neutral</u> and inclusive economy and a stable investment environment; support the integration of Ukraine into the <u>Union's</u> Single Market; repair, rebuild and improve social	(c) (d) 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, safeguard and improve social	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 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	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, and reskilling and upskilling; and employment policies, including for researchers; support culture and cultural heritage; social, sports, youth and healthcare facilities, with a specific emphasis on trauma care, schools and higher education institutions considering local security requirements and research infrastructure; strengthen strategic economic sectors and support investment and private sector development, with a focus	infrastructure, such as housing, healthcare facilities, schools and higher education institutions, and research and cultural infrastructure; strengthen economic and social development and cohesion, address poverty, with particular attention to women and youth, including through quality education, training, reskilling and upskilling, and employment policies, including for researchers; promote science and research; support the creative sector and independent media; support culture and cultural heritage; strengthen strategic economic sectors and support investment and private sector development, with a focus on small and medium-sized enterprises (SMEs) and innovation,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	banking sector and capital markets; increase domestic revenue mobilisation; strengthen Ukraine's ability to trade;	on small and medium sized enterprises (SMEs) and innovation and social development and <u>inclusion, with particular attention to women and girls</u>, 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 <u>youth, including through quality education, training, reskilling and upskilling, exchange programmes for students, researchers and public servants, and employment policies, including for researchers;</u>	as well as on inter alia, by promoting equal opportunities of access to funding regardless of the size of companies. Support agriculture and rural development, aquaculture and fisheries, including the alignment with EU standards and control systems concerning food safety, animal and plant health, as well as animal welfare; reform; restructure Ukraine's financial markets, including banking sector and capital markets; increase domestic revenue mobilisation; strengthen Ukraine's ability to trade;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3(2), point (ca)				
133a		<u>(ca) support culture and cultural heritage; strengthen strategic economic sectors; foster an institutional framework for investment and competition to enable private citizens, micro-businesses, start-ups, and small and medium-sized business to develop modern and competitive products and services, increasing Ukraine's capacity to sustainably process its natural resources and market value-add products; support for sustainable agriculture and rural development, aquaculture and</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>fisheries; restructure Ukraine's financial markets, including banking sector and capital markets, improving the access to loans and insurance coverage; increase domestic revenue mobilisation; strengthen Ukraine's ability to trade; take steps into reorienting the economy of Ukraine from a resource-centric model to a competitive framework akin to Member States' model, diversifying and transitioning away from a heavy reliance on natural resources;</u>		
Article 3(2), point (d)			
134			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) further strengthen the rule of law, democracy, the respect of human rights and fundamental freedoms, including through promoting an independent judiciary, reinforced security, the fight against fraud, corruption, organised crime and money laundering, tax evasion and tax fraud; compliance with international law; strengthen freedom of media and academic freedom and an enabling environment for civil society; foster social dialogue; promote non-discrimination and tolerance, to ensure and strengthen respect for the rights of persons belonging to minorities and the promotion of gender equality; reinforce the effectiveness of public	(d) further strengthen the rule of law, democracy, the respect of human rights and fundamental freedoms, including through promotingstrengthening <u>democratic institutions, in particular the Verkhovna Rada, as well as regional and municipal representative bodies, and their powers of oversight and inquiry over the distribution of and access to public funds; promote an</u> independent judiciary, reinforced security; <u>and strengthen</u> the fight against fraud, corruption, <u>and high level corruption</u>, organised crime, <u>favouritism, oligarchic structures</u> and money laundering, <u>aggressive tax planning, tax avoidance</u>, tax evasion and tax fraud, <u>and illicit firearms trafficking; fully abide by</u>	(d) (c) further strengthen the rule of law, democracy, the respect of human rights and fundamental freedoms, including through promoting an independent judiciary, reinforced security including security against hybrid threats such as cyber threats, the fight against fraud, corruption, organised crime and money laundering, tax evasion and tax fraud, and illicit trafficking of cultural property; compliance with international law; strengthen freedom of media, artistic and academic freedom and an enabling environment for civil society; foster social dialogue; promote non-discrimination and tolerance, to ensure and strengthen respect for the rights of persons belonging to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	administration and support transparency, structural reforms and good governance at all levels, including in the areas of public financial management and public procurement and State aid; support initiatives and bodies involved in supporting and enforcing international justice in Ukraine;	<u>the principles of a free market economy characterized by free and undistorted competition that bars all anti-competitive practices; strengthen</u> - compliance with international law; strengthen freedom <u>and independence</u> of media and academic freedom and <u>as well as</u> an enabling environment for civil society; foster social dialogue <u>and civil society involvement</u>; promote non-discrimination and tolerance, to ensure and strengthen respect for the rights of persons belonging to <u>all</u> minorities <u>such as ethnic, religious, LGBTI</u>, and the promotion of gender equality, <u>gender mainstreaming and the overall empowerment of women and girls, as well as, the rights of</u>	minorities and the promotion of gender equality and the empowerment of women; reinforce the effectiveness of public administration and support transparency, structural reforms and good governance at all levels, including in the areas of public financial management and public procurement, competition and State aid; support initiatives and bodies involved in supporting and enforcing international justice in Ukraine;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>children and persons with disabilities</u>; reinforce the effectiveness of public administration, <u>ensure access to information and the participation of civil society and youth in decision making processes and public scrutiny</u>, and support transparency, structural reforms and good governance at all levels, including in the areas of public financial management and public procurement and State aid; support initiatives and bodies <u>and organisations</u> involved in supporting and enforcing <u>democracy</u>, international justice <u>and anti-corruption efforts</u> in Ukraine;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3(2), point (da)				
134a		<u>(da) create the conditions for Ukrainian Internally Displaced Persons and persons under temporary protection to come back home and get reintegration into the social and economic life of the country; create conditions for the reintegration of children and youth, including through the educational programmes supported by the Union so as to fill where necessary the educational gap resulting from the war circumstances; address the needs of young war veterans by providing opportunities for social integration and tackling war-</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>caused traumas;</u>		
Article 3(2), point (e)				
135	(e) develop and strengthen a sustainable green transition in all economic sectors, including the transition towards the decarbonisation of its economy; promote the digital transformation as an enabler for sustainable development and inclusive growth;	(e) develop and strengthen a sustainable green transition in all economic sectors, including the Ukraine's <u>transition towards climate neutrality, in accordance with the Paris Agreement;</u> <u>improve the awareness of and fight against environmental crime through the full implementation of the Kyiv Protocol on Pollutant Release and Transfer Registers and ensuring compliance with nature protection laws</u>the <u>decarbonisation of its economy;</u>	(e) develop and strengthen environmental protection, a sustainable and just green transition in all economic sectors, including the transition towards the decarbonisation of its economy; promote the digital transformation as an enabler for sustainable development and inclusive growth;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		promote the digital transformation as an enabler for sustainable development and inclusive growth; <u>ensure ecological rehabilitation following the environmental damages inflicted by military operations and contribute to decontamination, the demining effort and clearance of other explosive remnants of war as well as oil or chemical pollution caused by military activity; contribute to the efforts to document, map and measure the damage and related consequences;</u>		
Article 3(2), point (f)				
136				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(f) support decentralisation and local development.	(f) support <u>political and administrative</u> decentralisation and local development; <u>especially by ensuring meaningful consultation and a level playing field for all levels of government when accessing funds via open, fair, neutral, and transparent procedures;</u>	(f) support decentralisation and local development.	
Article 3(2), point (fa)				
136a		<u>(fa) support cross-border cooperation with the Member States bordering with Ukraine in the areas such as trade, environment protection and fight against international crime.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4				
137	Article 4 General principles	Article 4 General principles	Article 4 General principles	
Article 4(1)				
138	1. Cooperation under the Facility shall be based on and shall promote the development effectiveness principles, where applicable, across all modalities, namely ownership of development priorities by Ukraine, a focus on results,	1. Cooperation under the Facility shall be based on and shall promote the development effectiveness principles, where applicable, across all modalities, namely ownership of development priorities by Ukraine, a focus on results,	1. Cooperation under the Facility shall be based on and shall promote the development effectiveness principles, where applicable, across all modalities, namely ownership of development priorities by Ukraine, a focus on results,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	inclusive development partnerships, transparency and mutual accountability. The cooperation shall be based on effective and efficient resources allocation and use.	inclusive development partnerships, transparency and mutual accountability. The cooperation shall be <u>needs-based</u> <u>and</u> based on <u>the</u> effective and efficient <u>allocation of</u> resources <u>and use of those resources. The Facility shall avoid the excessive sectoral or geographical concentration of resource</u> allocation and use <u>of resources</u> <u>and ensure an appropriate geographical balance of projects.</u>	inclusive development partnerships, transparency and mutual accountability. The cooperation shall be based on effective and efficient resources allocation and use.	
Article 4(2)				
139	2. Support from the Facility shall be additional to the support	2. Support from the Facility shall be additional to the support	2. Support from the Facility shall be additional to the support	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provided under other Union programmes and instruments. Activities eligible for funding under this Regulation may receive support from other Union programmes and instruments provided that such support does not cover the same cost.	provided under other Union programmes and instruments. Activities eligible for funding under this Regulation may receive support from other Union programmes and instruments provided that such support does not cover the same cost.	provided under other Union programmes and instruments. Activities eligible for funding under this Regulation may receive support from other Union programmes and instruments provided that such support does not cover the same cost.	
Article 4(3)				
140	3. In order to promote the complementarity and efficiency of their action and initiative, the Commission and the Member States shall cooperate and shall strive to avoid duplication between assistance under this Regulation	3. In order to promote the complementarity and efficiency of their action and initiative, the Commission and the Member States shall cooperate and shall strive to avoid duplication between assistance under this Regulation	3. In order to promote the complementarity, coherence and efficiency of their action and initiative, the Commission and the Member States shall cooperate and shall strive to avoid duplication between assistance under this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and other assistance provided by the Union, the Member States, third countries, multilateral and regional organisations and entities, such as international organisations and the relevant International Financial Institutions, agencies and non-Union donors, in line with the established principles for strengthening operational coordination in the field of external assistance, including through enhanced coordination with Member States at local level and through the harmonisation of policies and procedures, in particular the international principles on development effectiveness.	and other assistance provided by the Union, the Member States, third countries, multilateral and regional organisations and entities, such as international organisations and the relevant International Financial Institutions, agencies and non-Union donors, in line with the established principles for strengthening operational coordination in the field of external assistance, including through enhanced coordination with Member States at local level and through the harmonisation of policies and procedures, in particular the international principles on development effectiveness.	Regulation and other assistance provided by the Union, the Member States, third countries, multilateral and regional organisations and entities, such as international organisations and the relevant International Financial Institutions, agencies and non-Union donors, in line with the established principles for strengthening operational coordination in the field of external assistance, including through enhanced coordination with Member States at local level and through the harmonisation of policies and procedures, in particular the international principles on development effectiveness. In order to avoid duplication, increasing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			ownership from the Ukrainian authorities and simplifying administrative work, support under the Facility shall, as far as possible, be integrated into the overall financial architecture for the recovery of Ukraine and be coordinated with relevant donors and international financial institutions.	
	Article 4(4)			
141	4. Activities under the Facility shall mainstream climate change mitigation and adaptation, environmental protection, human rights, democracy, gender equality	4. Activities under the Facility shall <u>comply, to the extent possible in a war-torn country, with the climate and environmental standards of the Union. Those</u>	4. Activities under the Facility shall mainstream climate change mitigation and adaptation, environmental protection, human rights, democracy, gender equality	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>activities shall</u> mainstream climate change mitigation and adaptation, environmental protection, <u>and conservation</u>, human rights, democracy, gender equality and, where relevant, disaster risk reduction <u>and energy infrastructure safety</u>, 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<u>shall</u> avoid stranded assets, and shall be <u>guided by be compatible with</u> the principles of ‘do no harm’, <u>to the extent possible and of leaving no one behind</u>’, as well as <u>by with</u> the sustainability mainstreaming approach underpinning the	and non-discrimination, 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, contributing to poverty reduction and promoting peaceful and inclusive societies. They shall strive to. 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		European Green Deal <u>and shall be also guided by the ‘leaving no one behind’ principle. The Commission shall be empowered to adopt a delegated act to develop a guidance for each of those principles and a methodology for supporting Ukraine in the preparation of the Ukraine Plan.</u>		
Article 4(5)				
142	5. The Facility shall not support activities or measures which are incompatible with Ukraine’s National Energy and Climate Plan, if available, with Ukraine’s Nationally Determined	5. The Facility shall not support activities or measures which are incompatible with Ukraine’s National Energy and Climate Plan, if available, with Ukraine’s Nationally Determined	5. The Facility shall not support activities or measures which are incompatible with Ukraine’s National Energy and Climate Plan, if available, with Ukraine’s Nationally Determined	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Contribution under the Paris Agreement, or that promote investments in fossil fuels, or that cause significant adverse effects on the environment or the climate, unless such activities or measures are strictly necessary to achieve the objectives of the Facility, taking into account the need to rebuild and modernise infrastructure damaged by the war in a resilient way, and they are accompanied, where relevant, by appropriate measures to avoid, prevent or reduce and, if possible, offset these effects.	Contribution under the Paris Agreement, or that promote investments in fossil fuels, or that cause significant adverse effects on the environment or the climate, unless such activities or measures are strictly necessary to achieve the objectives of the Facility <u>or biodiversity</u>, taking into account the need to rebuild and modernise infrastructure <u>and rehabilitate nature</u> damaged by the war in a resilient way, and they are accompanied, where relevant, by appropriate measures to avoid, prevent or reduce and, if possible, offset these effects.	Contribution under the Paris Agreement, or that promote investments in fossil fuels, or that cause significant adverse effects on the environment or the climate, unless such activities or measures are strictly necessary to achieve the objectives of the Facility, taking into account the need to rebuild and modernise infrastructure damaged by the war in a resilient way, and they are accompanied, where relevant, by appropriate measures to avoid, prevent or reduce and, if possible, offset these effects.	
Article 4(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
143	6. In line with the principle of inclusive partnership, where appropriate, the Commission shall strive to ensure that relevant stakeholders, including local and regional authorities, social partners and civil society organisations, are duly consulted and have timely access to relevant information to allow them to play a meaningful role during the design and implementation of activities eligible for funding under this Facility, and in the related monitoring processes. The Commission shall in particular promote the involvement of regional, local, urban and other public authorities, in accordance	6. In line with the <u>EU partnership Principle of inclusive partnership</u>, where appropriate and EU Code of Conduct, the Commission shall strive to ensure <u>quarantee</u> that relevant stakeholders, including <u>the Verkhovna Rada</u>, local and regional authorities, social partners and civil society organisations, are duly <u>and fairly</u> consulted and have timely access to relevant information to allow them to play a meaningful role <u>during meaningfully participate in shaping</u> the design and, implementation of activities eligible for funding under this Facility, and in the related monitoring, <u>scrutiny and</u>	6. In line with the principle of inclusive partnership, where appropriate, the Commission shall strive to ensure that relevant stakeholders, including local and regional authorities, social partners and civil society organisations, are duly consulted and have timely access to relevant information to allow them to play a meaningful role during the design and implementation of activities eligible for funding under this Facility, and in the related monitoring processes. The Commission shall in particular promote the involvement of regional, local, urban and other public authorities, in accordance	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
with the multi-level governance principle and taking into account a bottom-up approach. The Commission shall encourage coordination among the relevant stakeholders.	<u>evaluation</u> processes. <u>Such involvement shall seek to represent the pluralism of the Ukrainian society and business community and ensure the inclusiveness of different communities in Ukraine.</u> <u>The Commission shall give specific attention to the participation of women in consultations, as well as the inclusion of vulnerable groups, such as war veterans and persons with disabilities, in such consultations.</u> The Commission shall in particular promote the involvement of <u>the Verkhovna Rada, as well as regional or local</u> urban and other <u>representative bodies and</u> public authorities, in accordance with the multi-level	with the multi-level governance principle and taking into account a bottom-up approach. The Commission shall encourage coordination among the relevant stakeholders and contribute to strengthening the capacity of civil society organisations.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		governance principle and taking into account a bottom-up approach. The Commission shall <u>ensure that the Verkhovna Rada is meaningfully consulted on the entirety of the Ukraine Plan before its submission to the Commission and is able to fully fulfil sufficient inquiry and monitoring duties during and after the duration of the Facility.</u> <u>The Commission shall continuously assess the degree to which the involvement of stakeholders is fair and representative of the pluralism of interests in Ukrainian society and business communities, in particular by assessing whether stakeholders of different sizes and with differing or opposing</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>interests have been appropriately consulted. The Commission shall encourage coordination among the relevant stakeholders. The Commission shall ensure that civil society in Ukraine is able to directly report any irregularities they may detect to the Commission via appropriate standing channels and platforms.</u>		
Article 4(7)			
144	7. The Commission, in cooperation with the Member States and Ukraine, shall contribute to<u>ensure</u> the implementation of Union	7. The Commission, in close cooperation with the Member States and Ukraine, shall contribute to the implementation of Union commitments to increased	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	commitments to increased transparency and accountability in the delivery of assistance, including by promoting the <u>full implementation of the Aarhus Convention and the</u> implementation and reinforcement of internal control systems and anti-fraud policies, and by making. <u>The Commission shall make</u> information on the volume and allocation of assistance <u>publicly</u> available through web-based <u>databases a single webportal</u>, and shall ensure that data is <u>comparable and can be easily accessed, shared and are up-to-date, easily accessible, available in machine-readable format and comparable. The names or legal identities of the 2 000 largest final</u>	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>beneficiaries and all final beneficiaries that received cumulative amounts higher than EUR 100 000 shall be</u> published.		
Article 4a				
144a		<u>Article 4a</u> <u>Relations with other Union funding instruments</u>		
Article 4a(1)				
144b		<u>1. The Facility shall progressively</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>replace, as soon as possible, the bilateral allocation provided to Ukraine under the Neighbourhood, Development and International Cooperation Instrument (NDICI-GE) and the support provided in the form of macro-financial assistance.</u>		
Article 4a(2)				
144c		<u>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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.</u>		
Article 4a(3)				
144d		<u>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.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4a(4)				
144e		<u>4. The Commission shall ensure complementarities and synergies between the Facility and other Union programmes, with a view to avoiding double funding.</u>		
Article 5				
145	Article 5 Precondition for Union support	Article 5 Precondition for Union support	Article 5 Precondition for Union support	
Article 5(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
146	1. A precondition for the support to Ukraine under the Facility shall be that Ukraine continues to uphold and respect effective democratic mechanisms, 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.	1. A precondition for the support to Ukraine under the Facility shall be that Ukraine continues to uphold, <u>develop</u> and respect effective democratic mechanisms, including a multi-party parliamentary system <u>at all levels of government, which safeguards the rights and prerogatives of a democratic opposition, appropriate checks and balances, such as media freedom, transparent and institutional budget allocation, mechanisms and institutions ensuring the prevention, detection and punishment of fraud, corruption and conflicts of interests, and the</u> rule of law, <u>as well as free and fair</u>	1. A precondition for the support to Ukraine under the Facility shall be that Ukraine continues to uphold and respect effective democratic mechanisms, 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>elections in line with Ukraine's constitution. Moreover, Ukraine shall continue and to guarantee respect for human rights, including the rights of persons belonging to minorities, work towards increased women's participation in decision-making.</u>		
Article 5(2)				
147	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	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	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	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	account the Commission's regular enlargement report. The Commission <u>shall take into account the relevant recommendations of international bodies, such as the Council of Europe and its Venice Commission in this process. The Commission</u> 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. <u>The Commission's assessment shall be transmitted simultaneously to the</u>	account the Commission's regular enlargement report. The Commission may adopt a decision concluding that this shall inform the Council of the fulfilment of the precondition set out in paragraph 1 before disbursements to Ukraine. Where the Commission finds that the precondition is not met; and in particular, suspend or no longer met, it shall submit to the Council a proposal for an implementing decision suspending 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>European Parliament and the Council.</i>	there of martial law. Where, at the request of Ukraine or on its own initiative, the Commission considers that the precondition is met again, it shall submit to the Council a proposal for an implementing decision lifting the suspension. In the cases foreseen by this paragraph the Council shall act, as a rule, within one month of receiving the Commission's proposal.	
CHAPTER II				
148	CHAPTER II Financing and implementation	CHAPTER II Financing and implementation	CHAPTER II Financing and implementation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6				
149	Article 6 Budget	Article 6 Budget	Article 6 Budget	
Article 6(1)				
150	1. The resources for the implementation of the Ukraine Facility shall be available in accordance with Article 10b of Council Regulation (EU, Euratom) 2020/2093, with the following	1. The resources for the implementation of the Ukraine Facility shall be available in accordance with Article 10b of Council Regulation (EU, Euratom) 2020/2093, with the following	1. The resources for the implementation of the Ukraine Facility shall be available in accordance with Article 10b of Council Regulation (EU, Euratom) 2020/2093, with the following	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	indicative distribution:	indicative distribution:	indicative distribution:	
Article 6(1), point (a)				
151	(a) 78 % in the form of non-repayable financial support pursuant to Chapter III of this Regulation;	(a) 78 ⁷⁵ % in the form of non-repayable financial support pursuant to Chapter III of this Regulation, <u>of which at least 15% to the recovery, reconstruction and modernisation needs of Ukraine's sub-national authorities such as regions, cities and local communities;</u>	(a) 78 ³² % in the form of non-repayable financial support pursuant to Chapter III of this Regulation;	
Article 6(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
152	(b) 16 % for expenditure pursuant to Chapter IV;	(b) 16 % for expenditure pursuant to Chapter IV;	(b) 16 12 % for expenditure pursuant to Chapter IV;	
Article 6(1), point (c)				
153	(c) 5 % for expenditure pursuant to Chapter V;	(c) 5 3 % for expenditure pursuant to Chapter V;	(c) 5 4 % for expenditure pursuant to Chapter V;	
Article 6(1), point (d)				
154	(d) up to 1 % for expenditure pursuant to paragraph 5 of this Article.	(d) up to 1 % for expenditure pursuant to paragraph 5 of this Article.	(d) up to 1 2 % for expenditure pursuant to paragraph 5 of this Article.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(-1), second subparagraph				
154a			The total non-repayable financial support referred to in paragraph 1 shall be available for an amount of up to EUR [17 billion]. The non-repayable financial support available in a given year shall not exceed EUR 5 billion.	
Article 6(2), first subparagraph				
155	2. The financial support pursuant	2. The financial support pursuant	2. The financial support pursuant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to Chapter III in the form of a loan, shall be available for an amount of up to EUR 50 000 000 000 for the period from 1 January 2024 to 31 December 2027.	to Chapter III in the form of a loan, shall be available for an amount of up to EUR 50 000 000 000 for the period from 1 January 2024 to 31 December 2027.	to Chapter III in the form of a loan, shall be available for an amount of up to EUR 50 000 000 000 [33 000 000 000] for the period from 1 January 2024 to 31 December 2027.	
Article 6(2), second subparagraph				
156	The overall amount of disbursements of the loans shall take into account the amounts made available pursuant to paragraph 1 and the amount referred to in paragraph 3.	The overall amount of disbursements of the loans shall take into account the amounts made available pursuant to paragraph 1 and the amount referred to in paragraph 3.	The overall amount of disbursements of the loans shall take into account the amounts made available pursuant to paragraph 1 and the amount referred to in paragraph 3.	
Article 6(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
157	3. The sum of the resources made available pursuant to paragraphs 1 and 2 shall not exceed EUR 50 000 000 000 for the period 2024 to 2027.	3. The sum of the resources made available pursuant to paragraphs 1 and 2 shall not exceed EUR 50 000 000 000—<u>for the period 2024 to 2027. <i>The amounts shall be mobilised annually from the Ukraine Reserve in the Union budget over and above the ceilings of the Multiannual Financial Framework by the budgetary authority. The nomenclature of the Ukraine Reserve shall be composed of additional budgetary lines, corresponding to each of the pillars in which this Regulation is structured.</i></u>	3. The sum of the resources made available pursuant to paragraphs 1 and 2 shall not exceed EUR [50 000 000 000—] for the period 2024 to 2027.	
Article 6(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
158	4. Additional contributions for financing the support referred to in paragraph 1 may be provided in accordance with Article 7.	4. Additional contributions for financing the support referred to in paragraph 1 may be provided in accordance with Article 7.	4. Additional contributions for financing the support referred to in paragraph 1 may be provided in accordance with Article 7.	
