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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Strategic Technologies for Europe Platform ('STEP') and amending Directive 2003/87/EC, Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241 - Letter sent to the European Parliament

At its meeting on 14 February 2024, the Permanent Representatives Committee:

- a) confirmed the provisional agreement reached with the European Parliament on the above-mentioned proposal for a Regulation, subject to revision by the lawyer-linguists of both institutions, as set out in the Annex to 6378/1/24 REV 1; and

- b) authorised the Chair of the Permanent Representatives Committee to send a letter to the Chairs of the Committees on Budgets (BUDG) and on Industry, Research and Energy (ITRE) confirming that, should the European Parliament adopt its position at first reading in the exact form as set out in the Annex to that note, subject to revision by the lawyer-linguists of both institutions, the Council would approve the European Parliament's position and the act would be adopted in the wording corresponding to the European Parliament's position at first reading.

The letter and its annex, as they were sent to the European Parliament, are set out in the Annex.



Council of the
European Union

SGS 24 / 000868

Brussels, 14 February 2024

Mr. Cristian-Silviu BUȘOI

Chair, European Parliament Committee on Industry, Research and Energy
European Parliament
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Mr. Johan VAN OVERTVELDT

Chair, European Parliament Committee on Budgets
European Parliament
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Subject: Proposal for a for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Strategic Technologies for Europe Platform ('STEP') and amending Directive 2003/87/EC, Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241
Short title:
Establishment of the Strategic Technologies for Europe Platform
(COD 2023/0199)

Dear Mr **BUȘOI**, dear Mr **VAN OVERTVELDT**

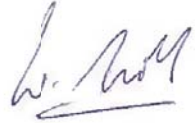
Following the informal negotiations on this proposal between the representatives of the three institutions, today the Permanent Representatives Committee agreed with the final compromise text.

I am therefore now in a position to inform you that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU, in the exact form of the text set out in the Annex to this letter (subject to revision by the lawyer-linguists of the two institutions), the Council, in accordance with Article 294(4) TFEU, will approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the position of the European Parliament.

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On behalf of the Council, I also wish to thank you for your close cooperation which should enable us to reach agreement on this file at first reading.

Yours sincerely



Willem VAN DE VOORDE
Chair of the
Permanent Representatives Committee

Copy:

- Johannes Hahn, Member of the European Commission
- Christian Ehler, Member of the European Parliament, co-rapporteur
- José Manuel Fernandez, Member of the European Parliament, co-rapporteur

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2023/0199(COD)

REGULATION (EU) No .../...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

establishing the Strategic Technologies for Europe Platform ('STEP') and amending Directive 2003/87/EC, Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 164, Article 173, Article 175, third paragraph, Article 176, Article 177, Article 178, Article 182(1) and Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

¹ *OJ C, C/2023/866, 08.12.2023, ELI: <http://data.europa.eu/eli/C/2023/866/oj>*

² *OJ C, C/2023/1331, 22.12.2023, ELI: <http://data.europa.eu/eli/C/2023/1331/oj>*

Whereas:

- (1) Strengthening the competitiveness and resilience of the European economy through the green and digital transformations has been the EU compass over the last years. The green and digital transitions anchored in the European Green Deal¹ and the Digital Decade², spurs growth and the modernisation of the EU economy, opening up new business opportunities and helping gain a competitive advantage on the global markets. The European Green Deal sets out the roadmap for making the Union's economy *climate-neutral* and sustainable in a fair and inclusive manner, tackling climate and environmental-related challenges. Moreover, the Digital Decade Policy Programme 2030 sets out a clear direction for the digital transformation of the Union and for the delivery of digital targets at Union level by 2030, notably concerning digital skills, digital infrastructures, and the digital transformation of businesses and public services.

¹ Communication on The European Green Deal, COM(2019) 640 final. See also European Parliament resolution of 15 January 2020, and European Council conclusions of 11 December 2020.

² Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4).

- (2) The EU industry has proven its inbuilt resilience but *its competitiveness must also be ensured in the future*. High inflation, labour shortages, post-COVID supply chains disruptions, *Russia's war of aggression against Ukraine*, rising interest rates, and spikes in energy costs and input prices are weighing on the competitiveness of the EU industry *and have highlighted the importance for the Union to secure its open strategic autonomy and reduce its strategic dependence on third countries in various sectors*. This is paired with strong, but not always fair, competition on the fragmented global market. The EU has already put forward several initiatives to support its industry, such as the Green Deal Industrial Plan,⁴⁰ the Critical Raw Materials Act¹, the Net Zero Industry Act², the new Temporary Crisis and Transition Framework for State aid³, *NextGenerationEU and REPowerEU*.⁴⁴ While these solutions provide fast, *targeted and, in some cases, temporary* support, the EU needs a more structural answer to the investment needs of its industries, safeguarding cohesion, *creating quality jobs*, and the level playing field in the Single Market, *while facilitating access to funding*. The EU *should work to prevent relocation, to transfer back production facilities of critical technologies from third countries, and to attract new ones to prevent* strategic dependencies.
- (3) *The Single Market has brought significant economic, social, and political advantages to the entire Union, including its citizens and businesses. While these benefits are widely recognised, it is imperative to continue finding solutions to further harness its untapped societal potential. The future Single Market must remain adaptable in the face of evolving geopolitical dynamics, technological advancements, and the green and digital transitions, while fostering the resilience of health systems in the face of an ageing population and contributing to enhance the Union's long-term competitiveness and productivity.*

- (4) The **deployment** and scaling up in the Union of **digital technologies and deep tech innovation**, clean **and resource efficient** technologies, and biotechnologies will be essential to **reduce the Union's strategic dependencies**, seize the opportunities and meet the objectives of the green and digital transitions, thus **ensuring the sovereignty and strategic autonomy of the Union** and promoting the competitiveness of the European industry and its sustainability. Therefore, immediate action is required to support the development or manufacturing in the Union of **critical** technologies, **which constitute the Union's foremost strategic deficiencies**. **Developing and manufacturing critical technologies build upon** value chains of **interlinked economic actors, operating across firms of different sizes, including SMEs, sectors and borders**. **Therefore, the Union should also safeguard and strengthen the value chains of those critical technologies and their associated services that are critical for and specific to the activities of development or manufacturing of those critical technologies**, thereby reducing the Union's strategic dependencies■, **and thus preserving the integrity of the Single Market. and address** existing labour and skills shortages in those sectors through **lifelong learning, education and training projects** and apprenticeships and the creation of attractive, quality jobs accessible to all.