Article 6(5)				
159	5. The resources referred to in point paragraphs 1(d) and 4 may be used for technical and administrative assistance for the implementation of the Facility, such as preparatory actions, monitoring, control, audit and evaluation activities, which are required for the management of the	5. The resources referred to in point paragraphs 1(d) and 4 may be used for technical and administrative assistance for the implementation of the Facility, such as preparatory actions, monitoring, control, audit and evaluation activities, which are required for the management of the	5. The resources referred to in point paragraphs 1(d) and 4 may be used for technical and administrative assistance for the implementation of the Facility, such as preparatory actions, monitoring, control, audit and evaluation activities, which are required for the management of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Facility and the achievement of its objectives, in particular studies, meetings of experts, consultations with the Ukrainian authorities, conferences, consultation of stakeholders, information and communication actions, including inclusive outreach actions, and corporate communication of the political priorities of the Union, insofar as they are related to the objectives of this Regulation, expenses linked to IT networks focusing on information processing and exchange, corporate information technology tools, and all other technical and administrative assistance expenses incurred by the Commission for the management and costs of the Facility at headquarters and in	Facility and the achievement of its objectives, in particular studies, meetings of experts, consultations with the Ukrainian authorities, conferences, consultation of stakeholders, <u>including local and regional authorities and civil society organisations</u>, information and communication actions, including inclusive outreach actions, and corporate communication of the political priorities of the Union, insofar as they are <u>strictly</u> related to the objectives of this Regulation, expenses linked to IT networks focusing on information processing and exchange, corporate information technology tools, and all other technical and administrative assistance expenses	Facility and the achievement of its objectives, in particular studies, meetings of experts, consultations with the Ukrainian authorities, conferences, consultation of stakeholders, information and communication actions, including inclusive outreach actions, and corporate communication of the political priorities of the Union, insofar as they are related to the objectives of this Regulation, expenses linked to IT networks focusing on information processing and exchange, corporate information technology tools, and all other technical and administrative assistance expenses incurred by the Commission for the management and costs of the Facility at headquarters and in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Union delegations. Expenses may also cover the costs of other supporting activities such as quality control and monitoring of projects on the ground and the costs of peer counselling and experts for the assessment and implementation of reforms and investments.	incurred by the Commission for the management and costs of the Facility at headquarters and in Union delegations. Expenses may also cover the costs of other supporting activities such as quality control and <u>independent</u> monitoring of projects on the ground and the costs of peer counselling and experts for the assessment and implementation of reforms and investments.	Union delegations. Expenses may also cover the costs of other supporting activities such as quality control and monitoring of projects on the ground and the costs of peer counselling and experts for the assessment and implementation of reforms and investments.	
Article 7				
160	Article 7 Additional financial resources for	Article 7 Additional financial resources for	Article 7 Additional financial resources for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Facility	the Facility	the Facility	
Article 7(1), first subparagraph				
161	1. Member States, third countries, international organisations, international financial institutions or other sources may provide additional financial contributions to the Facility. Such contributions shall constitute external assigned revenue within the meaning of Article 21(2), points (a)(ii), (d), and (e) of Regulation (EU, Euratom) 2018/1046.	1. Member States, third countries, international organisations, international financial institutions or other sources may provide additional financial contributions to <u>one or more of the pillars referred to in Article 1(2) without being bound by the indicative distribution referred to in Article 6(1) the Facility</u>. Such contributions shall constitute external assigned revenue within the meaning of Article 21(2), points (a)(ii), (d), and (e) of Regulation (EU,	1. Member States, third countries, international organisations, international financial institutions or other sources may provide additional financial contributions to the Facility. Such contributions shall constitute external assigned revenue within the meaning of Article 21(2), points (a)(ii), (d), and (e) of Regulation (EU, Euratom) 2018/1046.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Euratom) 2018/1046.		
Article 7(1), second subparagraph				
162	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.	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 <u>or under any other Union legal acts concerning Russia's responsibility for the damage caused to Ukraine</u>, shall be added to the resources referred to in Article 6. <u>In particular, and</u>	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>subject to respect for applicable rules of customary international law, any assets, together with the proceeds thereof, confiscated from the Russian Federation or other states, entities or individuals directly in connection with Russia's war of aggression or any proceeds obtained from managing those assets of the Russian Federation 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, and shall be used in the form of grants.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2)				
163	2. The contributions referred to in paragraph 1 shall be implemented in accordance with the same rules and conditions as the amount referred to in Article 6(1).	2. The contributions referred to in paragraph 1 shall be implemented in accordance with the same rules and conditions as the amount referred to in Article 6(1).	2. The contributions referred to in paragraph 1 shall be implemented in accordance with the same rules and conditions as the amount referred to in Article 6(1).	
Article 7(3)				
164	3. The contributions to the Ukraine Guarantee and to the financial instruments under Chapter IV shall be made in accordance with Article 28.	3. The contributions to the Ukraine Guarantee and to the financial instruments under Chapter IV shall be made in accordance with Article 28.	3. The contributions to the Ukraine Guarantee and to the financial instruments under Chapter IV shall be made in accordance with Article 28.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8				
165	Article 8 Implementation and forms of Union funding	Article 8 Implementation and forms of Union funding	Article 8 Implementation and forms of Union funding	
Article 8(1)				
166	1. The Facility shall be implemented in accordance with Regulation (EU, Euratom) 2018/1046, either in direct management or in indirect management with any of the entities referred to in Article 62, first subparagraph, point (c) of	1. The Facility shall be implemented in accordance with Regulation (EU, Euratom) 2018/1046, either in direct management or in indirect management with any of the entities referred to in Article 62, first subparagraph, point (c) of	1. The Facility shall be implemented in accordance with Regulation (EU, Euratom) 2018/1046, either in direct management or in indirect management with any of the entities referred to in Article 62, first subparagraph, point (c) of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU, Euratom) 2018/1046.	Regulation (EU, Euratom) 2018/1046.	Regulation (EU, Euratom) 2018/1046.	
Article 8(2)				
167	2. Union funding may be provided in any of the forms laid down in Regulation (EU, Euratom) 2018/1046, in particular grants, prizes, procurement, budget support, financial instruments, budgetary guarantees, blending operations and financial assistance.	2. Union funding may be provided in any of the forms laid down in Regulation (EU, Euratom) 2018/1046, in particular grants, prizes, procurement, budget support, financial instruments, budgetary guarantees, blending operations and financial assistance.	2. Union funding may be provided in any of the forms laid down in Regulation (EU, Euratom) 2018/1046, in particular grants, prizes, procurement, budget support, financial instruments, budgetary guarantees, blending operations and financial assistance.	
Article 8(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
168	3. Financial instruments, budgetary guarantees and blending operations combining support from financial instruments or budgetary guarantees under the Facility shall be implemented in accordance with the principles laid down in Title X, and in particular Articles 208 and 209(1), (2) and (4), of Regulation (EU, Euratom) 2018/1046. Depending on the required operational and financial capacity, the counterpart of the budgetary guarantee, or the entrusted entity implementing financial instruments, may be the European Investment Bank or the European Investment Fund, a multilateral European finance institution, such	3. Financial instruments, budgetary guarantees and blending operations combining support from financial instruments or budgetary guarantees under the Facility shall be implemented in accordance with the principles laid down in Title X, and in particular Articles 208 and 209(1), (2) and (4), of Regulation (EU, Euratom) 2018/1046. Depending on the required operational and financial capacity, the counterpart of the budgetary guarantee, or the entrusted entity implementing financial instruments, may be the European Investment Bank or the European Investment Fund, a multilateral European finance institution, such	3. Financial instruments, budgetary guarantees and blending operations combining support from financial instruments or budgetary guarantees under the Facility shall be implemented in accordance with the principles laid down in Title X, and in particular Articles 208 and 209(1), (2) and (4), of Regulation (EU, Euratom) 2018/1046. Depending on the required operational and financial capacity, the counterpart of the budgetary guarantee, or the entrusted entity implementing financial instruments, may be the European Investment Bank or the European Investment Fund, a multilateral European finance institution, such	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	as the European Bank for Reconstruction and Development, or a bilateral European finance institution, such as development banks. Whenever possible, the implementation of financial instruments, budgetary guarantees and blending operations under the Facility shall be complemented by additional forms of financial support, from either Member States or third parties.	as the European Bank for Reconstruction and Development, or a bilateral European finance institution, such as development banks. Whenever possible, the implementation of financial instruments, budgetary guarantees and blending operations under the Facility shall be complemented by additional forms of financial support, from either Member States or third parties.	institution, such as the European Bank for Reconstruction and Development, or a bilateral European finance institution, such as development banks or the World Bank Group. Whenever possible, non-European multilateral finance institutions may participate in the Facility through joint operations with European finance institutions. The implementation of financial instruments, budgetary guarantees and blending operations under the Facility shall may be complemented by additional forms of financial support, from either Member States or third parties.	
Article 9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
169	Article 9 Framework agreement	Article 9 Framework agreement	Article 9 Framework agreement	
Article 9(1)				
170	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	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, <u>detect</u> , investigate and correct irregularities, fraud, corruption and conflicts of interest.	1. The Commission, acting in accordance with the examination procedure referred to in Article 39 , 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, including	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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. <u>That framework agreement, including any related documentation, shall be transmitted to the European Parliament and the Council simultaneously and without delay and shall be made public.</u>	avoiding double funding, as well as to prevent, investigate and correct irregularities, fraud, corruption, or any other illegal activity affecting the Union's financial interests -and conflicts of interest.The, including the effective investigation and prosecution of criminal offences affecting the funds provided under the Facility.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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(2)				
171	2. With the exception of bridge financing referred to in Article 24, funding shall only be granted to Ukraine after the framework agreement and the applicable financing and loan agreements, have entered into force.	2. With the exception of bridge financing referred to in Article 24, funding shall only be granted to Ukraine after the framework agreement and the applicable financing and loan agreements, have entered into force.	2. With the exception of bridge financing referred to in Article 24, funding shall only be granted to Ukraine after the framework agreement and the applicable financing and loan agreements, have entered into force.	
Article 9(3)				
172	3. The framework agreement, the financing agreements and the loan agreement concluded with Ukraine, taken as a whole, and contracts and agreements signed with person or	3. The framework agreement, the financing agreements and the loan agreement concluded with Ukraine, taken as a whole, and contracts and agreements signed with person or	3. The framework agreement, the financing agreements and the loan agreement concluded with Ukraine, taken as a whole, and contracts and agreements signed with person or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	entities receiving Union funds, shall ensure that the obligations set out in Article 129 of Regulation (EU, Euratom) 2018/1046 can be fulfilled.	entities receiving Union funds, shall ensure that the obligations set out in Article 129 of Regulation (EU, Euratom) 2018/1046 can be fulfilled.	entities receiving Union funds, shall ensure that the obligations set out in Article 129 of Regulation (EU, Euratom) 2018/1046 can be fulfilled.	
Article 9(4)				
173	4. The framework agreement shall lay down, in particular, detailed provisions concerning, in particular:	4. The framework agreement shall lay down, in particular, detailed provisions concerning, in particular:	4. The framework agreement shall ensure the commitment of Ukraine to achieve a high level of protection of the financial interests of the Union and shall lay down, in particular, detailed provisions concerning, in particular:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(4), point (a)				
174	(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;	(a) the commitment of Ukraine to <u>make decisive</u> progress towards <u>a robust legal framework to fight fraud, and establish</u> more efficient and effective control systems, <u>including appropriate mechanisms and measures to effectively prevent, detect and correct irregularities, fraud, corruption and conflicts of interest as well as and</u> to strengthen the fight against money laundering, <u>organised crime, oligarchic structures, undue regional or sectoral concentration of resource allocation or use, misuse of public funds,</u> terrorism financing, tax avoidance, tax fraud,	(a) the commitment of Ukraine to make decisive progress towards a robust legal framework to fight fraud, and establish more efficient and effective control systems, including appropriate mechanisms for the protection of whistle blowers and measures to effectively prevent, detect and correct irregularities, fraud, corruption and conflicts of interest as well as and to strengthen the fight against money laundering, organised crime, terrorism financing, tax avoidance, tax fraud or tax evasion, and other illegal activities affecting the funds provided under the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>aggressive tax planning</u> or tax evasion, <u>and other illegal activities affecting the funds provided under the Facility</u> ;	Facility. ;	
Article 9(4), point (b)				
175	(b) the activities related to control, supervision, monitoring, evaluation, reporting and audit of Union funding under the Facility, as well as investigations, anti-fraud measures and cooperation;	(b) the activities related to control, supervision, monitoring, evaluation, reporting and audit of Union funding under the Facility, as well as investigations, anti-fraud measures and cooperation;	(b) the activities related to control, supervision, monitoring, evaluation, reporting and audit of Union funding under the Facility, as well as detections , investigations, prosecutions , anti-fraud measures and cooperation, including mutual legal assistance in criminal matters and extradition ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 9(4), point (ba)			
175a		<u>(ba) the establishment of monitoring committees inspired by the European Code of Conduct on Partnership following the best practices for the preparation of calls for proposals, progress reports, monitoring and evaluation of projects, measures and activities;</u>		
	Article 9(4), point (c)			
176				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) control requirements for release of funding to Ukraine;	(c) control requirements for release of <u>the</u> funding to Ukraine;	(c) control requirements for release of funding to Ukraine;	
Article 9(4), point (d)				
177	(d) rules on taxes, duties and charges in accordance with Article 27(9) and (10) of Regulation (EU) 2021/947;	(d) rules on taxes, duties and charges in accordance with Article 27(9) and (10) of Regulation (EU) 2021/947;	(d) rules on taxes, duties and charges in accordance with Article 27(9) and (10) of Regulation (EU) 2021/947;	
Article 9(4), point (e)				
178	(e) the recognition of the responsibilities of the Audit Board referred to in Article 34, and the	(e) the recognition of the responsibilities of the Audit Board referred to in Article 34, and the	(e) the recognition of the responsibilities of the Audit Board referred to in Article 34, and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	modalities of Ukraine's cooperation with it;	modalities of Ukraine's cooperation with it;	modalities of Ukraine's cooperation with it;	
Article 9(4), point (f)				
179	(f) the obligation for persons or entities implementing Union funds under the Facility to notify the Audit Board, the Commission and OLAF without delay of suspected or actual cases of irregularities, fraud, corruption and conflict of interests and their follow-up;	(f) the obligation for persons or entities implementing Union funds under the Facility to notify the Audit Board, the Commission, <u>OLAF and, where applicable, the EPPO, and OLAF</u> without delay, of suspected or actual cases of irregularities, fraud, corruption and conflict of interests <u>and other illegal activities affecting the funds provided under the Facility</u> and their follow-up;	(f) the obligation for persons or entities implementing Union funds under the Facility to notify the Audit Board, the Commission OLAF, and the EPPO, and OLAF without delay of suspected or actual cases of irregularities, fraud, corruption and conflict of interests and other illegal activities affecting the funds provided under the Facility and their follow-up;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 9(4), point (g)			
180	(g) the right of the Commission to monitor activities under the Facility carried out by the Ukrainian authorities, along the whole project cycle, including inter alia projects selection and award procedures including for public procurement, to take part in these as observer, as appropriate, and to make recommendations for the improvement of such activities and commitment from the Ukrainian authorities to do their best efforts to implement such recommendations of the Commission and to report on this	(g) the right of the Commission to monitor activities under the Facility carried out by the Ukrainian authorities, along the whole project cycle, including inter alia projects selection and award procedures including for public procurement, to take part in these as observer, as appropriate, and to make recommendations for the improvement of such activities and commitment from the Ukrainian authorities to do their best efforts to implement such recommendations of the Commission and to report on this	(g) the right of the Commission to monitor activities under the Facility carried out by the Ukrainian authorities, along the whole project cycle, including inter alia projects selection and award procedures including for public procurement, to take part in these as observer, as appropriate, and to make recommendations for the improvement of such activities and commitment from the Ukrainian authorities to do their best efforts to implement such recommendations of the Commission and to report on this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementation;	implementation;	implementation;	
	Article 9(4), point (h)			
181	(h) the obligations referred to in Article 33(2), including precise rules and timeframe on collection of data by Ukraine and access for the Commission and OLAF;	(h) the obligations referred to in Article 33(2), including precise rules and timeframe on collection of data by Ukraine and access for the Commission and OLAF;	(h) the obligations referred to in Article 33(2), including precise rules and timeframe on collection of data by Ukraine and access for the Commission, OLAF, the European Court of Auditors and the EPPO where applicable and OLAF;	
	Article 9(4), point (i)			
182				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(i) the obligation for Ukraine to transmit electronically to the Commission the data referred to in Article 26;	(i) the obligation for Ukraine to transmit electronically, <u>in a machine-readable format and on a single webportal</u> , to the Commission the data referred to in Article 26;	(i) the obligation for Ukraine to transmit electronically to the Commission the data referred to in Article 26;	
Article 9(4), point (j)				
183	(j) a procedure to ensure that disbursement requests for the loan support fall within the available loan amount, taking into consideration Article 6(2).	(j) a procedure to ensure that disbursement requests for the loan support fall within the available loan amount, taking into consideration Article 6(2).	(j) a procedure to ensure that disbursement requests for the loan support fall within the available loan amount, taking into consideration Article 6(2).	
Article 9(4), point (ja)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
183a			(ja) the obligations referred to in Article 40(2) on communication activities and visibility of the Union funding.	
Article 10				
184	Article 10 Financing agreements	Article 10 Financing agreements	Article 10 Financing agreements	
Article 10(1)				
185				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	1. Financing agreements shall be concluded for Chapters III and V, <u>and set out measureable qualitative and quantitative steps linked to the disbursement of funds under this Regulation</u>. 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 <u>implementation of the framework agreement mentioned in Article 9, including the</u> internal control systems as referred to in Article 9(4), points (a) and (c). The financing	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		agreements shall also set out the Union's rights and obligations. <u><i>They shall be transmitted to the European Parliament and the Council simultaneously.</i></u>		
Article 10(2)				
186	2. The financing agreements shall include rules on reporting to the Commission on how activities are carried out, and on whether the conditions mentioned in Article 15(2) are fulfilled.	2. The financing agreements shall include rules on reporting to the Commission on how activities are carried out, and on whether the conditions mentioned in Article 15(2) are fulfilled.	2. The financing agreements shall include rules on reporting to the Commission on how activities are carried out, and on whether the conditions mentioned in Article 15(2) are fulfilled.	
Article 11				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
187	Article 11 Rules on eligibility of persons and entities, origin of supply and materials and restriction under the Facility	Article 11 Rules on eligibility of persons and entities, origin of supply and materials and restriction under the Facility	Article 11 Rules on eligibility of persons and entities, origin of supply and materials and restriction under the Facility	
188	1. Participation in procurement, grant and prize award procedures for activities financed under the Facility shall be open to international and regional organisations and to all natural persons who are nationals of, and to legal persons which are	1. Participation in procurement, grant and prize award procedures for activities financed under the Facility shall be open to international and regional organisations and to all natural persons who are nationals of, and to legal persons which are	1. Participation in procurement, grant and prize award procedures for activities financed under the Facility shall be open to international and regional organisations and to all natural persons who are nationals of, and to legal persons which are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	effectively established in:	effectively established in:	effectively established in:	
Article 11(1), point (a)				
189	(a) Member States, Ukraine, contracting parties to the Agreement on the European Economic Area and countries covered by Annex I to Regulation (EU) 2021/947 and Annex I to Regulation (EU) 2021/1529 of the European Parliament and of the Council¹; _____ 1. Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance	(a) Member States, Ukraine, contracting parties to the Agreement on the European Economic Area and countries covered by Annex I to Regulation (EU) 2021/947 and Annex I to Regulation (EU) 2021/1529 of the European Parliament and of the Council¹; _____ 1. Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance	(a) Member States, Ukraine, contracting parties to the Agreement on the European Economic Area and countries covered by Annex I to Regulation (EU) 2021/947 and Annex I to Regulation (EU) 2021/1529 of the European Parliament and of the Council¹; _____ 1. Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(IPA III) (OJ L 330, 20.9.2021, p. 1).	(IPA III) (OJ L 330, 20.9.2021, p. 1).	_____ 1. Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III) (OJ L 330, 20.9.2021, p. 1).	
Article 11(1), point (b)				
190	(b) countries for which reciprocal access to external assistance in Ukraine is established by the Commission.	(b) countries for which reciprocal access to external assistance in Ukraine is established by the Commission.	(b) countries which provide a level of support to Ukraine comparable to the one provided by the European Union taking into account the size of their economy and for which reciprocal access to external assistance in Ukraine is established by the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 11(2), first subparagraph			
191	2. The reciprocal access referred to in paragraph 1, point (b), may be granted for a limited period of at least one year, whenever a country grants eligibility on equal terms to entities from the Union and from countries eligible under the Facility.	2. The reciprocal access referred to in paragraph 1, point (b), may be granted for a limited period of at least one year, whenever a country grants eligibility on equal terms to entities from the Union and from countries eligible under the Facility.	2. The reciprocal access referred to in paragraph 1, point (b), may be granted for a limited period of at least one year, whenever a country grants eligibility on equal terms to entities from the Union and from countries eligible under the Facility.	
	Article 11(2), second subparagraph			
192	The Commission shall decide on	The Commission shall decide on	The Commission shall decide on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the reciprocal access after consulting Ukraine.	the reciprocal access after consulting Ukraine.	the reciprocal access in accordance with the examination procedure referred to in Article 39 after consulting Ukraine.	
Article 11(3)				
193	3. All supplies and materials financed and procured under this Facility shall originate from any country referred to paragraph 1(a) and (b), unless if the supplies and materials cannot be sourced at reasonable conditions in any of those countries. In addition, the rules on restrictions in paragraph 7 apply.	3. All supplies and materials financed and procured under this Facility shall originate from any country referred to paragraph 1(a) and (b), unless if the supplies and materials cannot be sourced at reasonable conditions in any of those countries. In addition, the rules on restrictions in paragraph 7 apply.	3. All supplies and materials financed and procured under this Facility shall originate from any country referred to paragraph 1(a) and (b), unless if the supplies and materials cannot be sourced at reasonable conditions in any of those countries. In addition, the rules on restrictions in paragraph 7 apply. The Commission shall include in the annual report	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Article 36(4), information on the implementation of this paragraph.	
Article 11(4)				
194	4. The eligibility rules under this Article shall not apply to, and shall not create nationality restrictions for, natural persons employed or otherwise legally contracted by an eligible contractor or, where applicable, subcontractor except where the nationality restrictions are based on the rules provided for in paragraph 7.	4. The eligibility rules under this Article shall not apply to, and shall not create nationality restrictions for, natural persons employed or otherwise legally contracted by an eligible contractor or, where applicable, subcontractor except where the nationality restrictions are based on the rules provided for in paragraph 7.	4. The eligibility rules under this Article shall not apply to, and shall not create nationality restrictions for, natural persons employed or otherwise legally contracted by an eligible contractor or, where applicable, subcontractor except where the nationality restrictions are based on the rules provided for in paragraph 7.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11(5)				
195	5. For actions jointly co-financed by an entity or implemented in direct or indirect management with entities as referred to in Article 62(1), point (c), of Regulation (EU, Euratom) 2018/1046 or for actions implemented by Ukrainian entities under Chapter III of this Regulation, the eligibility rules of those entities or Ukraine shall also apply in addition to the rules established under this Article, including, where applicable, the restrictions provided for under paragraph 7 of this Article and duly reflected in the financing	5. For actions jointly co-financed by an entity or implemented in direct or indirect management with entities as referred to in Article 62(1), point (c), of Regulation (EU, Euratom) 2018/1046 or for actions implemented by Ukrainian entities under Chapter III of this Regulation, the eligibility rules of those entities or Ukraine shall also apply in addition to the rules established under this Article, including, where applicable, the restrictions provided for under paragraph 7 of this Article and duly reflected in the financing	5. For actions jointly co-financed by an entity or implemented in direct or indirect management with entities as referred to in Article 62(1), point (c), of Regulation (EU, Euratom) 2018/1046 or for actions implemented by Ukrainian entities under Chapter III of this Regulation, the eligibility rules of those entities or Ukraine shall also apply in addition to the rules established under this Article, including, where applicable, the restrictions provided for under paragraph 7 of this Article and duly reflected in the financing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	agreements and contractual documents signed with those entities.	agreements and contractual documents signed with those entities.	agreements and contractual documents signed with those entities.	
Article 11(6)				
196	6. Where additional contributions are provided in accordance with Article 7 through external assigned revenues, the eligibility rules in the agreement with the person providing the additional contribution shall apply with the rules on restrictions provided for under paragraph 7 of this Article.	6. Where additional contributions are provided in accordance with Article 7 through external assigned revenues, the eligibility rules in the agreement with the person providing the additional contribution shall apply with the rules on restrictions provided for under paragraph 7 of this Article.	6. Where additional contributions are provided in accordance with Article 7 through external assigned revenues, the eligibility rules in the agreement with the person providing the additional contribution shall apply with the rules on restrictions provided for under paragraph 7 of this Article.	
Article 11(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
197	7. The eligibility rules and origin of supplies and materials in paragraphs 1 and 3 and the nationality of the natural persons referred to in paragraph 4 may be restricted with regard to the nationality, geographical location or nature of the legal entities participating to procurement procedures as well as with regard to the geographical origin of supplies and materials, in the following cases:	7. The eligibility rules and origin of supplies and materials in paragraphs 1 and 3 and the nationality of the natural persons referred to in paragraph 4 may be restricted with regard to the nationality, geographical location or nature of the legal entities participating to procurement procedures as well as with regard to the geographical origin of supplies and materials, in the following cases:	7. The eligibility rules and origin of supplies and materials in paragraphs 1 and 3 and the nationality of the natural persons referred to in paragraph 4 may be restricted with regard to the nationality, geographical location or nature of the legal entities participating to procurement procedures as well as with regard to the geographical origin of supplies and materials, in the following cases:	
Article 11(7), point (a)				
198				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) where such restrictions are required on account of the specific nature and/or objectives of the activity or specific award procedure and/or where these restrictions are necessary for the action's effective implementation;	(a) where such restrictions are required on account of the specific nature and/or objectives of the activity or specific award procedure and/or where these restrictions are necessary for the action's effective implementation;	(a) where such restrictions are required on account of the specific nature and/or objectives of the activity or specific award procedure and/or where these restrictions are necessary for the action's effective implementation;	
Article 11(7), point (b)				
199	(b) where the action or specific award procedures affect security or public order, in particular concerning strategic assets and interests of the Union, its Member States, or Ukraine, including the protection of the integrity of digital infrastructure, communication and	(b) where the action or specific award procedures affect security or public order, in particular concerning strategic assets and interests of the Union, its Member States, or Ukraine, including the protection of the integrity of digital infrastructure, communication and	(b) where the action or specific award procedures affect security or public order, in particular concerning strategic assets and interests of the Union, its Member States, or Ukraine, including the protection of the integrity of digital infrastructure, communication and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information systems, and related supply chains.	information systems, and related supply chains, <u>especially where there is a risk of influence by governments of states classified as systemic rivals of the Union.</u>	information systems, and related supply chains.	
Article 11(8)				
200	8. Tender applicants and candidates from non-eligible countries may be accepted as eligible in the case of urgency or where services are unavailable in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of an	8. Tender applicants and candidates from non-eligible countries may be accepted as eligible in the case of urgency or where services are unavailable in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of an	8. Tender applicants and candidates from non-eligible countries may be accepted as eligible in the case of urgency or where services are unavailable in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	action impossible or exceedingly difficult.	action impossible or exceedingly difficult.	action impossible or exceedingly difficult.	
Article 12				
201	Article 12 Carry-overs, annual instalments, commitment appropriations, surpluses from the budgetary guarantee, repayments and revenue generated by financial instruments	Article 12 Carry-overs, annual instalments, commitment appropriations, surpluses from the budgetary guarantee, repayments and revenue generated by financial instruments	Article 12 Carry-overs, annual instalments, commitment appropriations, surpluses from the budgetary guarantee, repayments and revenue generated by financial instruments	
Article 12(1)				
202				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. By derogation to Article 12(4) of Regulation (EU, Euratom) 2018/1046, unused commitment and payment appropriations under the Facility shall be automatically carried over and may be committed and used, respectively, up to 31 December of the following financial year. The amount carried over shall be used first in the following financial year.	1. By derogation to Article 12(4) of Regulation (EU, Euratom) 2018/1046, unused commitment and payment appropriations under the Facility shall be automatically carried over and may be committed and used, respectively, up to 31 December of the following financial year. The amount carried over shall be used first in the following financial year.	1. By derogation to Article 12(4) of Regulation (EU, Euratom) 2018/1046, unused commitment and payment appropriations under the Facility shall be automatically carried over and may be committed and used, respectively, up to 31 December of the following financial year. The amount carried over shall be used first in the following financial year.	
Article 12(2)				
203	2. The Commission shall inform the European Parliament and the Council of commitment appropriations carried over in	2. The Commission shall inform<u>submit to</u> the European Parliament and the Council of<u>information on</u> commitment	2. The Commission shall inform the European Parliament and the Council of commitment appropriations carried over in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 12(6) of Regulation (EU, Euratom) 2018/1046.	appropriations carried over, <u>including the amounts involved</u> in accordance with Article 12(6) of Regulation (EU, Euratom) 2018/1046.	accordance with Article 12(6) of Regulation (EU, Euratom) 2018/1046.	
Article 12(3)				
204	3. By derogation to Article 15 of Regulation (EU, Euratom) 2018/1046 on making appropriations available again, commitment appropriations corresponding to the amount of decommitments made as a result of total or partial non-implementation of an action under the Facility shall be made available again to the	3. By derogation to Article 15 of Regulation (EU, Euratom) 2018/1046 on making appropriations available again, commitment appropriations corresponding to the amount of decommitments made as a result of total or partial non-implementation of an action under the Facility shall be made available again to the	3. By derogation to Article 15 of Regulation (EU, Euratom) 2018/1046 on making appropriations available again, commitment appropriations corresponding to the amount of decommitments made as a result of total or partial non-implementation of an action under the Facility shall be made available again to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	benefit of the budget line of origin.	benefit of the budget line of origin.	benefit of the budget line of origin.	
Article 12(4)				
205	4. By way of derogation from the first, second and fourth subparagraphs of Article 209(3) of Regulation (EU, Euratom) 2018/1046, any revenues and repayments from financial instruments established under this Regulation shall constitute internal assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046, to the Facility or its successor programme.	4. By way of derogation from the first, second and fourth subparagraphs of Article 209(3) of Regulation (EU, Euratom) 2018/1046, any revenues and repayments from financial instruments established under this Regulation shall constitute internal assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046, to the Facility or its successor programme.	4. By way of derogation from the first, second and fourth subparagraphs of Article 209(3) of Regulation (EU, Euratom) 2018/1046, any revenues and repayments from financial instruments established under this Regulation shall constitute internal assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046, to the Facility or its successor programme.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(5)				
206	5. By way of derogation from Article 213(4), point (a), of Regulation (EU, Euratom) 2018/1046, any surplus of the provisions for the Ukraine Guarantee shall constitute internal assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046 to the Facility or its successor programme.	5. By way of derogation from Article 213(4), point (a), of Regulation (EU, Euratom) 2018/1046, any surplus of the provisions for the Ukraine Guarantee shall constitute internal assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046 to the Facility or its successor programme.	5. By way of derogation from Article 213(4), point (a), of Regulation (EU, Euratom) 2018/1046, any surplus of the provisions for the Ukraine Guarantee shall constitute internal assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2018/1046 to the Facility or its successor programme.	
Article 12(6), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
207	6. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments, in accordance with Article 112(2) of Regulation (EU, Euratom) 2018/1046.	6. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments, in accordance with Article 112(2) of Regulation (EU, Euratom) 2018/1046.	6. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments, in accordance with Article 112(2) of Regulation (EU, Euratom) 2018/1046.	
Article 12(6), second subparagraph				
208	The third subparagraph of Article 114(2) of Regulation (EU, Euratom) 2018/1046 shall not apply to the actions referred to in the first subparagraph of this paragraph.	The third subparagraph of Article 114(2) of Regulation (EU, Euratom) 2018/1046 shall not apply to the actions referred to in the first subparagraph of this paragraph.	The third subparagraph of Article 114(2) of Regulation (EU, Euratom) 2018/1046 shall not apply to the actions referred to in the first subparagraph of this paragraph.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13				
209	Article 13 Exceptional financing	Article 13 Exceptional financing	Article 13 Exceptional financing	
Article 13(1)				
210	1. In duly justified exceptional circumstances, in particular where a significant deterioration of the war makes it impossible for Ukraine to fulfil the conditions attached to the forms of support under this Regulation, the Facility	1. In duly justified exceptional circumstances, in particular where a significant deterioration of the war makes it impossible for Ukraine to fulfil the conditions attached to the forms of support under this Regulation, the Facility	1. In duly justified exceptional circumstances, in particular where a significant deterioration of the war makes it impossible for Ukraine to fulfil the conditions attached to the forms of support under this Regulation, the Facility	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	may provide exceptional financing to Ukraine in order to maintain its macro-financial stability and to foster the achievement of the objectives referred to in Article 3. Such exceptional financing shall cease as soon as the fulfilment of the conditions becomes possible again.	may provide exceptional financing to Ukraine in order to maintain its macro-financial stability and to foster the achievement of the objectives referred to in Article 3. Such exceptional financing shall cease as soon as the fulfilment of the conditions becomes possible again.	may provide exceptional financing to Ukraine in order to maintain its macro-financial stability and to foster the achievement of the objectives referred to in Article 3. Such exceptional financing shall be granted for individual periods of up to three months and cease as soon as the fulfilment of the conditions becomes possible again. Financing under this Article may be granted in addition to and during the same period of exceptional bridge financing granted under article 24 .	
Article 13(2)				
211				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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. <u>empowered to adapt a delegated act in accordance with Article 38 to supplement this Regulation with provisions setting out</u> exceptional financing to Ukraine under the Facility.	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. The Council shall act, as a rule, within one month of receiving the Commission's proposal.	
Article 13(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
212	3. The exceptional financing shall in any case be subject to the precondition referred to in Article 5 and shall be financed within the resources referred to in Article 6(1), point (a), and 6(2).	3. The exceptional financing shall in any case be subject to the precondition referred to in Article 5 and shall be financed within the resources referred to in Article 6(1), point (a), and 6(2).	3. The exceptional financing shall in any case be subject to the precondition referred to in Article 5 and shall be financed within the resources referred to in Article 6(1), point (a), and 6(2).	
Article 13(3a)				
212a			3a. The implementing decision of paragraph 2 shall set out the audit, control, monitoring and reporting rules, as well as the conditions and modalities for the exceptional financing.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	CHAPTER III			
213	CHAPTER III Pillar I: Ukraine Plan	CHAPTER III Pillar I: Ukraine Plan	CHAPTER III Pillar I: Ukraine Plan	
	Article 14			
214	Article 14 Relation of the Ukraine Plan to the Pillars of the Facility	Article 14 Relation of the Ukraine Plan to the Pillars of the Facility	Article 14 Relation of the Ukraine Plan to the Pillars of the Facility	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(1)				
215	1. The Ukraine Plan (the “Plan”) shall provide for an overarching framework to achieve the objectives set out in Article 3.	1. The Ukraine Plan (the “Plan”) shall provide for an overarching framework to achieve the objectives set out in Article 3.	1. The Ukraine Plan (the “Plan”) shall provide for an overarching framework to achieve the objectives set out in Article 3.	
Article 14(2)				
216	2. The Ukraine Plan shall constitute the basis for the support provided under Pillar I of the Facility as set out in Article 1(2)(a) and as referred to in this Chapter. It shall also serve as a reference to guide the support to be provided under Pillars II and III of the	2. The Ukraine Plan shall constitute the basis for the support provided under Pillar I of the Facility as set out in Article 1(2)(a) and as referred to in this Chapter. It shall also serve as a reference to guide the support to be provided under Pillars II and III of the	2. The Ukraine Plan shall constitute the basis for the support provided under Pillar I of the Facility as set out in Article 1(2)(a) and as referred to in this Chapter. It shall also serve as a reference to guide the support to be provided under Pillars II and III of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Facility referred to in Chapters IV and V.	Facility referred to in Chapters IV and V.	the Facility referred to in Chapters IV and V shall be coherent and avoid overlaps with the Ukrainian Plan, and in particular be guided by the principles set out in Article 15.	
Article 15				
217	Article 15 Principles for financing under the Ukraine Plan	Article 15 Principles for financing under the Ukraine Plan	Article 15 Principles for financing under the Ukraine Plan	
Article 15(1)				
218				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. The Ukraine Plan shall set out the reform and investment agenda of Ukraine, integrated in an economic and fiscal policy framework, towards the achievement of the general and specific objectives mentioned in Article 3. The Plan shall comprise measures for the implementation of reforms and public investment through a comprehensive and coherent package, which may also include public schemes that aim to incentivise private investments.	1. The Ukraine Plan shall set out the reform and investment agenda of Ukraine, integrated in an economic and fiscal policy framework, towards the achievement of the general and specific objectives mentioned in Article 3. The Plan shall comprise measures for the implementation of reforms and public investment through a comprehensive and coherent package, which may also include public schemes that aim to incentivise private investments. <u><i>The Ukraine Plan shall identify the amount of financial support contributing to support for macro-financial stability as defined in Article 3(2), point (a), as well as the amount of financial support contributing to support for</i></u>	1. The Ukraine Plan shall set out the reform and investment agenda of Ukraine, integrated in an economic and fiscal policy framework, towards the achievement of the general and specific objectives mentioned in Article 3. The Plan shall comprise measures for the implementation of reforms and public investment through a comprehensive and coherent package, which may also include public schemes that aim to incentivise private investments.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>reforms and investments as defined in the other paragraphs of Article 3.</u>		
Article 15(2)				
219	2. The Facility shall provide financing under this Chapter upon satisfactory fulfilment of conditions stemming from the Plan, taking the form of qualitative or quantitative steps. Such conditions shall reflect the different objectives of the Facility, as defined in Article 3, and shall include conditions related to essential requirements, such as the maintenance of economic and	2. The Facility shall provide financing under this Chapter upon satisfactory fulfilment of conditions stemming from the Plan, taking the form of <u>measurable</u> qualitative or quantitative steps, <u>agreed in the financing agreements</u>. Such conditions shall reflect the different objectives of the Facility, as defined in Article 3, and <u>general principles, as set out in Article 4,</u>	2. The Facility shall provide financing under this Chapter upon satisfactory fulfilment of the precondition set out in Article 5 and conditions stemming from the Plan, taking the form of qualitative or quantitative steps. Such conditions shall reflect the different objectives of the Facility, as defined in Article 3, and shall include conditions related to essential requirements, such as the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	financial stability, budget oversight and public financial management, and conditions related to the implementation of the reforms and investments set out in the Plan.	<u>and</u> shall include conditions related to essential requirements, such as the maintenance of economic and financial stability, budget oversight and public financial management, and conditions related to the implementation of the reforms and investments set out in the Plan.	maintenance of economic and financial stability, budget oversight and public financial management, and conditions related to the implementation of the reforms and investments set out in the Plan.	
Article 15(3)				
220	3. The conditions mentioned in paragraph 2 shall reflect the amounts referred to in Article 6(1)(a) and (2) and relevant contributions under paragraph 4 of that Article.	3. The conditions mentioned in paragraph 2 <u>this Article</u> shall <u>apply</u> reflect the amounts referred to in Article 6(1)(a) and (2) and relevant contributions under paragraph 4 of that Article.	3. The conditions mentioned in paragraph 2 shall reflect the amounts referred to in Article 6(1)(a) and (2) and relevant contributions under paragraph 4 of that Article.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(4)				
221	4. Measures started from 1 January 2023 onwards shall be eligible provided that they comply with the requirements set out in this Regulation.	4. Measures started from 1 January 2023 onwards shall be eligible provided that they comply with the requirements set out in this Regulation.	4. Measures started from 1 January 2023 onwards shall be exceptionally eligible provided that they comply with the requirements set out in this Regulation. These measures should be duly justified and properly documented.	
Article 15(5)				
222	5. The Ukraine Plan shall be	5. The Ukraine Plan shall be	5. The Ukraine Plan shall be	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
consistent with reform priorities identified in the context of Ukraine's accession path, as outlined in the Commission Opinion and the Analytical Report, and the Association Agreement including a Deep and Comprehensive Free Trade Agreement. It shall also be consistent with Ukraine's Nationally Determined Contribution under the Paris Agreement and, if available, the National Energy and Climate Plan.	consistent with reform <u>contribute to all or a significant subset of the</u> priorities identified in the context of Ukraine's accession path, as outlined in the Commission Opinion and the Analytical Report, and the Association Agreement including a Deep and Comprehensive Free Trade Agreement <u>and shall be consistent with those priorities.</u> It shall also <u>contribute to and</u> be consistent with Ukraine's Nationally Determined Contribution under the Paris Agreement and, if available, the National Energy and Climate Plan.	consistent with reform priorities identified in the context of Ukraine's accession path, as outlined in the Commission Opinion and the Analytical Report, the Commission's regular enlargement report and subsequent Council conclusions, and the Association Agreement including a Deep and Comprehensive Free Trade Agreement. It shall also be consistent with Ukraine's Nationally Determined Contribution under the Paris Agreement, Ukraine's commitments under the United Nations Convention on Biological Diversity and, if available, the National Energy and Climate Plan.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(6)				
223	6. The Ukraine Plan shall respect the general principles set out in Article 4.	6. The Ukraine Plan shall respect the general principles set out in Article 4.	6. The Ukraine Plan shall respect the general principles set out in Article 4.	
Article 16				
224	Article 16 Content of the Ukraine Plan	Article 16 Content of the Ukraine Plan	Article 16 Content of the Ukraine Plan	
Article 16(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
225	1. In order to receive support under the Facility, Ukraine shall submit to the Commission a Ukraine Plan.	1. In order to receive support under the Facility, Ukraine shall submit to the Commission a Ukraine Plan.	1. In order to receive support under the Facility, Ukraine shall submit to the Commission a Ukraine Plan.	
Article 16(2)				
226	2. The Ukraine Plan shall in particular set out the following elements, which shall be duly reasoned and substantiated:	2. The Ukraine Plan shall in particular set out the following elements, which shall be duly reasoned and substantiated:	2. The Ukraine Plan shall in particular set out the following elements, which shall be duly reasoned and substantiated:	
Article 16(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
227	(a) measures constituting a coherent, comprehensive and adequately balanced response to the objectives set out in Article 3, including structural reforms and measures to promote the convergence with the Union as well as measures referred to in article 15(2), so that the Plan as a whole raises the growth rate of the Ukrainian economy;	(a) measures constituting a <u>needs-based</u>, coherent, comprehensive and adequately balanced response to the objectives set out in Article 3, including structural reforms and measures to promote the convergence with the Union as well as needs<u>the application of the conditions</u> referred to in article 15(2), so that the <u>Ukraine</u> Plan as a whole raises the growth rate of the Ukrainian economy, <u>reduces economic and social inequalities and ensures tangible progress of Ukraine towards the Union's social, economic, and environmental standards</u>;	(a) measures constituting a coherent, comprehensive and adequately balanced response to the objectives set out in Article 3, including structural reforms and measures to promote the convergence with the Union, to strengthen the rule of law, democracy, the respect of human rights and fundamental freedoms as well as measures referred to in article 15(2), so that the Plan as a whole raises the growth rate of the Ukrainian economy;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(2), point (aa)				
227a		<u>(aa) an explanation of how the Ukraine Plan contributes to effectively addressing all or a significant subset of challenges identified in the Commission Opinion on Ukraine's application for membership of the European Union, or challenges identified in other relevant documents officially adopted by the Commission in the context of the Ukraine's application for membership of the European Union;</u>		
Article 16(2), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
228	(b) an explanation of how the Plan is consistent with the principles, plans and programmes referred to in Article 15(5);	(b) an explanation of how the Plan is <u>and its measures are</u> consistent with the <u>general</u> principles <u>referred to in Article 4, as well as requirements</u> , plans and programmes referred to in Article 15(5) <u>15</u> ;	(b) an explanation of how the Plan is consistent with the principles, plans and programmes referred to in Article 15(5);	
Article 16(2), point (c)				
229	(c) for the reforms and investments, an indicative timetable, and the envisaged qualitative and quantitative steps to be implemented by 31 December 2027;	(c) for the reforms and investments , an indicative timetable, and the <u>measurable</u> envisaged qualitative and quantitative steps to be implemented by 31 December	(c) for the reforms and investments, an indicative timetable, and the envisaged qualitative and quantitative steps to be implemented by 31 December 2027;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		2027;		
Article 16(2), point (ca)				
229a		<u>(ca) measurable and achievable milestones and targets, an indicative ex-ante costing, as well as an explanation on how these measures are consistent with the requirements of Article 15, in particular paragraph 3 thereof;</u>		
Article 16(2), point (d)				
230	(d) the arrangements for the	(d) the arrangements for the	(d) the arrangements for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	effective monitoring, reporting and evaluation of the Ukraine Plan by Ukraine, including the proposed qualitative and quantitative steps, and the related indicators;	effective monitoring, reporting and evaluation of the Ukraine Plan by Ukraine, including the proposed <u>measurable</u> qualitative and quantitative steps, and the related indicators, <u>as well as the proposed comprehensive and timely involvement of the Verkhovna Rada and the monitoring committees, referred to in Article 17a;</u>	effective monitoring, reporting and evaluation of the Ukraine Plan by Ukraine, including the proposed qualitative and quantitative steps, and the related indicators;	
Article 16(2), point (e)				
231	(e) an explanation of how the Plan corresponds to the recovery, reconstruction and modernisation needs stemming from the war in	(e) an explanation of how the Plan corresponds to the recovery, <u>restoration</u> reconstruction and modernisation needs stemming	(e) an explanation of how the Plan corresponds to the recovery, reconstruction and modernisation needs stemming from the war in	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Ukraine's regions and municipalities, and thereby enhances their economic, social, environmental and territorial development, supports the decentralisation reform across Ukraine and convergence towards the Union's standards; an explanation of the methodology and processes used for the selection and implementation of projects, and the mechanisms to involve sub-national authorities, in particular municipalities, in decision-making on the use of support in the reconstruction process at local level; the methodology used to track related expenditure; and an explanation of how the Plan ensures that the reconstruction projects selected	from the war <u>Russia's war of aggression</u> in Ukraine's regions and municipalities, and thereby enhances their <u>inclusive</u> economic, social, environmental and territorial development, supports the decentralisation reform across Ukraine and convergence towards the Union's standards; <u>this explanation shall take into account the powers, tasks and responsibilities assigned to different levels of government</u>; an explanation of the methodology and processes used for the selection and implementation of projects, and the mechanisms to involve sub-national authorities, in particular municipalities, <u>as well as civil society organisations</u>, in decision-making on the use of	Ukraine's regions and municipalities, and thereby enhances their inclusive and sustainable economic, social, environmental and territorial development, reinforces social cohesion, supports the decentralisation reform across Ukraine and convergence towards the Union's standards; an explanation of the methodology and processes used for the selection and implementation of projects, and the mechanisms to involve sub-national authorities, in particular municipalities, in decision-making on the use of support in the reconstruction process at local level; the methodology used to track related expenditure; and an explanation of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and implemented by such sub-national authorities constitute an adequately substantial share of the support;	support in the reconstruction process at local level <u>and in the democratic scrutiny process, in particular timely and equal access to information and funds for the relevant sub-national authorities;</u> the methodology used to track related expenditure; and an explanation of how the Plan ensures that the reconstruction projects selected and implemented by such sub-national authorities constitute an adequately substantial share of the support; <u>that explanation shall also cover twinning and partnerships between cities, as well as peer-to-peer cooperation and programmes embedded in partnerships between cities and regions in the Union and Ukraine;</u>	how the Plan ensures that the reconstruction projects selected and implemented by such sub-national authorities constitute an adequately substantial share of the support;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 16(2), point (f)			
232	(f) for the preparation and, where available, for the implementation of the Ukraine Plan, a summary of the consultation process, conducted in accordance with the national legal framework, of relevant stakeholders, including local and regional authorities, social partners and civil society organisations, and how the input of the stakeholders is reflected in the Ukraine Plan;	(f) for the preparation and, where available, for the implementation of the Ukraine Plan, a summary of the consultation process, conducted in accordance with the national legal framework, of relevant stakeholders, including <u>the Verkhovna Rada</u>, local and regional <u>representative bodies and</u> authorities, social partners and civil society organisations, and how the input of <u>these</u> stakeholders is reflected in the Ukraine Plan;	(f) for the preparation and, where available, for the implementation of the Ukraine Plan, a summary of the consultation process, conducted in accordance with the national legal framework, of relevant stakeholders, including local and regional authorities, social partners and civil society organisations, and how the input of the stakeholders is reflected in the Ukraine Plan;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(2), point (g)				
233	(g) an explanation of the extent to which the measures under the Plan are expected to contribute to climate and environmental objectives;	(g) an explanation of the extent to which the measures under the <u>Ukraine</u> Plan are expected to contribute to climate and environmental objectives;	(g) an explanation of the extent to which the measures under the Plan are expected to contribute to climate and environmental objectives; including biodiversity conservation.	