- (5) *To qualify as critical, technologies should be required to either bring an innovative element with a significant potential to the Single Market, or contribute to reduce or prevent the strategic dependencies of the Union. When assessing the economic potential of critical technologies to the Single Market, account should be taken that measures carried out in one Member State can have spill-over effects in other Member States. When assessing whether a technology contributes to reduce or prevent the strategic dependencies of the Union, account should be taken of the analysis carried out at EU level to identify the risks having potential effects on the entire Union. The Commission should issue guidance on how the technologies in the three sectors under the scope of this Regulation could be considered critical, as well as how the conditions for these technologies to qualify as critical could be met, in order to promote a common interpretation of the projects, companies and sectors to be supported under the respective programmes in light of the common strategic objectives. In this guidance the Commission should also further clarify the notion of value chain and associated services critical for and specific to the development or manufacturing of those final products. Such guidance will be without prejudice to other guidances on specific programmes.*

- (6) There is a need to support critical technologies in the following *sectors: digital technologies and deep tech innovation*, clean *and resource efficient* technologies, and biotechnologies. *Deep technology innovations should be understood as those which have the potential to deliver transformative solutions, rooted in cutting-edge science, technology and engineering, including innovation combining advances in the physical, biological and digital spheres. Digital technologies should include* ■ *, in particular, those contributing to the targets and objectives of the Digital Decade Policy Programme 2030 established by Decision (EU) 2022/2481 of 14 December 2022, as well as multi-country projects as defined in that Decision. Clean technologies should include,* ■ *in particular, net-zero technologies as defined under Regulation .../... [Net-Zero Industry Act]. Biotechnologies should be understood as the application of science and technology to living organisms, as well as parts, products and models thereof, to alter living or non-living materials for the production of knowledge, goods and services, including the technologies referred to in the OECD statistical definition of biotechnology* ■ *, as well as the Union List of Critical Medicinal Products and their components, as established under the [EU Pharma Package]. Projects recognized as strategic under the Net Zero Industry Act – and if that project complies with the criteria defined in that Regulation (resilience and competitiveness) – and under the Critical Raw Materials Act should be automatically deemed to contribute to the STEP objectives. Technologies in any of these three fields which are subjects of an Important Project of Common European Interest (IPCEI) approved by the Commission pursuant to Article 107(3), point (b) TFEU should be deemed to be critical, and individual projects within the scope of such an IPCEI should be eligible for funding, in accordance with the respective programme rules, to the extent that the identified funding gap and the eligible costs have not yet been completely covered* ■ .

- (7) Strengthening the ***development and*** manufacturing capacity of **■** technologies in the Union will not be possible without a sizeable skilled workforce. However, labour and skills shortages, ***which*** have increased in all sectors including those considered key for the green and digital transition, ***are expected to increase further in light of demographic change*** and endanger the rise of **■** technologies **■** in the ***relevant sectors identified under this Regulation***. Therefore, it is necessary to boost the activation of more people to the labour market relevant for ***relevant*** sectors, in particular through ***investments in learning and life-long learning, the enhancement of relevant skills***, the creation of ***quality*** jobs and apprenticeships for young **■** ***and*** disadvantaged persons **■** not in employment, education or training. Such support will complement a number of other actions aimed at meeting the skills needs stemming from the transition, outlined in the EU Skills Agenda. **■** ¹ ***Those actions have an important role to play in promoting a mind-set of reskilling and upskilling, boosting the competitiveness of Union undertakings, in particular SMEs, and contributing to the creation of quality jobs with a view to realising the full potential of the green and digital transition in a socially fair, inclusive and just manner.***

¹ ***Communication on a European Skills Agenda for sustainable competitiveness, social fairness and resilience, COM(2020) 274 final.***

- (8) The scale of investments needed for the transition require a full mobilisation of funding available under existing EU programmes and funds, ***including*** those granting a budgetary guarantee for financing and investment operations and implementation of financial instruments and blending operations. Such funding should be deployed in a more flexible manner, to provide timely and targeted support for critical technologies in strategic sectors. Therefore, a Strategic Technologies for Europe Platform (‘STEP’) should ***contribute to providing an*** answer to the Union investment needs by helping to better channel the existing EU funds towards critical investments, ***including in Union-wide and cross border projects***, aimed at supporting the development or manufacturing of critical technologies ***in strategic sectors***, while preserving a level playing field in the Single Market, thereby preserving cohesion and aiming at a geographically balanced distribution of projects financed under the STEP in accordance with the respective programme mandates.

- (9) *When implementing programmes and activities under this Regulation, the Commission and Member States are encouraged to promote and prioritise projects in Net-Zero Acceleration Valleys as defined in Regulation.../... [Net-Zero Industry Act], projects in territories included in the territorial Just Transition Plan as referred to in Article 11 of Regulation (EU) 2021/1056, and in less developed and transition regions, as well as more developed regions in Member States whose average GDP per capita is below the EU average of the EU-27 measured in purchasing power standards (PPS) and calculated on the basis of Union figures for the period 2015-2017.*
- (10) **■** STEP should *mobilise* resources**■** within the existing Union programmes and funds, *including* the InvestEU, Horizon Europe, European Defence Fund and Innovation Fund**■**, *cohesion policy funds, Recovery and Resilience Facility (RRF), EU4Health, and Digital Europe. These should be accompanied by providing additional funding of EUR 1.5 billion to the European Defence Fund, for projects contributing to the STEP objectives¹.*

¹ Regulation (EU) 2021/697 establishing the European Defense Fund (OJ L 170, 12.5.2021, p. 149.)