Article 16(2), point (fa), second subparagraph				
233a		<u>- climate, biodiversity, and environmental objectives, in particular through the convergence towards the Union's climate and environmental standards as well as relevant</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>legislative initiatives and reforms, and how compatibility, to the extent possible, with the principle of ‘do no significant harm’ is ensured;</u>		
	Article 16(2), point (fa), third subparagraph			
233b		- <u>the promotion of the rule of law;</u>		
	Article 16(2), point (fa), fourth subparagraph			
233c		- <u>social objectives, including the inclusion of vulnerable groups,</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>such as persons with disabilities and older people and ensure the best interest of children;</u>		
Article 16(2), point (fa), fifth subparagraph				
233d		- <u>gender equality and the empowerment of women and girls, including the protection and promotion of women's and girls' rights in line with EU Gender Action Plans and relevant Council conclusions and international conventions.</u>		
Article 16(2), point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
234	(h) an explanation of Ukraine's system to effectively prevent, detect and correct irregularities, fraud, corruption and conflicts of interests, when using the funds provided under the Facility, and of the arrangements that aim to avoid double funding from the Facility and other Union programmes or donors;	(h) an <u>detailed</u> explanation of Ukraine's system <u>and planned measures</u> to effectively prevent, detect and correct irregularities, fraud, corruption, <u>high-level corruption</u> and conflicts of interests, when using <u>as well as to effectively investigate and prosecute criminal offences affecting</u> the funds provided under the Facility, and of the arrangements that aim to avoid double funding from the Facility and other Union programmes or donors, <u>as well as to ensure swift judicial cooperation with competent authorities of the Union and its Member States;</u>	(h) an detailed explanation of Ukraine's system and planned measures to effectively prevent, detect and correct irregularities, fraud, corruption, or any other illegal activity affecting the Union's financial interests and conflicts of interests, including the effective investigation and prosecution of criminal offences affecting when using the funds provided under the Facility, and of the arrangements that aim to avoid double funding from the Facility and other Union programmes or donors, as well as to ensure swift judicial cooperation with competent authorities of the Union and its Member States;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(2), point (ha)				
234a		<u>(ha) an explanation how Ukraine shall ensure an adequate level of protection of the financial interests of the Union by applying comparable standards as provided for in Regulation (EU, Euratom) 2018/1046 and other related Union law;</u>	(ha) an explanation of how the Plan ensures that other donors are able to contribute to supporting the measures of the Plan;	
Article 16(2), point (i)				
235	(i) any other relevant information.	(i) any other relevant information.	(i) any other relevant information.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(3)				
236	3. The Ukraine Plan shall be results-based and include indicators for assessing progress towards the achievement of the general and specific objectives referred to in Article 3.	3. The Ukraine Plan shall be results-based and include <u>measurable</u> indicators <u>such as key performance indicators, where applicable</u> for assessing progress towards the achievement of the general and specific objectives referred to in Article 3.	3. The Ukraine Plan shall be results-based results and impact-based and include indicators for assessing progress towards the achievement of the general and specific objectives referred to in Article 3.	
Article 17				
237	Article 17	Article 17	Article 17	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Preparation and submission of the Ukraine Plan	Preparation and submission of the Ukraine Plan	Preparation and submission of the Ukraine Plan	
Article 17(1)				
238	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.	1. The Ukraine Plan shall be prepared by Ukraine<u>the Ukrainian government and approved by the Verkhovna Rada, which shall be given due time to assess the draft bill</u>. Ukraine shall strive to submit the Plan to the Commission by two<u>three</u> months after entry into force of this Regulation. Ukraine may submit a draft Plan to the Commission. <u>The Commission shall share that draft Plan with the European Parliament and the</u>	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Council.</u>		
Article 17(2)				
239	2. When preparing the Plan in accordance with Article 16, Ukraine shall take particular account of the situation in Ukraine's regional, local and urban areas, having regard to their specific needs for recovery and reconstruction, reform, modernisation and decentralisation.	2. When preparing the Plan in accordance with Article 16, Ukraine shall take particular account of the <u>relevant resolutions of the Verkhovna Rada and</u> situation in Ukraine's regional, local and urban areas, having regard to their specific needs for recovery and reconstruction, reform, modernisation and decentralisation.	2. When preparing the Plan in accordance with Article 16, Ukraine shall take particular account of the situation in Ukraine's regional, local and urban areas, having regard to their specific needs for recovery and reconstruction, reform, modernisation and decentralisation.	
Article 17(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
240	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.	3. The preparation and implementation of the Ukraine Plan shall be done in consultation with regional, local, urban and other public authorities, <u>including relevant line ministries, civil society and expert community</u> in accordance with the multi-level governance principle and taking into account a bottom-up approach. <u>In line with the EU Partnership Principle and the European Code of Conduct, 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</u>	3. The preparation and implementation of the Ukraine Plan shall be done in consultation with regional, local, urban and other public authorities, as well as with social partners and civil society organisations, in accordance with the multi-level governance principle, and taking into account a bottom-up approach.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the design and implementation of the Ukraine Plan.</u>		
Article 17a				
240a		<u>Article 17a</u> <u>Involvement of the Verkhovna Rada and obligation of the Monitoring Committees in the implementation and evaluation of the Ukraine Plan</u>		
Article 17a(1)				
240b				

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>1. Following the submission of the Ukraine Plan, the Ukrainian government shall regularly provide the Verkhovna Rada and the public with summaries of all relevant information regarding the implementation of the Ukraine plan, in particular in the context of amendments to the Ukraine Plan, as referred to in Article 20, in a comprehensive and timely manner. The Ukrainian government shall report in person, on a quarterly basis, at Verkhovna Rada plenary meetings.</u>		
Article 17a(2)			
240c			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>2. The Ukrainian government shall establish Monitoring Committees involving a diverse range of stakeholders, including non-governmental organisations, supported by a specific framework agreement for cooperation with those non-governmental organisations, in line with the EU Partnership Principle and the European Code of Conduct. The Monitoring Committees shall be updated regularly on the state of implementation of the Ukraine Plan and the evaluation of its measures. They shall be provided comprehensive, timely and relevant information for this purpose and be given appropriate time to process such information. Opinions of the Monitoring</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>Committees shall be forwarded to the Commission, which shall make them available to the European Parliament and the European Council without delay.</u>		
Article 17a(3)			
240d	<u>3. Upon a well-reasoned request by the Monitoring Committees, the Ukrainian government or, where relevant, the Commission shall request audits or external evaluations of one or more measures in the Ukraine Plan, financed by funds available under Article 6(1) point (d).</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18				
241	Article 18 Commission assessment of the Ukraine Plan	Article 18 Commission assessment of the Ukraine Plan	Article 18 Commission assessment of the Ukraine Plan	
Article 18(1)				
242	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,	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,	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,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	and, <i>where appropriate, may adopt a delegated act make a proposal for a Council implementing decision</i> in accordance with Article 19(1) 19 . When carrying out that assessment, the Commission shall act in close cooperation with Ukraine, and may make observations or seek additional information.	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 the international partners contributing to its implementation. The Commission may make observations-ø, seek additional information or request that Ukraine modifies the draft Plan.	
Article 18(2)				
243	2. When assessing the Ukraine Plan, and in the determination of	2. When assessing the Ukraine Plan, and in the determination of	2. When assessing the Ukraine Plan, and in the determination of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the amount to be allocated to Ukraine, the Commission shall take into account relevant available analytical information on Ukraine, the justification and the elements provided by Ukraine as referred to in Article 16(2), as well as any other relevant information such as, in particular, the information listed in Article 15(5).	the amount to be allocated to Ukraine, the Commission shall take into account relevant available analytical information on Ukraine, the justification and the elements provided by Ukraine as referred to in Article 16(2), as well as any other relevant information such as, in particular, the information listed in Article 15(5).	the amount to be allocated to Ukraine, the Commission shall take into account relevant available analytical information on Ukraine including its macroeconomic situation and debt sustainability , the justification and the elements provided by Ukraine as referred to in Article 16(2), as well as any other relevant information such as, in particular, the information listed in Article 15(5).	
Article 18(3)				
244	3. In its assessment, the Commission shall take into account the following criteria:	3. In its assessment, the Commission shall take into account the following criteria:	3. In its assessment, the Commission shall take into account the following criteria:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 18(3), point (a)			
245	(a) whether the Plan represents a coherent, comprehensive and adequately balanced response to the objectives set out in Article 3, including structural reforms and measures to promote the convergence with the Union, so that the Plan as a whole raises the growth rate of the Ukrainian economy;	(a) whether the Plan represents a <u>needs-based</u>, coherent, comprehensive and adequately balanced response to the objectives set out in Article 3, including structural reforms and measures to promote the <u>rule of law and</u> convergence with the Union, <u>as well as the application of the conditions referred to in Article 15(2)</u> so that the Plan as a whole raises the <u>leads to sustainable</u> growth rate of the Ukrainian economy, <u>reduces economic and social inequalities and ensures the tangible progress of Ukraine</u>	(a) whether the Plan represents a coherent, comprehensive and adequately balanced response to the objectives set out in Article 3, including structural reforms and measures to promote the convergence with the Union, to strengthen the rule of law, democracy, the respect of human rights and fundamental freedoms so that the Plan as a whole raises the growth rate of the Ukrainian economy;	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>towards the Union social, economic and environmental standards;</u>		
Article 18(3), point (aa)			
245a	<u>(aa) whether the Ukraine Plan contributes to effectively addressing all or a significant subset of challenges identified in the Commission Opinion on Ukraine's application for membership of the European Union, or challenges identified in other relevant documents officially adopted by the Commission in the context of Ukraine's application for</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>membership of the European Union;</u>		
Article 18(3), point (ab)				
245b		<u>(ab) whether the Ukraine Plan and its measures are consistent with the general principles, referred to in Article 4, as well as the requirements referred to in Article 15;</u>		
Article 18(3), point (b)				
246	(b) whether the Plan corresponds	(b) whether the <u>Ukraine</u> Plan	(b) whether the Plan corresponds	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the recovery, reconstruction and modernisation needs stemming from the war in Ukraine's regions and municipalities, and thereby enhances their economic, social, environmental and territorial development, supports the decentralisation reform across Ukraine and convergence towards the Union's standards; whether the methodology and processes used for the selection and implementation of projects, and the mechanisms to involve sub-national authorities, in particular municipalities, in decision-making on the use of support in the reconstruction process at local level are appropriate; whether the methodology used to track related expenditure for the reconstruction	corresponds to the recovery, <u>restoration</u>, reconstruction and modernisation needs stemming from the war in Ukraine's regions and municipalities, <u>stemming from Russia's war of aggression against Ukraine</u> and thereby enhances their economic, social, environmental and territorial development, supports the decentralisation reform across Ukraine and convergence towards the Union's standards; whether the methodology and processes used for the selection and implementation of projects, and the mechanisms to involve sub-national authorities, in particular municipalities <u>and civil society organisations</u>, in decision-making on the use of support in the	to the recovery, reconstruction and modernisation needs stemming from the war in Ukraine's regions and municipalities, and thereby enhances their inclusive and sustainable, economic, social, environmental and territorial development, reinforces social cohesion, supports the decentralisation reform across Ukraine and convergence towards the Union's standards; whether the methodology and processes used for the selection and implementation of projects, and the mechanisms to involve sub-national authorities, in particular municipalities, in decision-making on the use of support in the reconstruction process at local level are appropriate, as well as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	projects selected and implemented by such sub-national authorities is appropriate and whether such projects constitute an adequately substantial share of the support;	reconstruction process at local level <u>and in the democratic scrutiny process, in particular timely and equal access to information and funds for the relevant sub-national authorities</u> are appropriate; whether the methodology used to track related expenditure for the reconstruction projects selected and implemented by such sub-national authorities is appropriate and whether such projects constitute an adequately substantial share of the support;	civil society groups; whether the methodology used to track related expenditure for the reconstruction projects selected and implemented by such sub-national authorities is appropriate and whether such projects constitute an adequately substantial share of the support;	
Article 18(3), point (ba)				
246a		<u>(ba)</u> <u>whether the measures in the</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>Ukraine Plan are expected to contribute to climate change mitigation and adaptation, to the environmental protection, to the green transition, including biodiversity, or to addressing the challenges resulting therefrom, and whether those measures aim to account for an amount that represents at least 20 % of the Plan's total allocation, based on the methodology for climate tracking set out in an annex to this Regulation;</u>		
Article 18(3), point (bb)			
246b	<u>(bb) whether the measures</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>included in the Ukraine Plan are compatible with the principles of ‘do no significant harm’, to the extent possible, and of ‘leaving no one behind’ and that no measure included in the Plan is incompatible with Ukraine’s National Energy and Climate Plan, if available, with Ukraine’s Nationally Determined Contribution under the Paris Agreement, or that promote investments in fossil fuels;</u>		
Article 18(3), point (bc)				
246c		<u>(bc) whether the Ukraine Plan is expected to promote gender</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>equality and the empowerment of women and girls, and whether it seeks to protect and promote women's and girls' rights in line with the EU Gender Action Plans and relevant Council conclusions and international conventions;</u>		
Article 18(3), point (c)				
247	(c) whether the arrangements proposed by Ukraine are expected to ensure an effective monitoring, reporting and implementation of the Ukraine Plan, including the envisaged timetable, qualitative and quantitative steps, and the related indicators;	(c) whether the arrangements proposed by Ukraine are expected to ensure an effective monitoring, reporting and implementation of the Ukraine Plan <u>and any updates thereof, in particular the comprehensive and timely involvement of the Verkhovna</u>	(c) whether the arrangements proposed by Ukraine are expected to ensure an effective monitoring, reporting and implementation of the Ukraine Plan, including the envisaged timetable, qualitative and quantitative steps, and the related indicators;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Rada and the Monitoring Committees, referred to in Article 17a</u> , including the envisaged timetable, <u>measurable</u> qualitative and quantitative steps, and the related indicators <u>and ensure that the financial interests of the Union are protected</u> ;		
Article 18(3), point (d)				
248	(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	(d) whether the arrangements proposed by Ukraine are expected to effectively prevent, detect and correct irregularities, fraud, corruption <u>oligarch structures</u> and conflicts of interests, when using as <u>well as, to effectively investigate</u>	(d) whether the arrangements proposed by Ukraine are expected to effectively prevent, detect and correct ensure an adequate level of protection of the financial interests of the Union, in particular by preventing,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	expected to allow avoiding double funding from the Facility and other Union programmes as well as other donors.	<u>and prosecute criminal offences affecting</u> the funds provided under the Facility, and are expected to <u>will ensure</u> avoiding double funding from the Facility and other Union programmes as well as other donors.²	detecting and correcting irregularities, fraud, corruption, or any other illegal activity affecting the Union's financial interests and conflicts of interests, when ensuring effective investigation and prosecution of criminal offences affecting the funds provided under the Facility, as well as ensuring swift judicial cooperation with competent authorities of the Union and its Member States; the Commission shall also take into account whether the arrangements proposed by Ukraine are expected to allow avoiding double funding from the Facility and other Union programmes as well as other donors.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(3), point (da)				
248a		<u>(da) whether the Ukraine Plan effectively reflects the inputs of the stakeholder consultation process, conducted in accordance with the national legal framework, of relevant stakeholders, including the Verkhovna Rada, local and regional representative bodies and authorities, social partners and civil society organisations.</u>	(da) whether the Plan ensures that other donors are able to support the objectives of the Plan.	
Article 18(4)				
249				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. For the purpose of the assessment of the Ukraine Plan submitted by Ukraine, the Commission may be assisted by experts.	4. For the purpose of the assessment of the Ukraine Plan submitted by Ukraine, the Commission may be assisted by experts.	4. For the purpose of the assessment of the Ukraine Plan submitted by Ukraine, the Commission may be assisted by experts.	
Article 19				
250	Article 19 Council implementing decision	Article 19 Council implementing decision <u>Delegated act on supplementary provisions</u>	Article 19 Council implementing decision	
Article 19(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
251	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).	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 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 17(1) or, where applicable, of its amendment submitted in accordance with <u>Article 20(1) or (2) 38 to supplement this Regulation with provisions setting out the matters</u>	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). The Council shall act, as a rule, within one month of receiving the Commission's proposal. The Council, acting by qualified majority, may amend the Commission's proposal and adopt the amended text by means of an implementing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>referred to in paragraphs 2 and 3 of this Article.</u>	decision.	
Article 19(2)				
252	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.	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, <u>the milestones and targets required for the disbursement of</u> the amounts referred to in Article 6(1) point (a)	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 annual and total amounts referred to in Article 6(1) point (a) and (2) and relevant contributions under paragraph 4 of that Article.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and (2) and relevant contributions under paragraph 4 of that Article.		
Article 19(3)				
253	3. The Commission proposal referred to in paragraph 2 shall also lay down:	3. The Commission <u>proposed delegated act</u> referred to in paragraph 2 shall also lay down:	3. The Commission proposal referred to in paragraph 2 shall also lay down:	
Article 19(3), point (a)				
254	(a) the indicative non-repayable financial support and indicative amount of the loan support to be paid in instalments, structured in	(a) the indicative non-repayable financial support and indicative amount of the loan support to be paid in instalments, structured in	(a) the indicative total non-repayable financial support and indicative total amount of the loan support to be paid in instalments,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	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;	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;	
Article 19(3), point (aa)				
254a			(aa) the envisaged timetable for disbursement of the support and its payment schedule;	
Article 19(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
255	(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;	(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 ;	(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;	
Article 19(3), point (c)				
256	(c) the time limit, which should be no later than 31 December 2027, by which the final qualitative and quantitative steps for both investment projects and reforms must be completed;	(c) the time limit, which should be no later than 31 December 2027, by which the final qualitative and quantitative steps for both investment projects and reforms must be completed;	(c) the time limit, which should shall be no later than 31 December 2027, by which the final qualitative and quantitative steps for both investment projects and reforms must be completed;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(3), point (d)				
257	(d) the arrangements and timetable for monitoring and implementation of the Ukraine Plan including, where relevant, measures necessary for complying with Article 33;	(d) the arrangements and timetable for monitoring and implementation of the Ukraine Plan, <u>in particular the involvement of the Verkhovna Rada and the Monitoring Committees, referred to in Article 17a, as well as including</u> , where relevant, measures necessary for complying with Article 33;	(d) the arrangements and timetable for monitoring and implementation of the Ukraine Plan including, where relevant, measures necessary for complying with Article 33;	
Article 19(3), point (e)				
258	(e) the indicators for assessing progress towards the achievement of the general and specific	(e) the indicators for assessing progress towards the achievement of the general and specific	(e) the indicators for assessing progress towards the achievement of the general and specific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	objectives mentioned in Article 3;	objectives mentioned in Article 3;	objectives mentioned in Article 3;	
Article 19(3), point (f)				
259	(f) the arrangements for providing full access by the Commission to the underlying relevant data.	(f) the arrangements for providing full access by the Commission to the underlying relevant data.	(f) the arrangements for providing full access by the Commission to the underlying relevant data.	
Article 19(3), point (fa)				
259a			(fa) information on the actual and planned contributions from other donors and an explanation on the coordination measures in the development and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			implementation of the Plan which would ensure the achievement of its objectives.	
Article 19(3), point (fb)				
259b			(fb) an analysis of the impact of the plan on the macroeconomic situation and debt sustainability of Ukraine.	
Article 19(3a)				
259c		<u>3a. Where the Commission gives a negative assessment to the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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. The Commission shall transmit relevant and substantial information to the European Parliament and the Council simultaneously and on equal terms at least five working days ahead of the meeting.</u>		
Article 20				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
260	Article 20 Amendments to the Ukraine Plan	Article 20 Amendments to the Ukraine Plan	Article 20 Amendments to the Ukraine Plan	
Article 20(1)				
261	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	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 <u>The Ukrainian government, after consulting the Verkhovna Rada and the Monitoring Committees referred to in Article 17a, may</u> propose an amended <u>amendments</u>	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing decision referred to in Article 19(1).	<u>to the</u> 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 <u>decision</u> delegated act referred to in Article 19(1).	implementing decision referred to in Article 19(1).	
Article 20(2)				
262	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	2. The Commission may, <u>after informing the European Parliament and the Council</u> , in agreement with Ukraine, make a proposal to amend the Council <u>implementing decision</u> delegated act referred to in Article 19(1), in particular to take into account a	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 changes in the circumstances allowing for an increase in ambition or a change	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States or from other sources as referred to in Article 6(4).	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).	of the amounts available, notably due to additional contributions by the Member States or from other sources as referred to in Article 6(4). The Council may request to the Commission to assess whether the conditions set out in this paragraph are met and submit, where appropriate, the relevant proposal.	
Article 20(3)				
263	3. Where the Commission considers that the reasons put forward by Ukraine justify an amendment to the Ukraine Plan, the Commission shall assess the	3. Where the Commission considers that the reasons put forward by Ukraine justify an amendment to the Ukraine Plan, the Commission shall assess the	3. Where the Commission considers that the reasons put forward by Ukraine justify an amendment to the Ukraine Plan, the Commission shall assess the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	amended Ukraine Plan in accordance with Article 18 and shall make a proposal for an amendment of the Council <u>implementing decision</u> <u>delegated act</u> referred to in Article 19(1). without undue delay.	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. The Council shall act, as a rule, within one month of receiving the Commission's proposal. The Council, acting by qualified majority, may amend the Commission's proposal and adopt the amended text by means of an implementing decision.	
Article 20a				
263a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 20a</u> <u>Ukraine social, economic, and environmental scoreboard</u>		
Article 20a(1)				
263b		<u>1. The Commission shall establish a Ukraine Plan scoreboard (the ‘Scoreboard’), which shall display the progress of the implementation of the Ukraine Plan in each of the objectives referred to in Article 3, the social, economic, and environmental situation in Ukraine and the progress of the convergence towards the Union’s standards.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20a(2)				
263c		<u>2. The Commission shall be empowered to adopt a delegated act in accordance with Article 38 to supplement this Regulation by establishing the detailed elements of the Scoreboard with a view to displaying the progress of the implementation of the Ukraine Plan as referred to in paragraph 1, the social, economic, and environmental situation in Ukraine and the progress of the convergence towards the Union's standards.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20a(3)				
263d		<u>3. The Scoreboard shall be operational by July 2024 and shall be updated by the Commission twice a year. The Scoreboard shall be made publicly available online.</u>		
Article 21				
264	Article 21 Loan agreement, borrowing and lending operations	Article 21 Loan agreement, borrowing and lending operations	Article 21 Loan agreement, borrowing and lending operations	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(1)				
265	1. In order to finance the support under the Facility in the form of loans, the Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions in accordance with Article 220a of Regulation (EU, Euratom) 2018/1046.	1. In order to finance the support under the Facility in the form of loans, the Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions in accordance with Article 220a of Regulation (EU, Euratom) 2018/1046.	1. In order to finance the support under the Facility in the form of loans, the Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions in accordance with Article 220a of Regulation (EU, Euratom) 2018/1046.	
Article 21(2)				
266	2. Upon adoption of the Council implementing decision referred to	2. Upon adoption of the Council <u>implementing decision</u>delegated	2. Upon adoption of the Council implementing decision referred to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>act</u> 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. <u>The Commission shall transmit to the European Parliament and the</u>	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Council, simultaneously, the following elements:</u>		
Article 21(2), point (a)				
266a		<u>(a) the amount of the loan in EUR;</u>		
Article 21(2), point (b)				
266b		<u>(b) the average maturity;</u>		
Article 21(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
266c		<u>(c) the pricing formula, and the availability period of the loan;</u>		
Article 21(2), point (d)				
266d		<u>(d) the maximum number of instalments and a clear and precise repayment schedule.</u>		
Article 21(3)				
267	3. By way of derogation from Article 31(3), second sentence, of	3. By way of derogation from Article 31(3), second sentence, of	3. By way of derogation from Article 31(3), second sentence, of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) 2021/947, the financial assistance provided to Ukraine in the form of loans under the Facility shall not be supported by the External Action Guarantee.	Regulation (EU) 2021/947, the financial assistance provided to Ukraine in the form of loans under the Facility shall not be supported by the External Action Guarantee.	Regulation (EU) 2021/947, the financial assistance provided to Ukraine in the form of loans under the Facility shall not be supported by the External Action Guarantee.	
Article 21(4)				
268	4. No provisioning for the loans under this Regulation shall be constituted and, by way of derogation from Article 211(1) of Regulation (EU, Euratom) 2018/1046, no provisioning rate as a percentage of the amount referred to in Article 6(2) of this Regulation shall be set.	4. No provisioning for the loans under this Regulation shall be constituted and, by way of derogation from Article 211(1) of Regulation (EU, Euratom) 2018/1046, no provisioning rate as a percentage of the amount referred to in Article 6(2) of this Regulation shall be set.	4. No provisioning for the loans under this Regulation shall be constituted and, by way of derogation from Article 211(1) of Regulation (EU, Euratom) 2018/1046, no provisioning rate as a percentage of the amount referred to in Article 6(2) of this Regulation shall be set.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(4a)				
268a		<u>4a. The loan agreement shall be transmitted simultaneously to the European Parliament and the Council, as well as to the Verkhovna Rada.</u>		
Article 22				
269	Article 22 Borrowing costs subsidy	Article 22 Borrowing costs subsidy	Article 22 Borrowing costs subsidy	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22(1)				
270	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.	1. By way of derogation from Article 220(5) of Regulation (EU, Euratom) 2018/1046 <u>and subject to available resources, the Facility</u>; 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. <u>The Facility may also bear the cost of the interest rate subsidies previously granted</u>	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>in Regulation (EU) 2022/2463, Decision (EU) 2022/1628, Decision (EU) 2022/1201 and Decision (EU) 2022/313, for the period 2024-2027.</u>		
Article 22(2)				
271	2. Ukraine may request each year the borrowing costs subsidy referred to in paragraph 1. The Commission may award the borrowing costs subsidy for an amount not exceeding the limits of the appropriations made available in the annual budget.	2. Ukraine may request each year the borrowing costs subsidy referred to in paragraph 1. The Commission may award the borrowing costs subsidy for an amount not exceeding the limits of the appropriations made available in the annual budget.	2. Ukraine may request each year the borrowing costs subsidy referred to in paragraph 1. The Commission may award the borrowing costs subsidy for an amount not exceeding the limits of the appropriations made available in the annual budget.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23				
272	Article 23 Pre-financing	Article 23 Pre-financing	Article 23 Pre-financing	
Article 23(1)				
273	1. Ukraine may request together with the submission of the Ukraine Plan a pre-financing payment of an amount of up to 7% of the non-repayable financial support and loan to be provided under Chapter III.	1. Ukraine may request together with the submission of the Ukraine Plan a pre-financing payment of an amount of up to 7% of the non-repayable financial support and loan to be provided under Chapter III.	1. Ukraine may request together with the submission Subject to the adoption by the Council of the implementing decision referred to in article 19(1), Ukraine Plan may request, as part of the Ukraine Plan, a pre-financing payment of an amount of up to 7% of the non-repayable financial	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			loan support and loan to be provided under Chapter III.	