(11) A Sovereignty Seal should be awarded to projects contributing to the STEP objectives, provided that the project has been assessed and complies with the minimum quality requirements, in particular eligibility, exclusion and award criteria, provided by a call for proposals under Horizon Europe, the Digital Europe programme, the EU4Health programme, the European Defence Fund or the Innovation Fund, and regardless of whether the project has received funding under those instruments. These minimum quality requirements will be established with a view to identify high quality projects. *The Sovereignty Seal will be awarded in line with the specific eligibility conditions defined in the calls for proposals under the programmes concerned, which may include geographical limitations, if appropriate and foreseen in the respective Regulation. When preparing the scope of the calls for proposals that could be awarded a Sovereignty Seal, the Commission should include, where appropriate, the requirement for project proposals to indicate how they are expected to contribute to strengthening and structuring of local networks of industrial actors and to jobs creation. These calls should, where possible and appropriate, be continuously open. The Seal should be used as a quality label, to help projects attract public and private investments by certifying its contribution to the STEP objectives. Moreover, the Seal will promote better access to EU funding, notably by facilitating cumulative or combined funding from several Union instruments. Member States should also be encouraged to take into account the Sovereignty Seal when granting financial support through their own programmes.*

- (12) To that end, it should be possible to rely on assessments made for the purposes of other Union programmes in accordance with Articles 126 and 127 of Regulation (EU, Euratom) 2018/1046, ⁵² in order to reduce administrative burden for beneficiaries of Union funds and encourage investment in priority technologies. Provided they comply with the provisions of the RRF Regulation, ⁵³ Member States should consider including *projects* awarded the Sovereignty Seal when *revising* their recovery and resilience plans and *should be able to do so* when deciding on investment projects to be financed from *their* share of the Modernisation Fund. The Sovereignty Seal should also be taken into account by the Commission in the context of the procedure provided for in Article 19 of the EIB Statute and of the policy check laid down in Article 23 of the InvestEU Regulation. In addition, the implementing partners should be required to examine projects having been awarded the Sovereignty Seal in case they fall within their geographic and activity scope in accordance with Article 26(5) of that Regulation. Authorities in charge of programmes falling under STEP should *consider to* support strategic projects identified in accordance with *Regulation (EU) .../... [Net Zero Industry Act] and Regulation .../... [Critical Raw Materials Act]* that are within the scope of Article 2 of *this* Regulation and for which rules on cumulative funding may apply.

- (13) *STEP should be implemented in an effective, efficient, fair and transparent manner. To that end, the Commission should be charged with the awarding and promotion of the Sovereignty Seal, with the management of the Sovereignty Portal and with liaising with national competent authorities and stakeholders that are relevant to achieve the objectives of the platform. It should also promote consistency, coherence, synergy and complementarity among Union programmes to support STEP projects.*
- (14) A new publicly available website (the ‘Sovereignty Portal’) should be set up by the Commission to provide information on available support *for projects contributing to the STEP objectives. To address the needs of* companies and project promoters seeking funds for *STEP projects under Union funding programmes, the Sovereignty Portal* should display in an accessible and user-friendly manner the funding opportunities for STEP investments available under the EU budget. This should include information about directly managed *Union* programmes, such as Horizon Europe, **■** Digital Europe, *EU4Health, the European Defence Fund* and the Innovation Fund, and *other Union funding sources, such as* InvestEU, the *Recovery and Resilience Facility*, and cohesion policy funds. Moreover, the Sovereignty Portal should help increase the visibility for STEP investments towards investors, by listing the projects that have been awarded a Sovereignty Seal. The Portal should also list the national competent authorities responsible for acting as contact points for the implementation of the STEP at national level. *The Commission should ensure the complementarity of the Portal with similar platforms and avoid red tape and administrative burdens.*

- (15) *The Commission should monitor the implementation of the Platform objectives to track progress towards the Union's policy objectives. The monitoring should be conducted in a manner that is targeted and proportionate to the activities carried out under the Platform to avoid overregulation and administrative burden, in particular for the beneficiaries of funding. In order to ensure accountability to Union citizens, the Commission should report annually to the European Parliament and to the Council on the progress of the implementation of the Platform objectives under the programmes and funds, on the overall expenditure of the STEP financed under the respective programmes and funds, and on the performance of the STEP based on the performance indicators provided for by those programmes. Where available, information should be provided on the Platform's qualitative and quantitative contribution to cross-border projects and to projects per Member State.*
- (16) While the STEP relies on the reprogramming and reinforcement of existing programmes for supporting strategic investments, *and reducing the Union dependencies*, it is also an important element for testing the feasibility and preparation of *possible* new interventions *to support sovereignty and competitiveness in strategic sectors and to strengthen the Union industrial policy*. In particular, STEP should serve as a basis for *considering possible similar actions, such as a European Sovereignty Fund*.
- (17) *The Commission should carry out an interim evaluation of this Regulation, in which it should assess the relevance of the actions undertaken under this Regulation in reducing the Union's dependencies and in strengthening its autonomy. It should also assess the feasibility of expanding the Sovereignty Portal to combine all existing publicly available websites and provide information on Union programmes and funds under direct, shared and indirect management in one single Portal as well as the feasibility of setting up a simulator to provide guidance to project promoters on the Union programmes or funds for which their particular project could be eligible.*