Article 23(2)				
274	2. In respect of the non-repayable financial support, the Commission may make the payment of pre-financing after the adoption of the Plan referred to in Article 19 and the entry into force of the financing agreement referred to in Article 10, subject to the available funding and to the respect of the precondition referred to in Article 5.	2. In respect of the non-repayable financial support, the Commission may make the payment of pre-financing after the adoption of the Plan referred to in Article 19 and the entry into force of the financing agreement referred to in Article 10, subject to the available funding and to the respect of the precondition referred to in Article 5.	2. In respect of the non-repayable financial support, the Commission may make the payment of pre-financing after the adoption of the Plan referred to in Article 19 and the entry into force of the financing agreement referred to in Article 10, subject to the available funding and to the respect of the precondition referred to in Article 5.	
Article 23(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
275	3. In respect of the loan support, the Commission may make the payment of pre-financing after the approval of the Plan referred to in Article 19 and the entry into force of the loan agreement referred to in Article 21. The payments shall be made subject to the available funding on capital markets referred to in Article 21(1) and to the respect of the precondition set out in Article 5.	3. In respect of the loan support, the Commission may make the payment of pre-financing after the approval of the Plan referred to in Article 19 and the entry into force of the loan agreement referred to in Article 21. The payments shall be made subject to the available funding on capital markets referred to in Article 21(1) and to the respect of the precondition set out in Article 5.	3. In respect of the loan support, The Commission may make the payment of pre-financing after the approval of the Plan referred to in Article 19 and the entry into force of the loan agreement referred to in Article 21. The payments shall be made subject to the available funding on capital markets referred to in Article 21(1) and to the respect of the precondition set out in Article 5.	
Article 23(4)				
276	4. The Commission shall decide	4. The Commission shall decide	4. The Commission shall decide	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on the timeframe for the disbursement of the pre-financing, which may be disbursed in one or more tranches.	on the timeframe for the disbursement of the pre-financing, which may be disbursed in one or more tranches.	on the timeframe for the disbursement of the pre-financing, which may be disbursed in one or more tranches.	
Article 24				
277	Article 24 Exceptional bridge financing	Article 24 Exceptional bridge financing	Article 24 Exceptional bridge financing	
Article 24(1)				
278	1. Without prejudice to Article 23, if the Framework Agreement	1. Without prejudice to Article 23, if the Framework Agreement	1. Without prejudice to Article 23, if while the Framework Agreement	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in Article 9 is not signed or the Ukraine Plan referred to in Chapter III is not adopted by 31 December 2023, the Commission may decide to provide limited, exceptional support to Ukraine for a period of up to three months after the entry into force of this Regulation, or 1 January 2024, whichever is later, subject to having made satisfactory progress on the preparation of the Ukraine Plan, in order to support the macro-financial stability of the country, subject to conditions to be agreed in a Memorandum of Understanding between the Commission and Ukraine, to the respect of the precondition mentioned in Article 5, to compliance with Article 6 and to	referred to in Article 9 is not signed or the Ukraine Plan referred to in Chapter III is not adopted by 31 December 2023, the Commission may decide to provide limited, exceptional support to Ukraine for a period of up to three months after the entry into force of this Regulation, or 1 January 2024, whichever is later, subject to having made satisfactory progress on the preparation of the Ukraine Plan, in order to support the macro-financial stability of the country, subject to conditions to be agreed in a Memorandum of Understanding between the Commission and Ukraine, to the respect of the precondition mentioned in Article 5, to compliance with Article 6 and to	referred to in Article 9 is not signed or the Ukraine Plan referred to in Chapter III is not adopted by 31 December 2023, the Commission may, upon a request from Ukraine, the Council may, based on a Commission proposal, decide to provide limited, exceptional support to Ukraine in the form of loans for a period of up to three months after either the entry into force of this Regulation, or starting from 1 January 2024, whichever is later, subject to having made satisfactory progress on the preparation of the Ukraine Plan, in order to support the macro-financial stability of the country, subject to conditions to be agreed in a Memorandum of Understanding (MoU) between the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	available funding.	available funding.	Commission and Ukraine, to the respect of the precondition mentioned in Article 5, to compliance with Article 6 and to available funding. The Council shall act, as a rule, within one month of receiving the Commission's proposal.	
Article 24(2)				
279	2. The amount of such support shall not exceed EUR 1 500 000 on a monthly basis. The Commission shall enter into a financing or loan agreement with Ukraine, which shall comply as appropriate with Articles 10 and	2. The amount of such support shall not exceed EUR 1 500 000 on a monthly basis. The Commission shall enter into a financing or loan agreement with Ukraine, which shall comply as appropriate with Articles 10 and	2. The amount of such support shall not exceed EUR 1 500 000 on a monthly basis. The Commission MoU shall in particular establish policy conditions, indicative financial planning and the reporting	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	21, respectively.	21, respectively.	requirements, proportionate to the duration of the financing. The policy conditions shall enter into a financing or loan agreement with Ukraine, which shall comply as appropriate with Articles 10 and 24, respectively include commitment to the principles of sound financial management with focus on anti-corruption, fight against organised crime, anti-fraud and avoidance of conflict of interests and the establishment of a transparent and accountable framework for the management of rehabilitation and, where appropriate, reconstruction.	
Article 24(1a), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
279a			The MoU shall be adopted and amended in accordance with the examination procedure referred to in Article 39.	
Article 24(1b)				
279b			1b. The amount of such support shall not exceed EUR 1 500 000 000 on a monthly basis. The Commission shall enter into a financing or loan agreement with Ukraine, which shall comply as appropriate with Articles 10 and 21, respectively.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 25				
280	Article 25 Rules on payments, withholding and reduction of non-repayable financial support and loans	Article 25 Rules on payments, withholding and reduction of non-repayable financial support and loans	Article 25 Rules on payments, withholding and reduction of non-repayable financial support and loans	
Article 25(1)				
281	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	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<u>annual</u>	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the available funding. Payments shall be made in instalments. An instalment may be disbursed in one or more tranches.	<u>budgetary procedure</u> and subject to the available funding. Payments shall be made in instalments. An instalment may be disbursed in one or more tranches.	to the available funding. Payments shall be made in instalments. An instalment may be disbursed in one or more tranches.	
Article 25(2)				
282	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.	2. Every quarter, Ukraine shall <u>may</u> 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. <u>This request shall be transferred to the relevant</u>	2. Every quarter, Ukraine shall submit a duly justified request for payment of the non-repayable financial support and of the loan, and support with a view to the Commission paying out pay the relevant non-repayable financial support and loan support , on the basis of the assessment described in paragraph 3.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>committee of the European Parliament as well as the relevant Council formation.</u>		
Article 25(3)				
283	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	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 <u>decision</u> 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	3. The Commission shall assess without undue delay whether Ukraine has met the precondition in line with Article 5 and 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	fulfilment have not been reversed by Ukraine. The Commission may be assisted by experts.	satisfactory fulfilment have not been reversed by Ukraine. The Commission may be assisted by experts.	for which Ukraine had achieved satisfactory fulfilment have not been reversed by Ukraine. The Commission may be assisted by experts.	
Article 25(4)				
284	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.	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. <i>The Commission's</i>	4. Where the Commission makes a positive assessment of the satisfactory fulfilment of qualitative and quantitative steps, it shall adopt submit to the Council without undue delay a proposal for a Council implementing decision establishing the satisfactory fulfilment of the conditions for payments referred	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>assessment shall be transmitted simultaneously to the European Parliament and the Council.</u>	to in paragraph 3. The Council shall act, as a rule, within three weeks of receiving the Commission's proposal. The Council, acting by qualified majority, may amend the Commission's proposal and adopt the amended text by means of an implementing decision. On the basis of the Council implementing decision, the Commission shall adopt a decision authorising the disbursement of the part of the non-repayable financial support and of the loan corresponding to such steps.	
Article 25(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
285	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.	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. <u>The Commission shall publish a methodology for handling partial fulfilment of steps as guidance.</u>	5. Where the Commission makes a negative assessment of the fulfilment of qualitative and quantitative steps as per the indicative timetable, it shall inform the Council without undue delay and 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, in accordance with paragraph 4, 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.	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u><i>The Commission's assessment shall be transmitted simultaneously to the European Parliament and the Council.</i></u>		
Article 25(6)			
286 6. Where the Commission concludes that Ukraine has not taken the necessary measures within a period of twelve months from the initial negative assessment referred to in paragraph 5, the Commission shall reduce the amount of the non-repayable financial support and of the loan proportionately to the part corresponding to the relevant	6. Where the Commission concludes that Ukraine has not taken the necessary measures within a period of twelve months from the initial negative assessment referred to in paragraph 5, the Commission shall reduce the amount of the non-repayable financial support and of the loan proportionately to the part corresponding to the relevant	6. Where the Commission concludes considers that Ukraine has not taken the necessary measures within a period of twelve months from the initial negative assessment referred to in paragraph 5, the Commission shall reduce notify Ukraine thereof. Ukraine may present its observations within two months from the communication of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	qualitative and quantitative steps. Ukraine may present its observations within two months from the communication of the Commission's conclusions.	qualitative and quantitative steps. Ukraine may present its observations within two months from the communication of the Commission's conclusions.	Commission's notification. Where the Commission concludes that Ukraine has not taken the necessary measures, it shall submit a proposal for a Council impementing decision reducing the amount of the non-repayable financial support and of the loan proportionately to the part corresponding to the relevant qualitative and quantitative steps. Ukraine may present its observationsThe Council shall act, as a rule, within two months from the communication of one month of receiving the Commission's proposal. The Council, acting by qualified majority, may amend the Commission's conclusionsproposal and adopt	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the amended text by means of an implementing decision.	
Article 25(7)				
287	7. The Commission may reduce the amount of the non-repayable financial support, including by offsetting in line with Article 102 of Regulation (EU, Euratom) 2018/1046, or of the loan to be disbursed to Ukraine as referred to in paragraph 4, in the event of identified cases of, or serious concerns in relation to, irregularities, fraud, corruption and conflicts of interests affecting the financial interests of the Union that	7. The Commission may reduce the amount of the non-repayable financial support, including by offsetting in line with Article 102 of Regulation (EU, Euratom) 2018/1046, or of the loan to be disbursed to Ukraine as referred to in paragraph 4, in the event of identified cases of, or serious concerns in relation to, irregularities, fraud, corruption and conflicts of interests affecting the financial interests of the Union that	7. The Commission may reduce the amount of the non-repayable financial support, and recover any amount due to the Union budget, including by offsetting in line with Article 102 of Regulation (EU, Euratom) 2018/1046, or reduce the amount of the loan to be disbursed to Ukraine as referred to in paragraph 4, or ask for early repayment of the loan, in the event of identified cases of, or serious concerns in relation to,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	have not been corrected by Ukraine, or a serious breach of an obligation resulting from such agreements, including on the basis of the reports of the Audit Board referred to in Article 34 or information provided by OLAF.	have not been corrected by Ukraine, or a serious breach of an obligation resulting from such agreements, including on the basis of the reports of the Audit Board referred to in Article 34 or information provided by OLAF. <u>Information about such decisions shall be transferred to the European Parliament and the Council.</u>	irregularities, fraud, corruption and conflicts of interests affecting the financial interests of the Union that have not been corrected by Ukraine, or a serious breach of an obligation resulting from such agreements agreements referred to in Articles 9, 10 and 21, including on the basis of the reports of the Audit Board referred to in Article 34 or information provided by OLAF.	
Article 25(8)				
288	8. By way of derogation from Article 116(2) of Regulation (EU, Euratom) 2018/1046, the payment	8. By way of derogation from Article 116(2) of Regulation (EU, Euratom) 2018/1046, the payment	8. By way of derogation from Article 116(2) of Regulation (EU, Euratom) 2018/1046, the payment	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	deadline as referred to in point (a) of paragraph 1 of Article 116, of Regulation (EU, Euratom) 2018/1046 shall start running from the date of the communication of the decision authorising the disbursement to Ukraine pursuant to paragraph 4 of this Article.	deadline as referred to in point (a) of paragraph 1 of Article 116, of Regulation (EU, Euratom) 2018/1046 shall start running from the date of the communication of the decision authorising the disbursement to Ukraine pursuant to paragraph 4 of this Article.	deadline as referred to in point (a) of paragraph 1 of Article 116, of Regulation (EU, Euratom) 2018/1046 shall start running from the date of the communication of the decision authorising the disbursement to Ukraine pursuant to paragraph 4 of this Article.	
Article 25(9)				
289	9. Article 116(5) of Regulation (EU, Euratom) 2018/1046 shall not apply to payments made pursuant to this Article and to Article 23 of this Regulation.	9. Article 116(5) of Regulation (EU, Euratom) 2018/1046 shall not apply to payments made pursuant to this Article and to Article 23 of this Regulation.	9. Article 116(5) of Regulation (EU, Euratom) 2018/1046 shall not apply to payments made pursuant to this Article and to Article 23 of this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 26				
290	Article 26 Transparency with regard to persons and entities receiving funding for the implementation of the Plan	Article 26 Transparency with regard to persons and entities<i>final beneficiaries</i> receiving funding for the implementation of the Plan	Article 26 Transparency with regard to persons and entities receiving funding for the implementation of the Plan	
Article 26(1)				
291	1. Ukraine shall publish data on persons and entities receiving amounts of funding exceeding the equivalent of EUR 500 000 for the implementation of reforms and investments specified in the	1. Ukraine shall publish <u>up-to-date</u> data on persons, <u>entities and final beneficiaries</u> and entities receiving amounts of funding exceeding the equivalent of EUR 500 000 <u>100 000</u> <u>cumulative over the period of 4</u>	1. Ukraine shall publish data on persons and entities receiving amounts of funding cumulatively exceeding the equivalent of EUR 500 000 100 000 for the implementation of reforms and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Ukraine Plan referred to in this Chapter. Ukraine shall update those data twice a year, in June and December.	<u>years</u> , for the implementation of reforms and investments specified in the Ukraine Plan referred to in this Chapter. Ukraine shall update those data twice a year, in June and December <u>The relevant rules laid down in Regulation (EU, Euratom) 2018/1046 shall apply.</u>	investments specified in the Ukraine Plan referred to in this Chapter. Ukraine shall update those data twice a year, in June and December.	
Article 26(2)				
292	2. For persons and entities referred to in paragraph 1, the following information shall be published, having due regard for the requirements of confidentiality and security, in particular the protection of personal data:	2. For persons, <u>entities and final beneficiaries</u> and entities referred to in paragraph 1, the following information shall be published <u>in machine-readable format on a webpage, in order of total funds received</u> , having due regard for the	2. For persons and entities referred to in paragraph 1, the following information shall be published in machine-readable format on a webpage, ranked by total funds received , having due regard for the requirements of confidentiality and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		requirements of confidentiality and security, in particular the protection of personal data:	security, in particular the protection of personal data:	
	Article 26(2), point (a)			
293	(a) in the case of a legal person, the recipient's full legal name and VAT identification number or tax identification number, where available, or another unique identifier established at the national level;	(a) in the case of a legal person, the recipient's full legal name and VAT identification number or tax identification number, where available, or another unique identifier established at the national level <u>and the recipient's beneficial owner as mandatorily disclosed by the recipient;</u>	(a) in the case of a legal person, the recipient's full legal name and VAT identification number or tax identification number, where available, or another unique identifier established at the national level;	
	Article 26(2), point (b)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
294	(b) in the case of a natural person, the first and last name(s) of the recipient;	(b) in the case of a natural person, the first and last name(s) of the recipient, <u>and place of residence</u> ;	(b) in the case of a natural person, the first and last name(s) of the recipient;	
Article 26(2), point (c)				
295	(c) the amount received by the recipient, as well as reforms and investments under the Ukraine Plan this amount contributes to implement.	(c) the amount received by the recipient, as well as reforms and investments under the Ukraine Plan this amount contributes to implement.	(c) the amount received by the recipient, as well as reforms and investments under the Ukraine Plan this amount contributes to implement.	
Article 26(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
296	3. The information referred to in paragraph 2 shall not be published where disclosure risks threatening the rights and freedoms of the persons or entities concerned or seriously harming the commercial interests of the recipients.	3. <u>On an exceptional basis and where duly justified by the Ukrainian government, the</u> information referred to in paragraph 2 shall<u>may</u> not be published, where disclosure risks <u>unduly</u> threatening the rights and freedoms of the persons or entities concerned, <u>Such information shall be transferred to the European Commission and to the Audit Board, who may overturn the decision not to publish such information or seriously harming the commercial interests of the recipients.</u>	3. The information referred to in paragraph 2 shall not be published where disclosure risks threatening the rights and freedoms of the persons or entities concerned or seriously harming the commercial interests of the recipients.	
Article 26(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
297	4. Ukraine shall transmit electronically to the Commission at least once a year the data on the persons and entities referred to in paragraph 1 with the exception of the data referred to in paragraph 3, in a format to be defined in the Framework agreement referred to in Article 9(4), point (i).	4. Ukraine shall transmit electronically <u>in a machine-readable format</u> to the Commission at least once a year the data on the persons and entities referred to in paragraph 1 with the exception of the data, in a machine-readable format to be defined in the Framework agreement referred to in paragraph 3, in a format to be defined in the Framework agreement referred to in Article 9(4), point (i) <u>Article 9(4), point (i).</u> <u>The Commission shall prepare, in close cooperation with the Ukrainian authorities, a register of companies under oligarchic influence identified as potentially</u>	4. Ukraine shall transmit electronically to the Commission at least once a year the data on the persons and entities referred to in paragraph 1 with the exception of the data referred to in paragraph 3, in a format to be defined in the Framework agreement referred to in Article 9(4), point (i).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>hampering free and fair competition on the market.</u> <u>Entities identified on this register shall not be eligible to receive funds under the Facility, subject to the necessary provisions on legal safeguards. This register shall be established by...[six months after the entry into force of this Regulation] and updated quarterly.</u>		
CHAPTER IV				
298	CHAPTER IV Pillar II: Ukraine Investment Framework	CHAPTER IV Pillar II: Ukraine Investment Framework	CHAPTER IV Pillar II: Ukraine Investment Framework	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 27				
299	Article 27 Scope and structure	Article 27 Scope and structure	Article 27 Scope and structure	
Article 27(1)				
300	1. Under the Ukraine Investment Framework the Commission shall provide the Union support to Ukraine in the form of budgetary guarantee, financial instruments or blending operations.	1. Under the Ukraine Investment Framework the Commission shall provide the Union support to Ukraine in the form of budgetary guarantee, financial instruments or blending operations.	1. Under the Ukraine Investment Framework the Commission shall provide the Union support to Ukraine in the form of budgetary guarantee, financial instruments or blending operations, including technical assistance linked to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			implementation of Pillar II.	
Article 27(2)				
301	2. The Commission shall be supported by an operational board in the implementation of the Ukraine Investment Framework. The Commission shall propose the rules of procedure for the operational board.	2. The Commission shall be supported by an operational board in the implementation of the Ukraine Investment Framework. The Commission shall propose the rules of procedure for the operational board.	2. The Commission shall be supported by an operational steering board in the implementation of the Ukraine Investment Framework. The Commission shall propose the steering board will adopt its rules of procedure for the operational board.	
Article 27(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
302	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.	3. The operational board of the Ukraine Investment Framework shall comprise representatives of the Commission, of each Member State, <u>the European Parliament</u> and representatives of Ukraine<u>the Ukrainian government and the Verkhovna Rada</u>. 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.	3. The operational steering board of the Ukraine Investment Framework shall comprise representatives of the Commission, and and of each Member State, and. Representatives of Ukraine shall be invited to attend board meetings as appropriate. Counterparts implementing the Ukraine Guarantee and financial instruments supported by the Ukraine Investment Framework may be given observer status. The Commission shall chair the operationalsteering board.	
Article 27(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
303	4. The operational board shall provide advice to the Commission on the choice of support modalities, the design of financial products to be deployed, and on non-eligible sectors. It shall formulate opinions on the use of Union support through the Ukraine Guarantee, financial instruments and blending operations.	4. The operational board shall provide advice to the Commission on the choice of support modalities, the design of financial products to be deployed, and on non-eligible sectors. It shall formulate opinions on the use of Union support through the Ukraine Guarantee, financial instruments and blending operations.	4. The operational steering board shall provide advicestrategic and operational guidance and support to the Commission on different aspects including risk profiles, the choice of support modalities, the design of financial products to be deployed, and on non-eligible sectors. It shall formulate opinions on the use of Union support through the Ukraine Guarantee, financial instruments and blending operations including the concessionality levels, taking into account the relevant risk assessments. The steering board shall, when possible, adopt opinions by consensus.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 27(5)			
304	5. The Commission shall ensure that Union support provided under the Ukraine Investment Framework is consistent with the Ukraine Plan and contributes to its implementation, and complementary to Union support to Ukraine agreed under other Union programmes and instruments.	5. The Commission shall ensure that Union support provided under the Ukraine Investment Framework is consistent with the Ukraine Plan and contributes to its implementation, and complementary to Union support to Ukraine agreed under other Union programmes and instruments, <u>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</u>	5. The Commission shall ensure that Union support provided under the Ukraine Investment Framework is consistent with the Ukraine Plan and contributes to its implementation, and complementary to Union support to Ukraine agreed under other Union programmes and instruments.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>conventions on investment.</u>		
Article 27(5a)				
304a		<u>5a. At least 35 % of the guarantees provided under Pillar II shall be used to provide support to Micro-, Small - and Medium-sized Enterprises, as defined in Article 2 of the Annex to Recommendation 2003/361/EC, including start-ups, including through financial tools which have as an objective to reduce the risk involved in the lending operations of local Ukrainian banks.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 27(5b)				
304b		<u>5b. For the purposes of Pillar II, the Commission, supported by the operational board, shall develop a methodology and processes for the annual reporting of investment support outlining at least the following elements:</u>		
Article 27(5b), point (a)				
304c		<u>(a) the allocation of grants, and of loans, each broken down by:</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 27(5b), point (a)(i)			
304d		<u>(i) size of the final beneficiary;</u>		
	Article 27(5b), point (a)(ii)			
304e		<u>(ii) region of the headquarter of the final beneficiary;</u>		
	Article 27(5b), point (a)(iii)			
304f				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(iii) sector;</u>		
	Article 27(5b), point (b)			
304g		<u>(b) use of financing instrument for SME support;</u>		
	Article 27(5b), point (c)			
304h		<u>(c) percentage of investment support at a high likelihood of impairment;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 27(5b), point (d)				
304i		<u>(d) (d) qualitative analysis of the principal successes and challenges of Pillar II.</u>		
Article 27(6)				
305	6. For the purpose of Article 209(2), points (d) and (h), of Regulation (EU, Euratom) 2018/1046, the requirement on ex ante evaluations of financial instruments and budgetary guarantees shall be met by the positive assessments of the Ukraine Plan by the Commission, referred	6. For the purpose of Article 209(2), points (d) and (h), of Regulation (EU, Euratom) 2018/1046, the requirement on ex ante evaluations of financial instruments and budgetary guarantees shall be met by the positive assessments of the Ukraine Plan by the Commission, referred	6. For the purpose of Article 209(2), points (d) and (h), of Regulation (EU, Euratom) 2018/1046, the requirement on ex ante evaluations of financial instruments and budgetary guarantees shall be met by the positive assessments of the Ukraine Plan by the Commission, referred	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to in Article 19(2) of this Regulation.	to in Article 19(2) of this Regulation.	to in Article 19(2) of this Regulation.	
Article 27(7)				
306	7. The support under the Ukraine Investment Framework shall in particular serve the implementation of the Ukraine Plan referred to in Chapter III, while complementing the financing sources established in this Regulation.	7. The support under the Ukraine Investment Framework shall in particular serve the implementation of the Ukraine Plan referred to in Chapter III, while complementing the financing sources established in this Regulation.	7. The support under the Ukraine Investment Framework shall in particular serve the implementation of the Ukraine Plan referred to in Chapter III, while complementing the financing sources established in this Regulation.	