- (18) ■ The Innovation Fund supports investments in innovative low-carbon technologies, which *fall within the scope of STEP*. Therefore, *this fund will be instrumental in* supporting the development or manufacturing in the Union of critical clean *and resource-efficient technologies*. *When designing and implementing calls for proposals or competitive bidding under the Innovation Fund, the Commission should consider projects recognised as strategic under the Net-Zero Industry Act, which are deemed to contribute to STEP objectives*.
- (19) In order to extend support possibilities for investments aimed at strengthening industrial development and reinforcement of value chains in strategic sectors, the scope of support from the ERDF should be extended by providing for new specific objectives under the ERDF, without prejudice to the rules on eligibility of expenditure and climate spending as set out in Regulation (EU) 2021/1060¹ and Regulation (EU) 2021/1058². In strategic sectors, it should also be possible to support productive investments in enterprises other than SMEs, *while preserving a focus on SMEs, and* which can make a significant contribution to the development of less developed and transition regions, as well as in more developed regions of Member States with a GDP per capita below the EU average. Managing authorities are encouraged to promote the collaboration between large enterprises and local SMEs, supply chains, innovation and technology ecosystems. This would allow reinforcing Europe's overall capacity to strengthen its position in those sectors through providing access to all Member States for such investments, thus counteracting the risk of increasing disparities. *The resources programmed for these new specific objectives should be limited to a maximum of 20% of the initial national allocation of the ERDF in accordance with Regulation (EU) 2021/1058*.

¹ *Regulation (EU) 2021/1060 laying down common provisions (OJ L 231, 30.6.2021, p. 159).*

² *Regulation (EU) 2021/1058 on the European Regional Development Fund and on the Cohesion Fund (OJ L 224, 24.6.2021, p. 31).*

- (20) *In order to keep a high level of ambition in meeting climate objectives in cohesion policy, while at the same time allowing for flexibility between the Cohesion Fund and the ERDF, the amount of the climate contribution of the Cohesion Fund exceeding 37 % of its total allocation may be taken into account when calculating the climate contribution of the ERDF and, vice versa, the amount of the climate contribution of the ERDF exceeding the 30 % of its total allocation may be taken into account when calculating the climate contribution of the Cohesion Fund.*
- (21) The scope of support of the JTF, laid down in Regulation (EU) 2021/1056¹, should also be extended to cover investments in *technologies covered by this Regulation and addressing shortages of labour and skills in support of these investments*, contributing to the objectives of the STEP by large enterprises *while preserving a focus on SMEs*, provided that they are compatible with the expected contribution to the transition to climate neutrality as set out in the territorial just transition plans. The support provided for such investments should not require a revision of the territorial just transition plan where that revision would be exclusively linked to the gap analysis justifying the investment from the perspective of job creation. *In the context of support for enterprises other than SMEs, consideration should also be given to investments contributing to the creation of apprenticeships and jobs or providing education or training for new skills.*
- (22) The ESF+², being the main EU Fund for investment in people, provides a key contribution to promote the development of skills. In order to facilitate the use of that Fund for the STEP objectives, it should be possible to use the ESF+ to cover investments aimed at achieving a skilled and resilient workforce ready for the future world of work.

¹ *Regulation (EU) 2021/1056 establishing the Just Transition Fund (OJ L 231, 30.6.2021, p. 1).*

² Regulation (EU) 2021/1057 establishing the European Social Fund Plus (ESF+) (OJ L 231 30.6.2021, p.21).

- (23) In order to help accelerate investments and provide immediate liquidity for investments supporting the STEP objectives under the ERDF, the ESF+ and the JTF, an additional amount of exceptional pre-financing should be provided in the form of a one-off payment with respect to the priorities dedicated to investments supporting the STEP objectives. The additional pre-financing should apply to the whole of the JTF allocation given the need to accelerate its implementation and the strong links of the JTF to support Member States towards the STEP objectives. The rules applying for those amounts of exceptional pre-financing should be consistent with the rules applicable to pre-financing set out in Regulation (EU) 2021/1060. Moreover, to further incentivise the uptake of such investments and ensure its faster implementation, the possibility for an increased **maximum EU co-financing** rate of 100% for the STEP priorities should be available. When implementing the new STEP objectives, managing authorities are encouraged to apply certain social criteria **and** promote social positive outcomes, such as creating apprenticeships and **quality** jobs for young disadvantaged persons, in particular young persons not in employment, education or training, applying the social award criteria in the Directives on public procurement when a project is implemented by a body subject to public procurement, and paying the applicable wages as agreed through collective bargaining.
- (24) The Common Provisions Regulation¹ should be amended to allow that projects having been awarded a Sovereignty Seal could benefit from better access to EU funding, notably by facilitating cumulative or combined funding from several Union instruments. To that end, it should be possible for managing authorities to grant support from the ERDF or the ESF+ directly, for operations attributed a Sovereignty Seal.

¹ Regulation (EU) 2021/1060 laying down common provisions (OJ L 231, 30.6.2021, p. 159).

- (25) *In order to reduce administrative burden towards a timely deployment of STEP, it should be possible in derogation from the applicable rules to exclude from the mid-term review priorities that have been included to address investments contributing to the STEP objectives. Such programme amendments may also definitely allocate the totality or part of the flexibility amount for the years 2026 and 2027. The Commission should approve programme amendments related exclusively to the introduction of priorities contributing to STEP objectives and submitted by end August 2024 within two months from their submission by Member States. Moreover, it should also be possible to introduce any corresponding amendment to the Partnership Agreement and have them approved in an expedited way by the Commission.*
- (26) The regulatory framework for the implementation of the 2014-2020 programmes has been adapted over the past years to provide Member States and regions with additional with additional flexibility in terms of implementation rules and more liquidity to tackle the effects of the COVID-19 pandemic and the war or aggression against Ukraine. These measures, introduced at the end of the programming period, require sufficient time and administrative resources to be fully exploited and implemented; also at a time where Member States will focus resources on revising the 2021-2027 operational programmes linked to the STEP objectives. With a view to alleviate the administrative burden on programme authorities and to prevent possible loss of funds at closure for purely administrative reasons, the deadlines for the administrative closure of the programmes under the 2014-2020 period should be extended in Regulation (EU) No 1303/2013¹ and Regulation (EU) No 223/2014². More specifically, the deadline for the submission of that final payment application should be extended by 12 months. Furthermore, the deadline for the submission of the closure documents should also be extended by 12 months. In the context of this amendment, it is appropriate to clarify that distribution of food and material bought until the end of the eligibility period (end-2023) may continue after that date. In order to ensure a sound implementation of the EU budget and respect for the payment ceilings, payments to be made in 2025 should be capped at 1 % of the financial appropriations from resources under the Multiannual Financial Framework per programme. Amounts due exceeding the ceiling of 1% of programme appropriations per fund for 2025 would not be paid in 2025 nor in subsequent years but only used for the clearance of

¹ Regulation (EU) 1303/2013 laying down common provisions (OJ L 347, 20.12.2013, p. 320).

² Regulation (EU) 223/2014 on the Fund for European Aid on the Most Deprived (OJ L 72, 12.3.2014, p. 1).

pre-financing. Unused amounts shall be decommitted in accordance with the general rules for decommitment at closure. *In order to ensure that outermost regions can make full use of support from the Funds, it should be clarified that for the purposes of the flexibility provided in Article 130(3) of Regulation EU No 1303/2013, the additional special allocations for the outermost regions should be considered to be part of the ERDF allocation to the same category of region as the outermost region concerned. Despite different eligibility rules applicable to the additional special allocation, it should be possible, to apply that flexibility also between the additional special allocation and other ERDF allocations to the same category of regions within a programme.*

- (27) *The flexibilities provided for the 2014-2020 programming period have helped Member States in their crisis response and recovery efforts, as well as to face the additional strain on public budgets caused by Russia's war of aggression against Ukraine. In order to allow Member States dealing with the continued budget pressure, in line with the possibility provided for in Article 25a of Regulation (EU) No 1303/2013, the extension of the possibility to apply a EU co-financing rate of 100 % to cohesion programmes should be retroactively provided for to the final accounting year 2023-2024, in case Member States notify the Commission before the submission of the final application for an interim payment for the last accounting year, in accordance with budget appropriations and subject to available funding.*

- (28) InvestEU is the EU flagship programme to boost investment, especially the green and digital transition, by providing demand-driven financing, including through blending mechanisms, and technical assistance. Such approach contributes to crowd in additional public and private capital *under the current policy windows. To ensure a full absorption of available funds and provided that implementing partners do not have sufficient capacity to absorb the 25 % of the EU guarantee that is earmarked for them, the Commission may grant more than 75 % of the EU guarantee to the EIB Group. In this context, the Commission should encourage and assist the implementing partners other than the EIB Group to absorb in full the funding that is available to them.* Member States are encouraged to contribute to the InvestEU Member State compartment to support financial products in line with the STEP objectives *under the current policy windows*, without prejudice to applicable State aid rules. It should be possible for Member States to include as a measure in their recovery and resilience plans a cash contribution for the purpose of the Member State compartment of InvestEU to support objectives of the STEP *under the current policy windows*. That additional contribution to support objectives of the STEP could reach up to 6% of their recovery and resilience plan's total financial allocation to the Member State compartment of InvestEU. Additional flexibility and clarifications should also be introduced to better pursue the objectives of the STEP. *For STEP projects, best efforts should be made to ensure that, at the end of the investment period, a wide range of sectors and regions are covered and excessive sectoral or geographical concentration is avoided.*

- (29) Horizon Europe is the EU's key funding programme for research and innovation, and its European Innovation Council (EIC) provides for support, ***in particular*** for innovations with potential breakthrough and disruptive nature with scale-up potential that may be too risky for private investors. Additional flexibility should be provided for under Horizon Europe, so that the EIC Accelerator can provide equity-only support to non-bankable SMEs, including start-ups, and non-bankable SMEs and small mid-caps, carrying out innovation, ***in particular to those working on*** the technologies supported by the STEP, and regardless of whether they previously received other types of support from the EIC Accelerator. The implementation of the EIC Fund is currently limited to a maximum investment amount of EUR 15 million except in exceptional cases and cannot accommodate follow-on financing rounds or larger investment amounts. Allowing for equity-only support for non-bankable SMEs and small mid-caps would address the existing market gap, ***in particular for*** investments needs in the range of EUR 15 to 50 million. Moreover, experience has shown that the amounts committed for the EIC Pilot under Horizon2020 are not fully used¹. The Horizon Europe Regulation should also be amended to reflect the increased envelope for the European Defence Fund.
- (30) ***The EIC plays a pivotal role in offering initial funding to fast growing startups and small mid-caps. With its specialised knowledge, the EIC is ideally positioned to enhance funding opportunities for companies seeking capital for scaling up beyond the initial innovation stage. Considering the central role of the EIC Fund for the success of STEP, the relevant legislative provisions on the functioning of the EIC should be clarified.***
- (31) The European Defence Fund is the leading programme for enhancing the competitiveness, innovation, efficiency and technological autonomy of the Union's defence industry, thereby contributing to the Union's open strategic autonomy. The development of defence capabilities is crucial, as it underpins the capacity and the autonomy of the European industry to develop defence products and the independence of Member States as the end-users of such products. The additional envelope should therefore be made available to support² ***projects contributing to the development of defence applications under the scope of this regulation.***

- (32) Since the objectives of this Regulation, namely to strengthen European sovereignty, accelerate the Union's green and digital transitions and enhance its competitiveness, and reduce its strategic dependencies cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. 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.

HAVE ADOPTED THIS REGULATION:

CHAPTER 1

STEP

Article 1

Subject matter

This Regulation establishes a Strategic Technologies for Europe Platform (‘STEP’ or ‘the Platform’) to support **critical** ■ and emerging ■ strategic technologies ***and their respective value chains in relevant sectors.***

It lays down the objectives of the Platform, the amount of financial support available under the Platform, and rules for the implementation of the Sovereignty Seal and Sovereignty portal and for reporting on the Platform objectives.