Article 27(8)				
307				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	8. The Commission shall report on the implementation of the support under the Ukraine Investment Framework in accordance with Articles 41(4) and (5) of Regulation (EU, Euratom) 2018/1046. For that purpose, each counterpart of the Ukraine Guarantee and each entrusted entity implementing financial instruments shall provide on an annual basis the information necessary to allow the Commission to comply with its reporting obligations.	8. The Commission shall report <u>annually</u> on the implementation of the support under the Ukraine Investment Framework in accordance with Articles 41(4) and (5) of Regulation (EU, Euratom) 2018/1046. For that purpose, each counterpart of the Ukraine Guarantee and each entrusted entity implementing financial instruments shall provide on an annual basis the information necessary to allow the Commission to comply with its reporting obligations.	8. The Commission shall report on the implementation of the support under the Ukraine Investment Framework in accordance with Articles 41(4) and (5) of Regulation (EU, Euratom) 2018/1046. For that purpose, each counterpart of the Ukraine Guarantee and each entrusted entity implementing financial instruments shall provide on an annual basis the information necessary to allow the Commission to comply with its reporting obligations.	
Article 28				
308				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 28 Additional contributions to the Ukraine Guarantee and to the financial instruments	Article 28 Additional contributions to the Ukraine Guarantee and to the financial instruments	Article 28 Additional contributions to the Ukraine Guarantee and to the financial instruments	
Article 28(1)				
309	1. Member States, third countries, and third parties may contribute to the Ukraine Guarantee, and to the financial instruments set up under the Ukraine Investment Framework. Contributions to the Ukraine guarantee shall be made in accordance with Article 218(2) of Regulation (EU, Euratom) 2018/1046.	1. Member States, third countries, and third parties may contribute to the Ukraine Guarantee, and to the financial instruments set up under the Ukraine Investment Framework. Contributions to the Ukraine guarantee shall be made in accordance with Article 218(2) of Regulation (EU, Euratom) 2018/1046.	1. Member States, third countries, and third parties may contribute to the Ukraine Guarantee, and to the financial instruments set up under the Ukraine Investment Framework. Contributions to the Ukraine guarantee shall be made in accordance with Article 218(2) of Regulation (EU, Euratom) 2018/1046.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 28(2)			
310	2. The contributions to the Ukraine Guarantee shall increase the amount of the Ukraine Guarantee without leading to additional contingent liabilities for the Union.	2. The contributions to the Ukraine Guarantee shall increase the amount of the Ukraine Guarantee without leading to additional contingent liabilities for the Union.	2. The contributions to the Ukraine Guarantee shall increase the amount of the Ukraine Guarantee without leading to additional contingent liabilities for the Union.	
	Article 28(3)			
311	3. For all contributions referred to in paragraph 1, a contribution agreement shall be concluded	3. For all contributions referred to in paragraph 1, a contribution agreement shall be concluded	3. For all contributions referred to in paragraph 1, a contribution agreement shall be concluded	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	between the Commission, on behalf of the Union, and the contributor. It shall contain, in particular, provisions concerning the payment conditions.	between the Commission, on behalf of the Union, and the contributor. It shall contain, in particular, provisions concerning the payment conditions. <u>The Commission shall inform the European Parliament and the Council simultaneously and without delay of the contributions approved.</u>	between the Commission, on behalf of the Union, and the contributor. It shall contain, in particular, provisions concerning the payment conditions.	
Article 29				
312	Article 29 Implementation of the Ukraine Guarantee and the financial instruments	Article 29 Implementation of the Ukraine Guarantee and the financial instruments	Article 29 Implementation of the Ukraine Guarantee and the financial instruments	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(1)				
313	1. The Ukraine Guarantee and financial instruments supported under the Ukraine Investment Framework shall be implemented in indirect management pursuant to Article 62(1), first subparagraph, point (c), of Regulation (EU, Euratom) 2018/1046.	1. The Ukraine Guarantee and financial instruments supported under the Ukraine Investment Framework shall be implemented in indirect management pursuant to Article 62(1), first subparagraph, point (c), of Regulation (EU, Euratom) 2018/1046.	1. The Ukraine Guarantee and financial instruments supported under the Ukraine Investment Framework shall be implemented in indirect management pursuant to Article 62(1), first subparagraph, point (c), of Regulation (EU, Euratom) 2018/1046.	
Article 29(2)				
314	2. The eligible counterparts for the	2. The eligible counterparts for the	2. The eligible counterparts for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be eligible for the purpose of the Ukraine Guaranteee.	shall be eligible for the purpose of the Ukraine Guaranteee. <u>Preference shall be given to those bodies that disclose information related to environment, social, tax and corporate governance criteria. For this purpose, the Commission shall create a webportal with adequate and user-friendly guidance on disclosure, comprising examples of such disclosure.</u>	shall be eligible for the purpose of the Ukraine Guaranteee.	
Article 29(3)				
315	3. The Commission shall ensure the effective, efficient and fair use of available resources among	3. The Commission shall ensure the effective, efficient, <u>needs-based</u> and fair use of available	3. The Commission shall ensure the effective, efficient and fair use of available resources among	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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, experience and risk-taking capacity.	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, experience and risk-taking capacity.	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, experience and risk-taking capacity.	
Article 29(3a)				
315a		<u>3a. The Commission shall require all eligible counterparts and eligible entrusted entities to take utmost care to avoid, report and counter any corrupt practices, favouritism or undue regional or</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>sectoral concentration of resource allocation or use and require dedicated reporting and auditing on those aspects, where relevant.</u>		
Article 29(4)				
316	4. The Commission shall ensure fair treatment for all eligible counterparts and all eligible entrusted entities and shall ensure that conflicts of interest are avoided throughout the implementation period of the Ukraine Investment Framework. In order to ensure complementarity, the Commission may request any relevant information from eligible	4. The Commission shall ensure fair treatment for all eligible counterparts and all eligible entrusted entities and shall ensure that conflicts of interest are avoided throughout the implementation period of the Ukraine Investment Framework. In order to ensure complementarity, the Commission may request any relevant information from eligible	4. The Commission shall ensure a fair and transparent treatment for all eligible counterparts and all eligible entrusted entities and shall ensure that conflicts of interest are avoided throughout the implementation period of the Ukraine Investment Framework. In order to ensure complementarity, the Commission may request any relevant information from eligible	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	counterparts for the purpose of the Ukraine guarantee or from eligible entrusted entities for the purpose of financial instruments about their non-EU-supported operations.	counterparts for the purpose of the Ukraine guarantee or from eligible entrusted entities for the purpose of financial instruments about their non-EU-supported operations.	counterparts for the purpose of the Ukraine guarantee or from eligible entrusted entities for the purpose of financial instruments about their non-EU-supported operations.	
Article 30				
317	Article 30 Ukraine Guarantee	Article 30 Ukraine Guarantee	Article 30 Ukraine Guarantee	
Article 30(1)				
318	1. The Ukraine Guarantee of EUR	1. The Ukraine Guarantee of EUR	1. The Ukraine Guarantee of EUR	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	8 914 000 000 in current prices shall be established to guarantee operations supporting the objectives of the Facility. The Ukraine Guarantee shall be independent and autonomous from the External Action Guarantee established by Regulation (EU) 2021/947 and shall be granted as an irrevocable, unconditional and on demand guarantee in accordance with Article 219(1) of Regulation (EU, Euratom) 2018/1046.	8 914 000 000 in current prices shall be established to guarantee operations supporting the objectives of the Facility. The Ukraine Guarantee shall be independent and autonomous from the External Action Guarantee established by Regulation (EU) 2021/947 and shall be granted as an irrevocable, unconditional and on demand guarantee in accordance with Article 219(1) of Regulation (EU, Euratom) 2018/1046.	8 914 000 000 7 956 000 000 in current prices shall be established to guarantee operations supporting the objectives of the Facility. The Ukraine Guarantee shall be independent and autonomous from the External Action Guarantee established by Regulation (EU) 2021/947 and shall be granted as an irrevocable, unconditional and on demand guarantee in accordance with Article 219(1) of Regulation (EU, Euratom) 2018/1046.	
Article 30(1a)				
318a		<u>1a.</u> <i>The Ukraine Guarantee shall</i>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>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.</u>		
Article 30(2)			
319	2. The Ukraine Guarantee shall be used to cover the risks for the following types of operations:	2. The Ukraine Guarantee shall be used to cover the risks for the following types of operations aiming at supporting sovereign, sub-sovereign, non-commercial and commercial entities, and the private sector:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(2), point (a)				
320	(a) loans, including local currency loans;	(a) loans, including local currency loans;	(a) loans, including local currency loans;	
Article 30(2), point (b)				
321	(b) guarantees;	(b) guarantees;	(b) guarantees;	
Article 30(2), point (c)				
322	(c) counter-guarantees;	(c) counter-guarantees;	(c) counter-guarantees;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 30(2), point (d)			
323	(d) capital market instruments;	(d) capital market instruments;	(d) capital market instruments;	
	Article 30(2), point (e)			
324	(e) any other form of funding or credit enhancement, insurance, and equity or quasi-equity participations.	(e) any other form of funding or credit enhancement, insurance, and equity or quasi-equity participations.	(e) any other form of funding or credit enhancement, insurance, and equity or quasi-equity participations.	
	Article 30(3), first subparagraph			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
325	3. On behalf of the Union, the Commission shall conclude with eligible counterparts Ukraine Guarantee agreements until 31 December 2027. The Ukraine guarantee may be granted gradually.	3. On behalf of the Union, the Commission shall conclude with eligible counterparts Ukraine Guarantee agreements until 31 December 2027. The Ukraine guarantee may be granted gradually. <u>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</u>	3. On behalf of the Union, the Commission shall conclude with eligible counterparts Ukraine Guarantee agreements until 31 December 2027. The Ukraine guarantee may be granted gradually.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>European Parliament and the Council, taking into account the protection of confidential and commercially sensitive information.</u>		
Article 30(3), second subparagraph				
326	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	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	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 without undue delay , taking into account the protection of confidential and commercially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information.	information.	sensitive information.	
	Article 30(3), second subparagraph a			
326a			When concluding Ukraine Guarantee agreements, the Commission shall take due account of the advice and guidance of the steering board and of the technical risk assessment group as referred to in paragraph 11.	
	Article 30(4)			
327				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. The Ukraine Guarantee agreements shall contain, in particular:	4. The Ukraine Guarantee agreements shall contain, in particular:	4. The Ukraine Guarantee agreements shall contain, in particular:	
Article 30(4), point (a)				
328	(a) detailed rules on the coverage, estimated annual investments, requirements, eligibility, and procedures;	(a) detailed rules on the coverage, estimated annual investments, requirements, eligibility, and procedures;	(a) detailed rules on the coverage, estimated annual investments, requirements, eligibility, and procedures;	
Article 30(4), point (b)				
329	(b) detailed rules on the provision of the Ukraine Guarantee,	(b) detailed rules on the provision of the Ukraine Guarantee,	(b) detailed rules on the provision of the Ukraine Guarantee,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	including its arrangements on the coverage and its defined coverage of portfolios and of projects of specific types of instruments, as well as a risk analysis of projects and project portfolios, including at sectoral, regional, and national levels;	including its arrangements on the coverage and its defined coverage of portfolios and of projects of specific types of instruments, as well as a risk analysis of projects and project portfolios, including at sectoral, regional, and national levels;	including its arrangements on the coverage and its defined coverage of portfolios and of projects of specific types of instruments, as well as a risk analysis of projects and project portfolios, including at sectoral, regional, and national levels;	
Article 30(4), point (c)				
330	(c) a reference to the objectives and purpose of the Facility, an assessment of the needs and an indication of the expected results;	(c) a reference to the objectives and purpose of the Facility, an assessment of the needs and an indication of the expected results;	(c) a reference to the objectives and purpose of the Facility, an assessment of the needs and an indication of the expected results;	
Article 30(4), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
331	(d) the remuneration of the Ukraine Guarantee, which shall be set on concessional terms reflecting the specific situation of war-damaged Ukraine, while taking into account the respective risk profiles of the investment programmes in order to ensure a level playing field;	(d) the remuneration of the Ukraine Guarantee, which shall be set on concessional terms reflecting the specific situation of war-damaged Ukraine, while taking into account the respective risk profiles of the investment programmes in order to ensure a level playing field;	(d) the remuneration of the Ukraine Guarantee, which shall be set on concessional terms reflecting the specific situation of war-damaged Ukraine, while taking into account the respective risk profiles of the investment programmes in order to ensure a level playing field;	
Article 30(4), point (e)				
332	(e) requirements for the use of the Ukraine Guarantee, including payment conditions, such as specific time frames, interest to be	(e) requirements for the use of the Ukraine Guarantee, including payment conditions, such as specific time frames, interest to be	(e) requirements for the use of the Ukraine Guarantee, including payment conditions, such as specific time frames, interest to be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paid on due amounts, expenses and recovery costs and possibly necessary liquidity arrangements;	paid on due amounts, expenses and recovery costs and possibly necessary liquidity arrangements;	paid on due amounts, expenses and recovery costs and possibly necessary liquidity arrangements;	
Article 30(4), point (f)				
333	(f) claims procedures, including, but not limited to, triggering events and waiting periods, and procedures regarding the recovery of claims;	(f) claims procedures, including, but not limited to, triggering events and waiting periods, and procedures regarding the recovery of claims;	(f) claims procedures, including, but not limited to, triggering events and waiting periods, and procedures regarding the recovery of claims;	
Article 30(4), point (g)				
334	(g) monitoring, reporting,	(g) monitoring, reporting,	(g) monitoring, reporting,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transparency and evaluation obligations;	transparency and evaluation obligations;	transparency and evaluation obligations;	
Article 30(4), point (h)				
335	(h) clear and accessible complaints procedures for third parties that could be affected by the implementation of projects supported by the Ukraine Guarantee.	(h) clear and accessible complaints procedures for third parties that could be affected by the implementation of projects supported by the Ukraine Guarantee.	(h) clear and accessible complaints procedures for third parties that could be affected by the implementation of projects supported by the Ukraine Guarantee.	
Article 30(4a), first subparagraph				
335a			4a. The EIB Group shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			implement operations in Ukraine, aiming at supporting Ukrainian sovereign entities and non-commercial sub-sovereign entities, covered with an indicative dedicated minimum amount of the Ukraine Guarantee of 25% of the amount referred to in paragraph 1 of this Article, which shall be allocated in accordance with the procedures laid down in this Regulation.	
Article 30(4a), second subparagraph				
335b			The dedicated amount of the Ukraine Guarantee referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the first subparagraph shall be available for supporting EIB Group operations which have been approved by the relevant EIB Group Board by 31 July 2026. After that date, the remaining dedicated amount of the Ukraine Guarantee shall be available for all types of operations referred to in the first subparagraph to all eligible counterparts subject to Article 30(3).	
Article 30(5)				
336	5. The Commission may use up to 30% of the amount referred in	5. The Commission may use up to 30% of the amount referred in	5. The Commission may use up to 30% of the amount referred in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1 of this Article to increase the amounts of the guarantee provided through External Action Guarantee agreements concluded pursuant to Article 38 of Regulation (EU) 2021/947 subject to the following:	paragraph 1 of this Article to increase the amounts of the guarantee provided through External Action Guarantee agreements concluded pursuant to Article 38 of Regulation (EU) 2021/947 subject to the following:	paragraph 1 of this Article to increase the amounts of the guarantee provided through External Action Guarantee agreements concluded pursuant to Article 38 of Regulation (EU) 2021/947 subject to the following:	
Article 30(5), point (a)				
337	(a) for the purpose of this paragraph, the Ukraine Guarantee shall be implemented by an amendment or an addendum to agreements concluded pursuant to Article 38 of Regulation (EU) 2021/947 with the eligible counterparts selected pursuant to	(a) for the purpose of this paragraph, the Ukraine Guarantee shall be implemented by an amendment or an addendum to agreements concluded pursuant to Article 38 of Regulation (EU) 2021/947 with the eligible counterparts selected pursuant to	(a) for the purpose of this paragraph, the Ukraine Guarantee shall be implemented by an amendment or an addendum to agreements concluded pursuant to Article 38 of Regulation (EU) 2021/947 with the eligible counterparts selected pursuant to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 35 of Regulation (EU) 2021/947 increasing the guarantee amount under those agreements, to be signed within four months from the entry into force of this Regulation;	Article 35 of Regulation (EU) 2021/947 increasing the guarantee amount under those agreements, to be signed within four months from the entry into force of this Regulation;	Article 35 of Regulation (EU) 2021/947 increasing the guarantee amount under those agreements, to be signed within four months from the entry into force of this Regulation;	
Article 30(5), point (b)				
338	(b) the eligible counterparts shall use the Ukraine Guarantee under this paragraph solely for the support of the implementation of the operations in Ukraine and only the operations in Ukraine and only guarantee calls from operations in Ukraine are eligible for coverage by the Ukraine Guarantee under this paragraph;	(b) the eligible counterparts shall use the Ukraine Guarantee under this paragraph solely for the support of the implementation of the operations in Ukraine and only the operations in Ukraine and only guarantee calls from operations in Ukraine are eligible for coverage by the Ukraine Guarantee under this paragraph;	(b) the eligible counterparts shall use the Ukraine Guarantee under this paragraph solely for the support of the implementation of the operations in Ukraine and only the operations in Ukraine and only guarantee calls from operations in Ukraine are eligible for coverage by the Ukraine Guarantee under this paragraph;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(5), point (c)				
339	(c) by way of derogation from the second subparagraph of Article 36(1) of Regulation (EU) 2021/947 the operations covered by the Ukraine Guarantee under this paragraph shall constitute a separate portfolio of Ukraine Guarantee and shall not be taken into account for the purposes of calculating the 65% coverage referred to in Article 36(1) of Regulation (EU) 2021/947;	(c) by way of derogation from the second subparagraph of Article 36(1) of Regulation (EU) 2021/947 the operations covered by the Ukraine Guarantee under this paragraph shall constitute a separate portfolio of Ukraine Guarantee and shall not be taken into account for the purposes of calculating the 65% coverage referred to in Article 36(1) of Regulation (EU) 2021/947;	(c) by way of derogation from the second subparagraph of Article 36(1) of Regulation (EU) 2021/947 the operations covered by the Ukraine Guarantee under this paragraph shall constitute a separate portfolio of Ukraine Guarantee and shall not be taken into account for the purposes of calculating the 65% coverage referred to in Article 36(1) of Regulation (EU) 2021/947;	
Article 30(5), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
340	(d) the risk sharing in the separate portfolio of the Ukraine Guarantee shall ensure alignment of interest between the Commission and the eligible counterpart in accordance with Article 209(2)(e) of Regulation (EU, Euratom) 2018/1046 and the counterpart shall contribute with their own resources to this portfolio in accordance with Article 219(4) of Regulation (EU, Euratom) 2018/1046;	(d) the risk sharing in the separate portfolio of the Ukraine Guarantee shall ensure alignment of interest between the Commission and the eligible counterpart in accordance with Article 209(2)(e) of Regulation (EU, Euratom) 2018/1046 and the counterpart shall contribute with their own resources to this portfolio in accordance with Article 219(4) of Regulation (EU, Euratom) 2018/1046;	(d) the risk sharing in the separate portfolio of the Ukraine Guarantee shall ensure alignment of interest between the Commission and the eligible counterpart in accordance with Article 209(2)(e) of Regulation (EU, Euratom) 2018/1046 and the counterpart shall contribute with their own resources to this portfolio in accordance with Article 219(4) of Regulation (EU, Euratom) 2018/1046;	
Article 30(5), point (e)				
341				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) the counterparts shall establish separate accounting and reporting for the implementation of the Ukraine Guarantee under this paragraph;	(e) the counterparts shall establish separate accounting and reporting for the implementation of the Ukraine Guarantee under this paragraph;	(e) the counterparts shall establish separate accounting and reporting for the implementation of the Ukraine Guarantee under this paragraph;	(
	Article 30(5), point (f)			
342	(f) Article 31 shall apply to the provisioning of the Ukraine Guarantee under this paragraph. The provisioning shall be exclusively used for coverage of losses under Ukraine Guarantee. The provisioning established under Article 31(5) of Regulation (EU) 2021/947 shall not be used for the coverage of the operations under	(f) Article 31 shall apply to the provisioning of the Ukraine Guarantee under this paragraph. The provisioning shall be exclusively used for coverage of losses under Ukraine Guarantee. The provisioning established under Article 31(5) of Regulation (EU) 2021/947 shall not be used for the coverage of the operations under	(f) Article 31 shall apply to the provisioning of the Ukraine Guarantee under this paragraph. The provisioning shall be exclusively used for coverage of losses under Ukraine Guarantee. The provisioning established under Article 31(5) of Regulation (EU) 2021/947 shall not be used for the coverage of the operations under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Ukraine Guarantee.	the Ukraine Guarantee.	the Ukraine Guarantee.	
Article 30(6)				
343	6. The eligible counterpart shall approve financing and investment operations in accordance with its own rules and procedures and in compliance with the Ukraine Guarantee agreement.	6. The eligible counterpart shall approve financing and investment operations in accordance with its own rules and procedures and in compliance with the Ukraine Guarantee agreement.	6. The eligible counterpart shall approve financing and investment operations in accordance with its own rules and procedures and in compliance with the Ukraine Guarantee agreement.	
Article 30(7)				
344	7. The maximum period allowed for eligible counterparts to sign	7. The maximum period allowed for eligible counterparts to sign	7. The maximum period allowed for eligible counterparts to sign	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	contracts with financial intermediaries or final recipients shall be three years after the conclusion of the relevant Ukraine Guarantee agreement, with possible extensions when an additional amount of guarantee is granted and the guarantee agreement is amended.	contracts with financial intermediaries or final recipients shall be three years after the conclusion of the relevant Ukraine Guarantee agreement, with possible extensions when an additional amount of guarantee is granted and the guarantee agreement is amended.	contracts with financial intermediaries or final recipients shall be three years after the conclusion of the relevant Ukraine Guarantee agreement, with possible extensions when an additional amount of guarantee is granted and the guarantee agreement is amended.	
Article 30(8)				
345	8. The Ukraine Guarantee may cover:	8. The Ukraine Guarantee may cover:	8. The Ukraine Guarantee may cover:	
Article 30(8), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
346	(a) for debt instruments, the principal and all interests and amounts due to the selected eligible counterpart, but not received by it in accordance with the terms of the financing operations after an event of default has occurred;	(a) for debt instruments, the principal and all interests and amounts due to the selected eligible counterpart, but not received by it in accordance with the terms of the financing operations after an event of default has occurred;	(a) for debt instruments, the principal and all interests and amounts due to the selected eligible counterpart, but not received by it in accordance with the terms of the financing operations after an event of default has occurred;	
Article 30(8), point (b)				
347	(b) for equity investments, the amounts invested and their associated funding costs;	(b) for equity investments, the amounts invested and their associated funding costs;	(b) for equity investments, the amounts invested and their associated funding costs;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(8), point (c)				
348	(c) for other financing and investment operations referred to in paragraph 2, the amounts used and their associated funding costs;	(c) for other financing and investment operations referred to in paragraph 2, the amounts used and their associated funding costs;	(c) for other financing and investment operations referred to in paragraph 2, the amounts used and their associated funding costs;	
Article 30(8), point (d)				
349	(d) all relevant expenses and recovery costs related to an event of default, unless deducted from recovery proceeds.	(d) all relevant expenses and recovery costs related to an event of default, unless deducted from recovery proceeds.	(d) all relevant expenses and recovery costs related to an event of default, unless deducted from recovery proceeds.	
Article 30(9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
350	9. For the purposes of the Commission's accounting and its reporting of the risks covered by the Ukraine Guarantee, and in accordance with Article 209(4) of Regulation (EU, Euratom) 2018/1046, eligible counterpart with which an Ukraine Guarantee agreement has been concluded shall provide the Commission and the Court of Auditors annually with the financial reports on financing and investment operations covered by this Regulation, audited by an independent external auditor, containing, among others, information on:	9. For the purposes of the Commission's accounting and its reporting of the risks covered by the Ukraine Guarantee, and in accordance with Article 209(4) of Regulation (EU, Euratom) 2018/1046, eligible counterpart with which an Ukraine Guarantee agreement has been concluded shall provide the Commission and the Court of Auditors annually with the financial reports on financing and investment operations covered by this Regulation, audited by an independent external auditor, containing, among others, information on:	9. For the purposes of the Commission's accounting and its annual reporting of the risks covered by the Ukraine Guarantee to the Council and the European Parliament, and in accordance with Article 209(4) of Regulation (EU, Euratom) 2018/1046, eligible counterparts with which an Ukraine Guarantee agreement has been concluded shall provide the Commission and the Court of Auditors annually with the financial reports on financing and investment operations statements covered by this Regulation, audited by an independent external auditor, containing, among others, information on:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 30(9), point (a)			
351	(a) the risk assessment of financing and investment operations of the eligible counterparts, including information on Union liabilities measured in compliance with the accounting rules referred to in Article 80 of Regulation (EU, Euratom) 2018/1046 and International Public Sector Accounting Standards;	(a) the risk assessment of financing and investment operations of the eligible counterparts, including information on Union liabilities measured in compliance with the accounting rules referred to in Article 80 of Regulation (EU, Euratom) 2018/1046 and International Public Sector Accounting Standards;	(a) the risk assessment of financing and investment operations of the eligible counterparts, including information on Union liabilities measured in compliance with the accounting rules referred to in Article 80 of Regulation (EU, Euratom) 2018/1046 and International Public Sector Accounting Standards;	
	Article 30(9), point (b)			
352				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) the outstanding financial obligation for the Union arising from the Ukraine Guarantee provided to the eligible counterparts and their financing and investment operations, broken down by individual operation.	(b) the outstanding financial obligation for the Union arising from the Ukraine Guarantee provided to the eligible counterparts and their financing and investment operations, broken down by individual operation.	(b) the outstanding financial obligation for the Union arising from the Ukraine Guarantee provided to the eligible counterparts and their financing and investment operations, broken down by individual operation.	