STEP objectives

1. To **ensure** European sovereignty and security, **reduce the Union's strategic dependencies in strategic sectors, strengthen competitiveness of the European Union by strengthening the Union's resilience and productivity, mobilising financing**, favour a level playing field in the Single Market for investments throughout the Union, **foster cross-border participation, including of SMEs, strengthen economic, social and territorial cohesion and solidarity among Member States and regions**, promote inclusive access to attractive, quality jobs **by investing in the skills of the future and making its economic, industrial and technological base fit for the green and digital transitions**, ■ the Platform shall pursue the following objectives:
 - (a) supporting the development or manufacturing throughout the Union **of critical technologies**, or safeguarding and strengthening the respective value chains **as referred to in paragraph 4**, in the following sectors:
 - (i) **digital technologies, including those contributing to the targets and objectives of the Digital Decade Policy Programme 2030 established by Decision (EU) 2022/2481 of the European Parliament and of the Council, multi-country projects as defined in Article 2, point (2) of that Decision, and deep-tech innovation;**
 - (ii) **clean and resource efficient technologies, including net-zero technologies as defined in Article 3, point (...) of Regulation (EU) .../...[Net-Zero Industry Act];**
 - (iii) **biotechnologies, including medicinal products on the Union List of Critical Medicinal Products and their components as established under Article 131 of Regulation (EU) .../... [Pharma Package];**

- (b) addressing shortages of labour and skills critical to all kinds of quality jobs in support of the objective *set out in* point (a), *in particular through lifelong learning and education and training projects, including the European Net Zero Industry Academies established pursuant to Article 23 of Regulation EU.../NZIA, and in close cooperation with social partners and education and training initiatives already in place;*
- 2. The technologies referred to in point (a) of the first paragraph, shall be deemed to be critical where they meet at least one of the following conditions:
 - (a) bring an innovative, *emerging and* cutting-edge element with significant economic potential to the Single Market;
 - (b) contribute to reduce or prevent strategic dependencies of the Union.
- 3. *Strategic projects recognised in accordance with Article 10(1) of Regulation .../... [Net-Zero Industry Act] that comply with the criteria as defined in Article 10(1) point (a) on resilience or (b) on competitiveness of that Regulation shall be deemed to contribute to the STEP objective referred to in point (a)(ii) of paragraph 1.*
- 4. *Strategic projects recognised in accordance with Article 5(1) of Regulation .../... [Critical Raw Materials Act] shall be deemed to contribute to the STEP objective referred to in point (a) of paragraph 1 of this Article.*

5. The value chain for the *development or* manufacturing of critical technologies referred to in *paragraph 1* relates to final products, as well as *specific* components *and* specific machinery *primarily used for the production of those final products* and critical raw materials, *as set out in Annex II to Regulation (EU) .../... [Critical Raw Materials Act], as well as associated services critical for and specific to the development or manufacturing of those final products. By way of derogation from the first sub-paragraph, for technologies falling under the scope of the [NZIA]-Regulation within the technologies defined under Article 2(a)(ii) of this Regulation, the value chain for the development or manufacturing of those technologies relates to final products, as well as specific components and specific machinery primarily used for the production of those final products, as defined under Regulation (EU) .../... [Net Zero Industry Act] as well as associated services critical for and specific to the development or manufacturing of those final products.*
6. *Within two months after the entry into force of this Regulation, the Commission shall issue guidance on how the technologies in the three sectors referred to in paragraph 1, point (a) of this Article can be considered to be critical as well as how to meet the conditions introduced in paragraph 2. In this guidance the Commission shall also further clarify the notion of value chain and associated services critical for and specific to the development or manufacturing of those final products referred to in paragraph 4. The guidance shall be reviewed, where appropriate, in light of the interim evaluation report referred to in Article 8.*
7. Where an Important Project of Common European Interest (IPCEI) approved by the Commission pursuant to Article 107(3), point (b) TFEU relates to any of the technology fields referred to in point (a) of paragraph 1, the relevant technologies shall be deemed to be critical.

Article 3

Financial Support

Financial support for the implementation of the Platform shall be **provided from existing Union programmes and funds.**

To reinforce its ability to deliver on the STEP objectives, an amount of EUR 1 500 000 000 in current prices of the financial envelope *referred to in Article 4(1) of Regulation (EU) 2021/697 shall support the implementation of the Platform.* That amount shall be implemented in accordance with Regulation (EU) 2021/697 *and shall be used with the aim of achieving the objectives referred to in Article 2.*

Article 4

Sovereignty Seal, combined and cumulative funding

1. The Commission shall award a Sovereignty Seal to any *project* contributing to any of the Platform objectives, provided *that the project* has been assessed and complies with the minimum quality requirements, in particular eligibility, exclusion and award criteria, provided by a call for proposals under Regulation (EU) 2021/695, Regulation (EU) 2021/694, Regulation (EU) 2021/697, Regulation (EU) 2021/522, or Commission Delegated Regulation (EU) 2019/856.
2. *The calls for proposals referred to in the first subparagraph may include geographical limitations and shall, where appropriate, in accordance with the relevant sector-specific legislation, include obligations to respect working and employment conditions under applicable national and Union law, ILO conventions and collective agreements.*
3. The Sovereignty Seal *shall* be used as a quality label, in particular for the purposes of:
 - (a) receiving support for the *project* under another Union fund or programme in accordance with the rules applicable to that fund or programme, or