Article 30(9a)				
352a		<u>9a. 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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>with human rights, and social, labour and environment standards.</u>		
Article 30(10)				
353	10. The condition set out in Article 219(4) of Regulation (EU, Euratom) 2018/1046 on contributions with own resources shall apply to each eligible counterpart allocated with a budgetary guarantee under the Ukraine Investment Framework on a portfolio basis.	10. The condition set out in Article 219(4) of Regulation (EU, Euratom) 2018/1046 on contributions with own resources shall apply to each eligible counterpart allocated with a budgetary guarantee under the Ukraine Investment Framework on a portfolio basis.	10. The condition set out in Article 219(4) of Regulation (EU, Euratom) 2018/1046 on contributions with own resources shall apply to each eligible counterpart allocated with a budgetary guarantee under the Ukraine Investment Framework on a portfolio basis.	
Article 30(11)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
354	11. The European Fund for Sustainable Development Plus+ risk management framework referred to in Articles 33(7) and (8) of Regulation (EU) 2021/947 shall apply to the Ukraine Guarantee. The overall risk profile of operations covered by the Ukraine Guarantee may be different from the overall risk profile of the External Action Guarantee. The Commission shall ensure that the risk entailed by the guaranteed operations does not exceed the capacity of the Union budget to bear those risks as determined by the available budgetary resources and the provisioning rate referred to in Article 31(1) of this	11. The European Fund for Sustainable Development Plus+ risk management framework referred to in Articles 33(7) and (8) of Regulation (EU) 2021/947 shall apply to the Ukraine Guarantee. The overall risk profile of operations covered by the Ukraine Guarantee may be different from the overall risk profile of the External Action Guarantee. The Commission shall ensure that the risk entailed by the guaranteed operations does not exceed the capacity of the Union budget to bear those risks as determined by the available budgetary resources and the provisioning rate referred to in Article 31(1) of this	11. The European Fund for Sustainable Development Plus+ (EFSD+) risk management framework referred to in Articles 33(7) and (8) the technical risk assessment group referred to in Article 33(8) of Regulation (EU) 2021/947 shall apply to the Ukraine Guarantee taking into account the objectives and principles of the Facility. The risk assessments for the Ukraine Guarantee shall be independent from the risk assessments of the EFSD+. The overall risk profile of operations covered by the Ukraine Guarantee may be different from the overall risk profile of the External Action Guarantee. The	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation.	Regulation.	Commission shall ensure that the risk entailed by the guaranteed operations does not exceed the capacity of the Union budget to bear those risks as determined by the available budgetary resources and the provisioning rate referred to in Article 31(1) of this Regulation. In the framework of the reporting referred to in Article 27(8) of this Regulation, the Commission shall report annually on measures taken in this regard to the European Parliament and the Council.	
Article 31				
355				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 31 Provisioning	Article 31 Provisioning	Article 31 Provisioning	
Article 31(1), first subparagraph				
356	1. The provisioning rate for the Ukraine Guarantee shall initially be 70%.	1. The provisioning rate for the Ukraine Guarantee shall initially be 70%, <u>to be provisioned from the Union budget through a specific budget line.</u>	1. The provisioning rate for the Ukraine Guarantee shall initially be 70%.	
Article 31(1), second subparagraph				
357	By derogation from Article 211(2),	By derogation from Article 211(2),	By derogation from Article 211(2),	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	second sentence of the second subparagraph of Regulation (EU, Euratom) 2018/1046, the provisioning shall be constituted until 31 December 2027 and be equal to the amount of provisioning corresponding to the Ukraine guarantee granted and may be constituted gradually to reflect the progress in selection and implementation of the financing and investment operations supporting the objectives of the Facility.	second sentence of the second subparagraph of Regulation (EU, Euratom) 2018/1046, the provisioning shall be constituted until 31 December 2027 and be equal to the amount of provisioning corresponding to the Ukraine guarantee granted and may be constituted gradually to reflect the progress in selection and implementation of the financing and investment operations supporting the objectives of the Facility.	second sentence of the second subparagraph of Regulation (EU, Euratom) 2018/1046, the provisioning shall be constituted until 31 December 2027 and be equal to the amount of provisioning corresponding to the Ukraine guarantee granted and may be constituted gradually to reflect the progress in selection and implementation of the financing and investment operations supporting the objectives of the Facility.	
Article 31(2)				
358	2. The provisioning rate shall be	2. The provisioning rate shall be	2. The provisioning rate shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reviewed at least every year from the entry into force of this Regulation.	reviewed at least every year <u>from once a year following</u> the entry into force of this Regulation.	reviewed at least every year from the entry into force of this Regulation. The Commission shall inform the European Parliament and the Council of the outcome of this review.	
Article 31(3)				
359	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	
Article 31(4)				
360	4. By way of derogation from Article 213 of Regulation (EU, Euratom) 2018/1046, the effective	4. By way of derogation from Article 213 of Regulation (EU, Euratom) 2018/1046, the effective	4. By way of derogation from Article 213 of Regulation (EU, Euratom) 2018/1046, the effective	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provisioning rate shall not apply to the provisioning set aside in the common provisioning fund in respect of the Ukraine Guarantee.	provisioning rate shall not apply to the provisioning set aside in the common provisioning fund in respect of the Ukraine Guarantee.	provisioning rate shall not apply to the provisioning set aside in the common provisioning fund in respect of the Ukraine Guarantee.	
Article 31a				
360a		<u>Article 31a</u> <u>Grievance and redress mechanism</u>		
Article 31a(1)				
360b		<u>1. In view of possible grievances of third parties, including</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>communities and individuals affected by projects supported by the Ukraine Guarantee, the Commission and the European Union delegation in Ukraine shall publish on their websites direct references to the complaints mechanisms of the relevant counterparts that have concluded Guarantee 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 information received through any complaints into account in view of future cooperation with those counterparts.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31b				
360c		<u>Article 31b</u>		
Article 31b(1)				
360d		<u>1. 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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of eligible counterparts, expected development benefits and complaints procedures, taking into account the protection of confidential and commercially sensitive information.</u>		
Article 31c				
360e		<u>Article 31c</u>		
Article 31c(1)				
360f				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>1. 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, in particular information relating 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 take into account the protection of</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>confidential and commercially sensitive information. Eligible counterparts shall also publicise Union support in all information that they publish on financing and investment operations covered by the Ukraine Guarantee in accordance with this Regulation.</u>		
CHAPTER V				
361	CHAPTER V Pillar III: Union accession assistance and support measures	CHAPTER V Pillar III: Union accession assistance and support measures	CHAPTER V Pillar III: Union accession assistance and support measures	
Article 32				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
362	Article 32 EU accession assistance and support measures	Article 32 EU accession assistance and support measures	Article 32 EU accession assistance and support measures	
Article 32(1)				
363	1. Assistance under this Chapter shall support Ukraine in attaining the objectives set out in Article 3. In particular, assistance provided under this Chapter shall aim to support Ukraine's progressive alignment to Union 'acquis' with a view to future Union membership, thereby contributing to mutual stability, security, peace and	1. Assistance under this Chapter shall support Ukraine in attaining the objectives set out in Article 3. In particular, assistance provided under this Chapter shall aim to support Ukraine's progressive alignment to Union 'acquis' with a view to future Union membership, thereby contributing to mutual stability, security, peace and	1. Assistance under this Chapter shall support Ukraine in attaining the objectives set out in Article 3. In particular, assistance provided under this Chapter shall aim to support Ukraine's progressive alignment to Union ' <i>acquis</i> ' with a view to future Union membership, thereby contributing to mutual stability, security, peace	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	prosperity. Such support shall include strengthening of the rule of law, democracy, respect of human rights and fundamental freedoms, reinforcing of the effectiveness of public administration and supporting transparency, structural reforms, sectoral policies and good governance at all levels. Such support should also contribute to the implementation of the Plan.	prosperity. Such support shall include strengthening of the rule of law, democracy, respect of human rights and fundamental freedoms, reinforcing of the effectiveness of public administration and <u>institutional capacities</u> , <u>decentralisation</u> , and supporting transparency, structural reforms, sectoral policies and good governance at all levels. Such support should also contribute to the implementation of the Plan.	and prosperity. Such support shall include strengthening of the rule of law, including the independence of judiciary , democracy, respect of human rights and fundamental freedoms, fight against corruption , reinforcing of the effectiveness of public administration and supporting transparency, structural reforms, sectoral policies and good governance at all levels. Such support should also contribute to the implementation of the Plan.	
Article 32(2)				
364	2. Assistance under this Chapter	2. Assistance under this Chapter	2. Assistance under this Chapter	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall also be provided to ensure that capacities of stakeholders, including social partners, civil society organisations and local authorities are strengthened.	shall also be provided to ensure that capacities of stakeholders, including social partners, civil society organisations and local <u>regional</u> authorities are strengthened, <u>including through twinning and town twinning, as well as through promotion of peer-to-peer cooperation and programs embedded in partnerships between European and Ukrainian cities and regions.</u>	shall also be provided to ensure that capacities of stakeholders, including social partners, civil society organisations and local authorities are strengthened.	
Article 32(3)				
365	3. Assistance under this Chapter shall also support confidence-building measures and processes	3. Assistance under this Chapter shall also support confidence-building measures and processes	3. Assistance under this Chapter shall also strengthen capacities for conflict prevention,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that promote justice, truth-seeking, reparations as well as collection of evidence of crimes committed during the war. Funding for initiatives and bodies involved in supporting and enforcing international justice in Ukraine may be provided under this Chapter.	that promote justice, truth-seeking, reparations<u>payments by the Russian Federation for the damages caused</u> as well as collection of evidence of crimes committed <u>by Russia, its allies and proxies</u> during the war <u>for the purpose of the prosecution of the crimes committed by Russia during its war of aggression against Ukraine</u>. Funding for initiatives and bodies involved in supporting and enforcing international justice in Ukraine may be provided under this Chapter. <u>The findings retrieved as a result of such measures shall be brought to the knowledge of the European Parliament, the Council and the Commission.</u>	peacebuilding and address pre- and post-crisis needs, including through support confidence-building measures and processes that promote justice, truth-seeking, comprehensive post-conflict rehabilitation for an inclusive, peaceful society, and reparations as well as collection of evidence of crimes committed during the war. Funding for initiatives and bodies involved in supporting and enforcing international justice in Ukraine may be provided under this Chapter.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32(4)				
366	4. Assistance under this Chapter shall support the creation and strengthening of Ukrainian authorities responsible for ensuring appropriate use of funds and effective fight against mismanagement of public funding, in particular fraud, corruption, conflict of interests and irregularities incurred in relation to any amount spent to achieve the objectives of the Facility.	4. Assistance under this Chapter shall support the creation and strengthening of Ukrainian authorities responsible for ensuring appropriate use of funds, <u>audit</u> and effective fight against mismanagement of public funding, in particular fraud, corruption <u>and high level corruption, oligarchic structures</u>, conflict of interests and irregularities incurred in relation to any amount spent to achieve the objectives of the Facility.	4. Assistance under this Chapter shall support the creation and strengthening of Ukrainian authorities responsible for ensuring appropriate use of funds and effective fight against mismanagement of public funding, in particular fraud, corruption, conflict of interests and irregularities incurred in relation to any amount spent to achieve the objectives of the Facility.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32(5)				
367	5. The functioning of the Audit Board as referred to in Article 34 shall be funded under this Chapter.	5. The functioning of the Audit Board as referred to in Article 34 shall be funded under this Chapter.	5. The functioning of the Audit Board as referred to in Article 34 shall be funded under this Chapter.	
Article 32(6)				
368	6. The borrowing costs subsidy referred to in Article 22 shall be funded under this Chapter.	6. The borrowing costs subsidy referred to in Article 22 shall be funded under this Chapter.	6. The borrowing costs subsidy referred to in Article 22 shall be funded under this Chapter.	
Article 32(6a)				
368a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			6a. For the years 2024-2027, the Facility shall fund under this Chapter:	
Article 32(6a), point (a)				
368b			(a) the provisioning of the budgetary guarantees, which is not covered by the financial envelope referred to in Article 50 of Regulation (EU) 2021/947 in accordance with the rules set out in the third sentence of Article 31(8) of that Regulation, for the covered external lending mandate financial liabilities in Ukraine under Article 12(1) of Decision (EU) 2022/1628 related	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to loan amounts disbursed after 15 July 2022 of up to EUR 1.586 billion;	
	Article 32(6a), point (b)			
368c			(b) the interest rate subsidy for macro-financial assistance loans under	
	Article 32(6a), point (b)(i)			
368d			(i) Decision (EU) 2022/1201, by derogation from Article 1(3) thereof;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 32(6a), point (b)(ii)			
368e			(ii) Decision (EU) 2022/1628 by derogation from Article 6(3) thereof;	
	Article 32(6a), point (c)			
368f			(c) by way of derogation from Article 31(1) of Regulation (EU) 2021/947, the paid-in provisioning of 9% for financial assistance which has not yet been committed at the end of 2023,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Article 11(1) of Decision (EU) 2022/1628.	
CHAPTER VI				
369	CHAPTER VI Protection of the financial interests of the Union	CHAPTER VI Protection of the financial interests of the Union	CHAPTER VI Protection of the financial interests of the Union	
Article 33				
370	Article 33 Protection of the financial interests	Article 33 Protection of the financial interests	Article 33 Protection of the financial interests	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the Union	of the Union	of the Union	
Article 33(1)				
371	1. In implementing the Facility, the Commission and Ukraine shall take all the appropriate measures to protect the financial interests of the Union, taking into account the principle of proportionality and the specific conditions under which the Facility will operate, the precondition set out in Article 5(1) and conditions set out in the framework agreement and specific financing or loan agreements, in particular regarding the prevention, detection and correction of fraud,	1. In implementing the Facility, the Commission and Ukraine shall take all the appropriate measures to protect the financial interests of the Union, taking into account the principle of proportionality and the specific conditions under which the Facility will operate, the precondition set out in Article 5(1) and conditions set out in the framework agreement and specific financing or loan agreements, in particular regarding the prevention, detection and correction of fraud,	1. In implementing the Facility, the Commission and Ukraine shall take all the appropriate measures to protect the financial interests of the Union, taking into account the principle of proportionality and the specific conditions under which the Facility will operate, the precondition set out in Article 5(1) and conditions set out in the framework agreement and specific financing or loan agreements, in particular regarding the prevention, detection and correction of fraud,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	corruption, conflicts of interests and irregularities. Ukraine shall commit to progressing towards effective and efficient management and control systems and ensure that amounts wrongly paid or incorrectly used can be recovered.	corruption, conflicts of interests and irregularities, <u>as well as the investigation and prosecution of criminal offences affecting the funds provided under the Facility</u>. Ukraine shall commit to progressing towards <u>a robust legal framework to fight fraud by means of criminal law</u>, effective and efficient management and control systems and ensure that amounts wrongly paid or incorrectly used can be recovered. <u>Ukraine shall also commit to ensure that the competent Ukrainian authorities treat, without delay, mutual legal assistance requests and extradition requests by the EPPO and Member States' competent authorities concerning criminal</u>	corruption, or any other illegal activity affecting the Union's financial interests, conflicts of interests and irregularities including the investigation and prosecution of criminal offences affecting the funds provided under the Facility. Ukraine shall commit to progressing towards effective and efficient management and control systems and ensure that amounts wrongly paid or incorrectly used can be recovered. Ukraine shall also commit to ensure that the competent Ukrainian authorities treat, without delay, mutual legal assistance requests and extradition requests by the EPPO and Member States' competent authorities,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>offences affecting the funds under the Facility.</i>	concerning criminal offences affecting the funds under the Facility.	
Article 33(2)				
372	2. The agreements referred to in Articles 9, 10 and 21 shall provide for the obligations of Ukraine:	2. The agreements referred to in Articles 9, 10 and 21 shall provide for the obligations of Ukraine:	2. The agreements referred to in Articles 9, 10 and 21 shall provide for the obligations of Ukraine:	
Article 33(2), point (-a)				
372a		<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<i>Article 33(2), point (a)</i>			
373	(a) to regularly check that the financing provided has been used in accordance with the applicable rules, in particular regarding the prevention, detection and correction of fraud, corruption, conflicts of interests and irregularities;	(a) to regularly check that the financing provided has been used in accordance with the applicable rules, in particular regarding the prevention, detection and correction of fraud, <u>oligarchic structures</u> , corruption, conflicts of interests and irregularities <u>or any other illegal activity affecting the financial interests of the Union</u> ;	(a) to regularly check that the financing provided has been used in accordance with the applicable rules, in particular regarding the prevention, detection and correction of fraud, corruption, conflicts of interests and irregularities or any other illegal activity affecting the Union's financial interests ;	
	<i>Article 33(2), point (aa)</i>			
373a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(aa) to protect whistleblowers;</u>		
Article 33(2), point (b)				
374	(b) to take appropriate measures to prevent, detect and correct fraud, corruption, conflicts of interests and irregularities affecting the financial interests of the Union, to avoid double funding and to take legal actions to recover funds that have been misappropriated, including in relation to any measure for the implementation of reforms and investment projects under the Ukraine Plan;	(b) to take appropriate measures to prevent, detect and correct fraud, corruption, conflicts of interests and irregularities, <u>as well as to investigate and prosecute criminal offences</u> affecting the financial interests of the Union, to <u>detect</u> <u>and</u> avoid double funding and to take legal actions to recover funds that have been misappropriated, including in relation to any measure for the implementation of reforms and investment projects under the Ukraine Plan <u>and to take</u>	(b) to take appropriate measures to prevent, detect and correct fraud, corruption, conflicts of interests and irregularities, including the investigation and prosecution of criminal offences affecting the financial interests of the Union, to avoid double funding and to take legal actions to recover funds that have been misappropriated, including in relation to any measure for the implementation of reforms and investment projects under the Ukraine Plan and to take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>appropriate measures to treat mutual legal assistance requests by the EPPO and Member States' competent authorities concerning criminal offences affecting the funds under the Facility, without delay; where applicable, the competent Ukrainian authorities shall report any criminal conduct affecting the funds under the Facility to the EPPO;</u>	appropriate measures to treat mutual legal assistance requests and extradition requests by the EPPO and Member States' competent authorities, concerning criminal offences affecting the funds under the Facility, without delay;	
Article 33(2), point (c)				
375	(c) to accompany a request for payment as set out in Chapter III by a declaration that the funds were used in accordance with the	(c) to accompany a request for payment as set out in Chapter III by a declaration that the funds were used in accordance with the	(c) to accompany a request for payment as set out in Chapter III by a declaration that the funds were used in accordance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	principle of sound financial management and for their intended purpose and managed appropriately in particular in accordance with Ukrainian rules complemented by international standards, on prevention, detection and correction of irregularities, fraud, corruption and conflicts of interests;	principle of sound financial management and for their intended purpose and managed appropriately in particular in accordance with Ukrainian rules complemented by international standards, on prevention, detection and correction of irregularities, fraud, corruption and conflicts of interests <u>accompanied by a declaration of assurance by the Ukrainian authorities;</u>	principle of sound financial management and for their intended purpose and managed appropriately in particular in accordance with Ukrainian rules complemented by international standards, on prevention, detection and correction of irregularities, fraud, corruption and conflicts of interests;	
Article 33(2), point (ca)				
375a		<u>(ca) to use the Early Detection and Exclusion System;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 33(2), point (d)			
376	(d) for the purpose of paragraph 1 of this Article, in particular for checks on the use of funds in relation to the implementation of reforms and investments of the Ukraine Plan, to ensure the collection of, and access to, adequate data on persons and entities receiving funding for the implementation of measures of the Ukraine Plan under chapter III of the Facility;	(d) for the purpose of paragraph 1 of this Article, in particular for checks on the use of funds in relation to the implementation of reforms and investments of the Ukraine Plan, to ensure the collection of, and access to, adequate data on persons and entities receiving funding for the implementation of measures of the Ukraine Plan under chapter III of the Facility;	(d) for the purpose of paragraph 1 of this Article, in particular for checks on the use of funds in relation to the implementation of reforms and investments of the Ukraine Plan, to ensure the collection of, and access to, adequate data on persons and entities receiving funding for the implementation of measures of the Ukraine Plan under chapter III of the Facility;	
	Article 33(2), point (e)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
377	(e) to expressly authorise the Commission, OLAF, the Court of Auditors and, where applicable, EPPO to exert their rights as provided for in Article 129(1) of Regulation (EU, Euratom) 2018/1046, in application of the principle of proportionality.	(e) to expressly authorise the Commission, OLAF, <u>and</u> the Court of Auditors and, where applicable, EPPO to exert their rights as provided for in Article 129(1) of Regulation (EU, Euratom) 2018/1046, in application of the principle of proportionality; competent Ukrainian authorities shall report to the EPPO any criminal conduct affecting the funds under the Facility that may fall within its competence.	(e) to expressly authorise the Commission, OLAF, and the Court of Auditors and, where applicable, EPPO to exert their rights as provided for in Article 129(1) of Regulation (EU, Euratom) 2018/1046, in application of the principle of proportionality. The competent Ukrainian authorities shall report to the EPPO any criminal conduct affecting the funds under the Facility that may fall within its competence.	
Article 33(2), point (ea)				
377a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(ea) to provide a similar level of access to information and authority to carry out on-the-spot controls as the Commission and the Court of Auditors to the independent external auditor appointed by the Audit Board.</u>		
Article 33(3)				
378	3. The Commission shall strive to make available to Ukraine an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the relevant data, including the data listed in paragraph 2(d).	3. The Commission shall strive to make available to Ukraine an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the relevant data, including the data listed in paragraph 2(d).	3. The Commission shall strive to make available to Ukraine an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the relevant data, including the data listed in paragraph 2(d).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Where such a system is available, Ukraine shall use and feed the relevant data into the system, including with support referred to under Chapter V.	Where such a system is available, Ukraine shall use and feed the relevant data into the system, including with support referred to under Chapter V. <u>Data shall allow the Commission and other audit authorities to fulfil their duties without undue delay. The system shall allow for downloads in a machine-readable format.</u>	Where such a system is available, Ukraine shall use and feed the relevant data into the system, including with support referred to under Chapter V.	
Article 33(4)				
379	4. The agreements referred to in Articles 9, 10 and 21 shall also provide for the right of the Commission to reduce proportionately the support	4. The agreements referred to in Articles 9, 10 and 21 shall also provide for the right of the Commission to reduce proportionately the support	4. The agreements referred to in Articles 9, 10 and 21 shall also provide for the right of the Commission to reduce proportionately the support	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provided under the Facility and recover any amount spent to achieve the objectives of the Facility or to ask for early repayment of the loan, in cases of irregularities, fraud, corruption and conflicts of interests affecting the financial interests of the Union that have not been corrected by Ukraine, or of a serious breach of an obligation resulting from such agreements. When deciding on the amount of the recovery and reduction, or the amount to be repaid early, the Commission shall respect the principle of proportionality and shall take into account the seriousness of the irregularity, fraud, corruption or conflict of interests affecting the financial interests of the Union, or	provided under the Facility and recover any amount spent to achieve the objectives of the Facility or to ask for early repayment of the loan, in cases of <u>serious deterioration of rule of law or in cases of</u> irregularities, fraud, corruption and conflicts of interests affecting the financial interests of the Union that have not been corrected by Ukraine, or of a serious breach of an obligation resulting from such agreements. When deciding on the amount of the recovery and reduction, or the amount to be repaid early, the Commission shall respect the principle of proportionality and shall take into account the seriousness of the irregularity, fraud, corruption or conflict of	provided under the Facility and recover any amount spent to achieve the objectives of the Facility or to ask for early repayment of the loan, in cases of irregularities, fraud, corruption and conflicts of interests affecting the financial interests of the Union that have not been corrected by Ukraine, or of a serious breach of an obligation resulting from such agreements. When deciding on the amount of the recovery and reduction, or the amount to be repaid early, the Commission shall respect the principle of proportionality and shall take into account the seriousness of the irregularity, fraud, corruption or conflict of interests affecting the financial interests of the Union, or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of a breach of an obligation. Ukraine shall be given the opportunity to present its observations before the reduction is made or early repayment is requested.	interests affecting the financial interests of the Union, or of a breach of an obligation. Ukraine shall be given the opportunity to present its observations before the reduction is made or early repayment is requested.	of a breach of an obligation. Ukraine shall be given the opportunity to present its observations before the reduction is made or early repayment is requested.	