- (b) financing the **project** through cumulative or combined funding with another Union instrument in line with the rules of the applicable basic acts.
4. When revising their recovery and resilience plans in accordance with Regulation (EU) 2021/241, Member States **shall**, without prejudice to the provisions of that Regulation, consider as a priority **projects**, which have been awarded a Sovereignty Seal in accordance with paragraph 1.
5. When deciding on investment projects to finance from their respective shares of the Modernisation Fund in accordance with Article 10d of Directive 2003/87/EC, Member States **may** consider as **priority projects** for critical clean **and resource-efficient** technologies which have received the Sovereignty Seal in accordance with paragraph 1. In addition, Member States may decide to grant national support to projects with a Sovereignty Seal contributing to the Platform objective referred to in Article 2(1), point (a)(ii).
6. Under Regulation (EU) 2021/523, the Sovereignty Seal **shall** be taken into account in the context of the procedure provided for in Article 19 of the European Investment Bank Statute and of the policy check as laid down in Article 23(3) of that Regulation. In addition, the implementing partners shall examine **in a timely manner** projects having been awarded the Sovereignty Seal in case they fall within their geographic and activity scope as laid down in Article 26(5) of that Regulation.
7. Strategic projects identified in accordance with the [Net Zero Industry Act] and the [Critical Raw Materials Act] within the scope of Article 2 that receive a contribution under the Programmes referred to in Article 3 may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of the relevant Union programme shall apply to the corresponding contribution to the strategic project. The cumulative funding shall not exceed the total eligible costs of the strategic project. The support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

8. The award of a Sovereignty Seal and *the* provision of cumulative funding is without prejudice to applicable State aid rules and to the Union's international obligations.
9. *The Sovereignty Seal shall be valid for the period of implementation of the project and shall cease to be valid if the project has not started within five years of the award, or the project has been relocated outside of the Union*

Article 5

Implementation of the Platform

To implement the Platform, the Commission shall, in particular:

- (a) promote the Sovereignty Seal referred to in Article 4(1), in particular to enhance visibility for projects that have been awarded the Sovereignty Seal and for projects that have received funding under cohesion policy programmes;*
- (b) set up and manage the Sovereignty portal in accordance with Article 6, in particular bringing all Union funding opportunities closer to potential beneficiaries and enhancing transparency towards Union citizens;*
- (c) liaise with national competent authorities designated in accordance with Article 6(4) of this Regulation, and other relevant stakeholders, with a view of coordinating and exchanging information about the financial needs, the existing bottlenecks and the best practices in access to funding in the scope of this Regulation;*
- (d) foster contacts across sectors referred to in Article 2, making particular use of existing industrial alliances, networks and structures, including the Net-Zero Europe Platform established in accordance with Regulation (EU) .../... [Net Zero Industry Act] and the Critical Raw Materials Board established pursuant to Regulation (EU) .../... [Critical Raw Materials Act].*
- (e) promote consistency, coherence, synergy and complementarity among Union programmes to support STEP projects.*

Article 6

Sovereignty portal

1. The Commission shall establish a dedicated publicly available website (the ‘Sovereignty portal’), providing ■ information about funding opportunities for projects linked to the Platform objectives and **granting** visibility to those projects, in particular by displaying the following information:
 - (a) *information about Union programmes and funds within the scope of this Regulation and* ongoing and upcoming calls for proposals and calls for tender linked to the Platform objectives under the respective programmes and funds;
 - (b) projects that have been awarded a Sovereignty Seal quality label in accordance with Article 4;
 - (c) projects that have been identified as strategic projects under the [Net-Zero Industry Act] and the [Critical Raw Materials Act], to the extent that they fall within the scope of Article 2;
 - (d) *projects supporting the STEP objectives that have been selected for support under Regulation (EU) 2021/1058 [ERDF and CF], Regulation (EU) 2021/1056 [JTF] and Regulation (EU) 2021/1057 [ESF+], to the extent that they have been communicated to the Commission in accordance with Article 6(4a).*
 - (e) contacts to the national competent authorities designated in accordance with paragraph 4;
2. The Sovereignty portal shall also display information about the implementation of the Platform and in relation to Union budget expenditure as referred to in Article ■ 7, as well as the performance indicators defined under the respective programmes.
3. The Sovereignty portal shall be launched at the [date of the entry into force of this Regulation] and shall be updated by the Commission regularly.

4. By [3 months after the entry into force of this Regulation], Member *States* shall designate one national competent authority to act as the main point of contact for the implementation of the Platform at national level.
5. *Where available, the national competent authorities referred to in paragraph 4 shall communicate projects supporting the STEP objectives that have been selected for support under Regulation (EU) 2021/1058 [ERDF and CF], Regulation (EU) 2021/1056 [JTF] and Regulation (EU) 2021/1057 [ESF+] to the Commission for display on the Sovereignty Portal.*

Article 7

Monitoring and annual reporting

1. The Commission shall *monitor the implementation of the Platform and measure the achievement of the objectives of the Platform laid down in Article 2, based on the monitoring frameworks of the respective programmes. The monitoring of the implementation shall be targeted and proportionate to the activities carried out under the Platform.*
2. The *Commission* shall *ensure that data for monitoring the implementation of STEP activities are collected efficiently, effectively and in a timely manner. To that end, recipients of Union funding shall contribute based on existing reporting requirements, when necessary and in a proportionate manner, to the reporting activity.*
3. *The Commission shall provide an annual report to the European Parliament and to the Council on the implementation of the Platform. The annual report shall be made publicly available.*
4. *The annual report shall include consolidated information on the progress made in implementing the Platform objectives under each of the programmes, including, when available, qualitative and quantitative information on the Platform's support per Member State and on cross-border projects.*

5. The annual report shall also include the following information:
- (a) overall expenditure of the STEP financed under the respective programmes;
 - (b) the performance of the STEP based on the performance indicators defined under the respective programmes.
 - (c) *an overview of the contribution of STEP to the Union's strategic objectives on ensuring long-term competitiveness;*
 - (d) *an analysis of the geographical and technological distribution of the projects that have been awarded the Sovereignty Seal.*