Article 33(5)				
380	5. Persons and entities implementing funds under the Facility shall report any suspected or actual cases, of fraud, corruption, conflict of interests and irregularities affecting financial interests of the Union without delay, to the Audit Board referred	5. Persons and entities implementing funds under the Facility shall report any suspected or actual cases, of fraud, corruption, conflict of interests and irregularities <u>or other illegal activities</u> affecting financial interests of the Union without	5. Persons and entities implementing funds under the Facility shall report any suspected or actual cases, of fraud, corruption, conflict of interests and irregularities or any other illegal activities affecting financial interests of the Union without	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to in Article 34, the Commission and OLAF.	delay, to the Audit Board referred to in Article 34, the Commission, <u>OLAF, and, where applicable, the EPPO and OLAF.</u>	delay, to the Audit Board referred to in Article 34, the Commission, OLAF, and, where applicable, the EPPO in cases that may fall within its competence and OLAF.	
Article 33(5a)				
380a		<u>5a. Persons and entities implementing funds under the Facility, as well as persons knowledgeable about the implementation process, shall be able to report the cases of alleged corruption, fraud, irregularities and maladministration through a dedicated digital tool, with the relevant whistleblower protection</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>provisions.</u>		
Article 33a				
380b		<u>Article 33a</u> <u>Physical and cyber protection of investments made with Union financial support</u>		
Article 33a(1)				
380c		<u>1. The agreements referred to in Articles 9, 10 and 21 shall provide for the obligation of Ukraine to</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>identify physical and cyber protection measures for each of the investments made with Union financial support. An appropriate amount of the Union financial support may be set aside for physical and cyber protection purposes, and the necessary restrictions shall apply in accordance with Article 11(7) point (b).</u>		
Article 33a(2)			
380d	<u>2. Until the cessation of hostilities, physical protection may include measures to protect against munitions and missiles</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and their effects, including through means delivering kinetic effects. Such means shall be operated under the auspices of the state authorities of Ukraine and may not be used for the purpose of doing harm to persons.</u>		
Article 34				
381	Article 34 Audit Board	Article 34 Audit Board	Article 34 Audit Board	
Article 34(1)				
382				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. The Commission shall establish an Audit Board before the submission by Ukraine of the first payment request.	1. The Commission shall establish an Audit Board before the submission by Ukraine of the first payment request.	1. The Commission shall establish An Audit Board is hereby established. The Audit Board shall be set up before the submission by Ukraine of the first payment request.	
Article 34(2)				
383	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.	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.	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. Other donors contributing to the Facility may be invited by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Commission to appoint observers to the Audit Board.	
	Article 34(1a), second subparagraph			
383a			The Audit Board, on a proposal by the Commission, shall adopt its rules of procedure.	
	Article 34(2a)			
383b		<u>2a. At least one-fifth of the Audit Board should be composed of Ukrainian nationals, given they have proven high professional</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>competence and integrity and have no personal or professional affiliation to Ukrainian authorities or officials as well as demonstrably independent international experts with a proven track record of understanding of Ukraine's economy and political system.</u>		
	Article 34(3)			
384	3. The Audit Board shall exercise its functions in complete objectivity and operate in compliance with best applicable international practices and standards. It shall act without	3. The Audit Board shall exercise its functions in complete objectivity and operate in compliance with best applicable international practices and standards. It shall act without	3. The Audit Board shall exercise its functions in complete objectivity and operate in compliance with best applicable international practices and standards. It shall act without	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	prejudice to the powers of the Commission, OLAF, the Court of Auditors and, where applicable, the EPPO.	prejudice to the powers of the Commission, OLAF, the Court of Auditors and, where applicable , the EPPO.	prejudice to the powers of the Commission, OLAF, the Court of Auditors and, where applicable , the EPPO.	
Article 34(3a)				
384a		<u>3a. The Audit Board shall appoint an independent external auditor that provides an annual statement of assurance on the declarations by the Ukrainian authorities that accompany a request for payment. It shall also approve the annual work plan of the independent external auditor.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34(3b)				
384b		<u>3b. The Audit Board shall decide on recommendations to the Commission and the Ukrainian authorities on amounts to be recovered following the findings of the independent external auditor, and inform the Commission and the Ukrainian authorities of those recommendations.</u>		
Article 34(4)				
385	4. The Audit Board shall ensure regular dialogue and cooperation	4. The Audit Board shall ensure regular dialogue and cooperation	4. The Audit Board shall ensure regular dialogue and cooperation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with the European Court of Auditors.	with the European Court of Auditors, <u>as well as the Audit Chamber of Verkhovna Rada.</u>	with the European Court of Auditors.	
Article 34(5)				
386	5. In carrying out their duties, the Audit Board, its members and its staff shall neither seek nor take instructions from the Ukrainian government or any institution, body, office or agency. Strong guarantees of independence shall apply for the selection of its staff, management and budget.	5. In carrying out their duties, the Audit Board, its members and its staff shall neither seek nor take instructions from the Ukrainian government or any institution, body, office or agency. Strong guarantees of independence shall apply for the selection of its staff, management and budget.	5. In carrying out their duties, the Audit Board, its members and its staff shall neither seek nor take instructions from the Ukrainian government or any institution, body, office or agency. Strong guarantees of independence shall apply for the selection of its staff, management and budget.	
Article 34(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
387	6. The Audit Board shall assist the Commission in fighting mismanagement of Union funding under the Facility and, in particular fraud, corruption, conflict of interests and irregularities incurred in relation to any amount spent to achieve the objectives of the Facility.	6. The Audit Board shall assist the Commission in fighting mismanagement of Union funding under the Facility and, in particular fraud, corruption, conflict of interests and irregularities incurred in relation to any amount spent to achieve the objectives of the Facility.	6. The Audit Board shall assist the Commission in fighting mismanagement of Union funding under the Facility and, in particular fraud, corruption, conflict of interests and irregularities incurred in relation to any amount spent to achieve the objectives of the Facility.	
Article 34(7), first subparagraph				
388	7. For that purpose, the Audit Board shall regularly report to the Commission, and transmit to the Commission without delay any	7. For that purpose, the Audit Board shall regularly report to the Commission <u>and the relevant committees of the European</u>	7. For that purpose, the Audit Board shall regularly report to the Commission, and transmit to the Commission without delay any	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information it obtains or is made aware of, on any identified cases of, or serious concerns in relation to, mismanagement of public funding incurred in relation with any amount spent to achieve the objectives of the Facility.	<u>Parliament and the Council</u>, and transmit to the Commission without delay any information it obtains or is made aware of, on any identified cases of, or serious concerns in relation to, mismanagement of public funding incurred in relation with any amount spent to achieve the objectives of the Facility, <u>including its performance.</u> <u>In accordance with Article 24(1) of Regulation (EU) 2017/1939, the Audit Board shall report to the EPPO any criminal conduct in respect of which the latter could exercise its competence.</u>	information it obtains or is made aware of, on any identified cases of, or serious concerns in relation to, mismanagement of public funding incurred in relation with any amount spent to achieve the objectives of the FacilityFacility.The Commission shall keep the Council timely informed.	
Article 34(7), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
389	In addition, the Audit Board shall adopt recommendations to Ukraine on all cases where in its views competent Ukrainian authorities have not taken the necessary steps to prevent, detect and correct fraud, corruption, conflict of interests and irregularities that have affected or seriously risk affecting the sound financial management of the expenditure financed under the Facility and in all cases where it identifies weaknesses affecting the design and functioning of the control system put in place by Ukrainian authorities. Ukraine shall implement such recommendations, or provide a justification on why it has not done	In addition, the Audit Board shall adopt recommendations to Ukraine on all cases where in its views competent Ukrainian authorities have not taken the necessary steps to prevent, detect and correct fraud, corruption, conflict of interests and irregularities that have affected or seriously risk affecting the sound financial management of the expenditure financed under the Facility and in all cases where it identifies weaknesses affecting the design and functioning of the control system put in place by Ukrainian authorities. <u>A summary of the recommendation shall be published by the Audit Board.</u> Ukraine shall implement such	In addition, the Audit Board shall adopt recommendations to Ukraine on all cases where in its views competent Ukrainian authorities have not taken the necessary steps to prevent, detect and correct fraud, corruption, conflict of interests and irregularities that have affected or seriously risk affecting the sound financial management of the expenditure financed under the Facility and in all cases where it identifies weaknesses affecting the design and functioning of the control system put in place by Ukrainian authorities. Ukraine shall implement such recommendations, or provide a justification on why it has not done	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	so.	recommendations, or provide a justification on why it has not done so in a timely fashion. In exceptional cases, a request may be made for an extension of time in which to implement the recommendations, but in all cases this shall not exceed six months after the initial recommendation was made. The information provided by the Ukrainian authorities on the recommendations shall also be published by the Audit Board.	so.	
Article 34(7), third subparagraph				
390	The reports of, and information	The reports of, and information	The reports of, and information	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from, the Audit Board shall also be sent to OLAF and may be shared with the relevant Ukrainian authorities, especially in case they need to take steps to prevent, detect and correct fraud, corruption, conflict of interests and irregularities.	from, the Audit Board shall also be sent to OLAF and, <u>where applicable, to the EPPU, and</u> may be shared with the relevant Ukrainian authorities, especially in case they need to take steps to prevent, detect and correct fraud, corruption, conflict of interests and irregularities, <u>as well as to investigate and prosecute criminal offences affecting the financial interests of the Union.</u>	from, the Audit Board shall also be sent to OLAF and to the EPPU in cases that may fall within its competence and may be shared with the relevant Ukrainian authorities, especially in case they need to take steps to prevent, detect and correct fraud, corruption, or any other illegal activity affecting the Union's financial interests, conflict of interests and irregularities, including the investigation and prosecution of criminal offences affecting the financial interests of the Union.	
Article 34(8)				
391				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	8. The Audit Board shall have access to information, databases and registries required to carry out its tasks. The framework agreement referred to in Article 9 shall define rules and details for the access to relevant information by the Audit Board and the provision of relevant information by Ukraine to the Audit Board.	8. The Audit Board shall have access to information, databases and registries required to carry out its tasks. The framework agreement referred to in Article 9 shall define rules and details for the access to relevant information by the Audit Board and the provision of relevant information by Ukraine to the Audit Board.	8. The Audit Board shall have access to information, databases and registries required to carry out its tasks. The framework agreement referred to in Article 9 shall define rules and details for the access to relevant information by the Audit Board and the provision of relevant information by Ukraine to the Audit Board.	8
Article 34(9)				
392	9. The Audit Board may assist the Commission in supporting Ukraine with capacity building activities in the field of fight against mismanagement of public funding.	9. The Audit Board may assist the Commission in supporting Ukraine with capacity building activities in the field of fight against mismanagement of public funding.	9. The Audit Board may assist the Commission in supporting Ukraine with capacity building activities in the field of fight against mismanagement of public funding.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 34(10)			
393	10. The functioning of the Audit Board shall be funded under Chapter V.	10. The functioning of the Audit Board shall be funded under Chapter V, <u>including the funding for the appointed independent external auditor.</u>	10. The functioning of the Audit Board shall be funded under Chapter V.	
	Article 34a			
393a		<u>Article 34a</u> <u>Transparency</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34a(1)				
393b		<u>1. The Commission shall transmit the framework agreement, concluded between the Commission and Ukraine, the Ukraine Plan, submitted by Ukraine, simultaneously and on equal terms to the European Parliament and the Council without undue delay.</u>		
Article 34a(2)				
393c		<u>2. Information transmitted by the Commission to the Council in the context of this Regulation or its</u>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>implementation shall simultaneously be transmitted to the European Parliament, subject to confidentiality arrangements if necessary. Relevant outcomes of discussions held in Council shall be shared with the competent committees of the European Parliament.</u>		
Article 34a(3)			
393d	<u>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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>relevant conditions referred to in Article 15.</u>		
Article 34a(4)				
393e		<u>4. The competent committee 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.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34b				
393f		<u>Article 34b</u> <u>Reconstruction and Pre-accession Dialogue</u>		
Article 34b(1)				
393g		<u>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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Parliament may invite the Commission and other relevant stakeholders, such as in particular the Audit Board, referred to in Article 34a, at least every four months, to discuss the following matters:</u>		
Article 34b(1), point (a)				
393h		<u>(a) the state of reconstruction and accession-related reforms in Ukraine, as well as the measures adopted under this Regulation;</u>		
Article 34b(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
393i		<u>(b) the Ukraine Plan and the assessment of the Ukraine Plan;</u>		
Article 34b(1), point (c)				
393j		<u>(c) the main findings of the review report referred to in Article 36(4);</u>		
Article 34b(1), point (d)				
393k		<u>(d) the status of fulfilment of the conditions of the Ukraine Plan;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 34b(1), point (e)			
393l		<u>(e) progress in fulfilling the accession criteria;</u>		
	Article 34b(1), point (f)			
393m		<u>(f) payment, suspension and termination procedures, including any observation presented to ensure a satisfactory fulfilment of the conditions; and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34b(1), point (g)				
393n		<u>(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.</u>		
Article 34b(2)				
393o		<u>2. The European Parliament may express its views in resolutions as regards the matters referred to in paragraph 1.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34b(3)				
393p		<u>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.</u>		
CHAPTER VII				
394	CHAPTER VII Work programmes, monitoring,	CHAPTER VII Work programmes, monitoring,	CHAPTER VII Work programmes, monitoring,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reporting and evaluation	reporting and evaluation	reporting and evaluation	
Article 35				
395	Article 35 Work programmes	Article 35 Work programmes	Article 35 Work programmes	
Article 35(1)				
396	1. Assistance under the Facility shall be implemented by work programmes referred to in Article 110 of Regulation (EU, Euratom) 2018/1046. Implementing acts	1. Assistance under the Facility shall be implemented by work programmes referred to in Article 110 of Regulation (EU, Euratom) 2018/1046. Implementing acts	1. Assistance under the Facility shall be implemented by work programmes referred to in Article 110 of Regulation (EU, Euratom) 2018/1046. Implementing acts	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	adopting work programmes shall be adopted in accordance with the examination procedure referred to in Article 39.	adopting work programmes shall be adopted in accordance with the examination procedure referred to in Article 39.	adopting work programmes shall be adopted in accordance with the examination procedure referred to in Article 39, with the exception of acts of assistance provided on the basis of Articles 22(2) and 32(7).	
Article 35(2)				
397	2. Assistance under Chapter V of the Facility can also be implemented by specific work programmes when the implementation of this assistance does not require the conclusion of agreements referred to in Articles 9 and 10.	2. Assistance under Chapter V of the Facility can also be implemented by specific work programmes when the implementation of this assistance does not require the conclusion of agreements referred to in Articles 9 and 10.	2. Assistance under Chapter V of the Facility can also be implemented by specific work programmes when the implementation of this assistance does not require the conclusion of agreements referred to in Articles 9 and 10.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 36				
398	Article 36 Monitoring and reporting	Article 36 Monitoring and reporting	Article 36 Monitoring and reporting	
Article 36(1)				
399	1. The Commission shall monitor the implementation of the Facility and assess the achievement of the objectives set out in Article 3. The monitoring of implementation shall be targeted and proportionate to the activities carried out under the	1. The Commission shall monitor the implementation of the Facility and assess the achievement of the objectives set out in Article 3. The monitoring of implementation shall be targeted and proportionate to the activities carried out under the	1. The Commission shall monitor the implementation of the Facility and assess the achievement of the objectives set out in Article 3. The monitoring of implementation shall be targeted and proportionate to the activities carried out under the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Facility.	Facility.	Facility.	
Article 36(2)				
400	2. The financing agreements and loan agreement referred to in Article 10 and 21 shall set out rules and modalities for Ukraine to report to the Commission for the purpose of paragraph 1 of this Article.	2. The financing agreements and loan agreement referred to in Article 10 and 21 shall set out rules and modalities for Ukraine to report to the Commission for the purpose of paragraph 1 of this Article.	2. The financing agreements and loan agreement referred to in Article 10 and 21 shall set out rules and modalities for Ukraine to report to the Commission for the purpose of paragraph 1 of this Article.	
Article 36(3)				
401	3. The Union support provided	3. The Union support provided	3. The Union support provided	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	under the Ukraine Investment Framework shall be reported in accordance with Article 27(8).	under the Ukraine Investment Framework shall be reported in accordance with Article 27(8).	under the Ukraine Investment Framework shall be reported in accordance with Article 27(8).	
Article 36(4)				
402	4. The Commission shall provide an annual report to the European Parliament and the Council on progress towards the achievement of the objectives of this Regulation.	4. The Commission shall provide an annual report to the European Parliament and the Council on progress towards the achievement of the objectives of this Regulation.	4. The Commission shall provide an annual report to the European Parliament and the Council an annual report on progress towards the achievement of the objectives of this Regulation, complemented by quarterly presentations on the state of play of the implementation of the Facility.	
Article 36(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
403	5. The Commission shall provide the report referred to in paragraph 4 to the Committee referred to in Article 39.	5. The Commission shall provide the report referred to in paragraph 4 to the Committee referred to in Article 39.	5. The Commission shall provide the report referred to in paragraph 4 to the Committee referred to in Article 39.	
Article 37				
404	Article 37 Evaluation of the Facility	Article 37 Evaluation of the Facility	Article 37 Evaluation of the Facility	
Article 37(1)				
405				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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 <u>by means of an independent external evaluation</u>. That ex-post evaluation shall assess the Union contribution to the achievement of the objectives of this Regulation. <u>The Commission shall take due account of proposals by the European Parliament or the Council for this independent external evaluation.</u>	1. After By 31 December 2027 2026, the Commission shall provide the European Parliament and the Council with an independent interim 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 report on the implementation of the Facility, and by 31 December 2031 with an independent ex post evaluation report.	
Article 37(1a)				

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
405a		1a. The evaluation report shall, in particular, assess to which extent the objectives have been achieved, the efficiency of the use of the resources, the protection of the Union's financial interests and the European added value. It shall also consider the continued relevance of all objectives and actions.	
Article 37(1b)			
405b		1b. Where appropriate, the Commission shall put forward proposals taking into account the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			results of the evaluation.	
Article 37(1c)				
405c			1c. The ex post evaluation report shall consist of a global assessment of the Facility and shall include information on its impact in the long term.	
Article 37(2), first subparagraph				
406	2. This ex-post evaluation shall make use of the good practice principles of the OECD	2. This ex-post evaluation shall make use of the good practice principles of the OECD	2. This ex-post evaluation shall make use of the good practice principles of the OECD	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Development Assistance Committee, seeking to ascertain whether the objectives have been met and to formulate recommendations with a view to improving future actions.	Development Assistance Committee, seeking to ascertain whether the objectives have been met and to formulate recommendations with a view to improving future actions.	Development Assistance Committee, seeking to ascertain whether the objectives have been met and to formulate recommendations with a view to improving future actions.	
Article 37(2), second subparagraph				
407	The Commission shall communicate the findings and conclusions of this ex-post evaluation accompanied by its observations and follow-up, to the European Parliament, the Council and the Member States. This ex-post evaluation may be discussed at the request of Member States.	The Commission shall communicate the findings and conclusions of this ex-post evaluation accompanied by its observations and follow-up, to the European Parliament, the Council and the Member States. This ex-post evaluation may be discussed at the request of Member States <u>or</u>	The Commission shall communicate the findings and conclusions of this ex-post evaluation accompanied by its observations and follow-up, to the European Parliament, the Council and the Member States. This ex-post evaluation may be discussed at the request of Member States.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The results shall feed into the preparation of programmes and actions and resource allocation. These evaluations and follow-up shall be made publicly available.	<i>the European Parliament</i> . The results shall feed into the preparation of programmes and actions and resource allocation. These evaluations and follow-up shall be made publicly available.	The results shall feed into the preparation of programmes and actions and resource allocation. These evaluations and follow-up shall be made publicly available.	
Article 37(2), third subparagraph				
408	The Commission shall, to an appropriate extent, associate all relevant stakeholders, including beneficiaries, social partners, civil society organisations and local authorities in the evaluation process of the Union's funding provided under this Regulation, and may, where appropriate, seek	The Commission shall, to an appropriate extent, associate all relevant stakeholders, including beneficiaries, social partners, civil society organisations and local authorities in the evaluation process of the Union's funding provided under this Regulation, and may, where appropriate, seek	The Commission shall, to an appropriate extent, associate all relevant stakeholders, including beneficiaries, social partners, civil society organisations and local authorities in the evaluation process of the Union's funding provided under this Regulation, and may, where appropriate, seek	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to undertake joint evaluations with the Member States and other partners with close involvement of Ukraine.	to undertake joint evaluations with the Member States and other partners with close involvement of Ukraine.	to undertake joint evaluations with the Member States and other partners with close involvement of Ukraine.	
CHAPTER VIII				
409	CHAPTER VIII Final provisions	CHAPTER VIII Final provisions	CHAPTER VIII Final provisions	
Article 38				
410	Article 38	Article 38	Article 38	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Exercise of delegation	Exercise of delegation	Exercise of delegation	
Article 38(1)				
411	1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts <u>referred to in Articles 4, 13, 19, 20, 20a and 31</u> shall be conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.	
Article 38(2)				
412	2. The power to adopt delegated acts referred to in Article 31 shall	2. The power to adopt delegated acts referred to in <u>Article 4</u> ,	2. The power to adopt delegated acts referred to in Article 31 shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be conferred on the Commission for an indeterminate period from seven days after the entry into force of this Regulation.	<u>13, 19, 20, 20a and 31</u> shall be conferred on the Commission for an indeterminate period <u>of four years</u> from seven days after the <u>date of</u> entry into force of this Regulation. <u>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the four-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>	be conferred on the Commission for an indeterminate period from seven days after the entry into force of this Regulation.	
Article 38(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
413	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.	3. The delegations of power referred to in Article 4, 13, 19, 20, 20a 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.	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.	
Article 38(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
414	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 38(5)				
415	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 38(6)				
416	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.	6. A delegated act adopted pursuant to ArticleArticles 4, 13, 19, 20, 20a 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 one monthtwo 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 monthtwo months at the initiative of the European Parliament or of the	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 monthtwo 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 monthtwo months at the initiative of the European Parliament or of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Council.	Council.	
Article 39				
417	Article 39 Committee procedure	Article 39 Committee procedure	Article 39 Committee procedure	
Article 39(1)				
418	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 39(2)				
419	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	
Article 39(2a)				
419a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2a. Where the opinion of the Ukraine Facility Committee is to be obtained by a written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.	
Article 40				
420	Article 40 Information, communication and publicity	Article 40 Information, communication and publicity	Article 40 Information, communication and publicity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 40(1)				
421	1. The Commission may engage in communication activities to ensure the visibility of the Union funding for the financial support envisaged in the Ukraine Plan, including through joint communication activities with Ukraine. The Commission may, as appropriate, ensure that support under the Facility is communicated and acknowledged through a funding statement.	1. The Commission may engage in communication activities to ensure the visibility of the Union funding for the financial support envisaged in the Ukraine Plan, including through joint communication activities with Ukraine. The Commission may, as appropriate, ensure that support under the Facility is communicated and acknowledged through a funding statement.	1. The Commission may engage in communication activities to ensure the visibility of the Union funding for the financial support envisaged in the Ukraine Plan, including through joint communication activities with Ukraine. The Commission may, as appropriate, ensure that support under the Facility is communicated and acknowledged through a funding statement.	
Article 40(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
422	2. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, including, where applicable, by displaying the emblem of the Union and an appropriate funding statement that reads ‘funded by the European Union – Ukraine Facility’, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.	2. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, including, where applicable, by displaying the emblem of the Union and an appropriate funding statement that reads ‘funded by the European Union – Ukraine Facility’, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.	2. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, including, where applicable, by displaying the emblem of the Union and an appropriate funding statement that reads ‘funded by the European Union – Ukraine Facility’ or ‘co-funded by the European Union – Ukraine Facility’, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.	
Article 40(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
423	3. The Commission shall implement information and communication actions relating to the Facility, to actions taken pursuant to the Facility and to the results obtained. Financial resources allocated to the Facility shall also contribute to the corporate communication of the political priorities of the Union, insofar as they are related to the objectives referred to in Article 3.	3. The Commission shall implement information and communication actions relating to the Facility, to actions taken pursuant to the Facility and to the results obtained. Financial resources allocated to the Facility shall also contribute to the corporate communication of the political priorities of the Union, insofar as they are related to the objectives referred to in Article 3.	3. The Commission shall implement information and communication actions relating to the Facility, to actions taken pursuant to the Facility and to the results obtained. Financial resources allocated to the Facility shall also contribute to the corporate communication of the political priorities of the Union, insofar as they are related to the objectives referred to in Article 3.	
Article 40(3a)				
423a		3a. Information, communication		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and publicity shall be provided in accessible format, in accordance with the UN CRPD Article 9, and EU harmonised legislation, notably Directive 2019/882 of the European Parliament and of the Council of 17 April 2019 on accessibility requirements for products and services.</u>		
Article 41				
424	Article 41 Entry into force	Article 41 Entry into force	Article 41 Entry into force	
	Article 41, first paragraph			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
425	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	
Article 41, second paragraph				
426	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
427				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
428	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
429	The President	The President	The President	
Formula				
430				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	For the Council	For the Council	For the Council	
Formula				
431	The President	The President	The President	