Article 8

Evaluation of the Platform

1. By 31 December 2025, the Commission shall provide the European Parliament and the Council with an *interim* evaluation report on the implementation of the Platform, *for the purpose of informing future decision-making.*
2. The *interim* evaluation report shall, in particular, assess to which extent the objectives *of the Platform* have been achieved, the efficiency of the use of the resources and the European added value *of the Platform*. It shall also *provide an overview of the EU regions for which the cohesion programmes have been amended in compliance with the partnership principle; consider the* relevance of *the Platform* objectives and actions, *including the critical technologies supported through STEP; assess the feasibility of providing information on Union programmes in a single EU portal, to bring all Union funding opportunities closer to potential beneficiaries and enhance transparency towards Union citizens; and assess the feasibility to set up a simulator to provide project promoters, especially SMEs, with guidance on the Union funding opportunities for which their* **■** *particular project may be eligible.*

3. Where appropriate, the *interim* evaluation *report* shall be accompanied by a *legislative* proposal for amendments **■** to this Regulation *with the aim to reduce strategic dependencies of the Union and strengthen Union industrial policy, while ensuring the correct functioning of the single market, avoiding market distortions and creating a level playing field in the Union or by legislative proposals for other initiatives that pursue similar objectives.*
4. *At the end of the implementation of the Union programmes from which the Platform is financially supported, but no later than 31 December 2031, the Commission shall provide the European Parliament and the Council with a final evaluation report on the implementation of the Platform, in particular building on all elements included in the interim report and providing a summary on the elements provided in the annual reports referred to in Article 7.*

CHAPTER 2 AMENDMENTS

Article 9

Amendments to Directive 2003/87/EC [ETS]

Directive 2003/87/EC is amended as follows:

- (1) In Article 10a(8), the following sixth subparagraph is inserted:

When designing and implementing calls for proposals or competitive bidding under the Innovation Fund, the Commission shall consider strategic projects recognised in accordance with Article 10(1)(a) and (1)(b) of Regulation .../... [Net-Zero Industry Act], which are deemed to contribute to the STEP objectives in accordance with Article 2(5) of Regulation (EU) .../... of the European Parliament and of the Council⁺. Member States shall consider providing support from the European Regional Development Fund, the Cohesion Fund and the Just Transition Fund to projects in their territory in the context of financial mechanisms developed under the Innovation Fund, such as the ‘auction-as-a-service’ scheme.

* *Regulation (EU) .../... of the European Parliament and of the Council of... (OJ ...).’;*

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.*

Article 10

Amendments to Regulation (EU) 2021/1058 [ERDF and CF]

Regulation (EU) 2021/1058 is amended as follows:

(1) In Article 3(1), point (a), the following point is added:

‘(vi) supporting investments contributing to the STEP objectives referred to in Article 2 of Regulation .../... *of the European Parliament and of the Council* ⁺

* *Regulation (EU) .../... of the European Parliament and of the Council of ... (OJ ...).*⁺’

(2) In Article 3(1), point (b), the following point is added:

‘(ix) supporting investments contributing to the STEP objective referred to in Article 2(1), point (a)(ii) of Regulation .../...⁺⁺’

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.*

⁺⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

(3) In Article 3, the following paragraph 1a is inserted:

‘The resources under the specific objective referred to in Article 3(1), ■ points (a)(vi) and (b)(ix) shall be programmed under dedicated priorities corresponding to the respective policy objective *and shall be limited to a maximum of 20% of the initial national allocation of the ERDF.*

The Commission shall pay 30 % of the ■ *allocation to the priorities referred to in the first subparagraph* as set out in the decision approving the programme amendment as exceptional one-off pre-financing in addition to the yearly pre-financing for the programme provided for in Article 90(1) and (2) of Regulation (EU) 2021/1060 or in Article 51(2), (3) and (4) of Regulation (EU) 2021/1059. The exceptional pre-financing shall be paid *within 60 days of the adoption of the Commission decision approving the programme amendment, provided the programme amendment is submitted to the Commission* by 31 March 2025.

In accordance with Article 90 (5) of Regulation (EU) 2021/1060 and Article 51(5) of Regulation (EU) 2021/1059, the amount paid as exceptional pre-financing shall be cleared no later than with the final accounting year.

In accordance with Article 90(6) of Regulation (EU) 2021/1060, any interest generated by the exceptional pre-financing shall be used for the programme concerned in the same way as the ERDF and shall be included in the accounts for the final accounting year.

In accordance with Article 97(1) of Regulation (EU) 2021/1060, the exceptional pre-financing shall not be suspended.

In accordance with Article 105 (1) of Regulation (EU) 2021/1060, the pre-financing to be taken into account for the purposes of calculating amounts to be de-committed shall include the exceptional pre-financing paid.

By way of derogation from Article 112 of Regulation (EU) 2021/1060, the maximum co-financing rates for dedicated priorities established to support the STEP objectives shall be ■ 100 %.’

(4) In Article 5(2), the following point (e) is inserted:

‘(e) when they contribute to the specific objective under PO 1 set out in Article 3(1), first subparagraph, point (a)(vi) or to the specific objective under PO 2 set out in point (b)(ix) of that subparagraph, in less developed and transition regions, as well as more developed regions in Member States whose average GDP per capita is below the EU average of the EU-27 measured in purchasing power standards (PPS) and calculated on the basis of Union figures for the period 2015-2017, *while preserving a focus on SMEs*.

Point (e) shall apply to Interreg programmes where the geographical coverage of the programme within the Union consists exclusively of categories of regions set out in that point.’

(5) In Article 5, the following new paragraph 3a is inserted:

‘3a. In order to contribute to the specific objectives under PO 1 set out in Article 3(1), first subparagraph, point (a)(vi) and under PO 2 set out in point (b)(ix) of that subparagraph, the ERDF shall also support training, life-long learning, reskilling and education activities.’

(6) In Annex I, Table I, the following row is added under policy objective 1:

	<p>‘(vi) supporting investments contributing to the STEP objectives referred to in Article 2 of Regulation .../...’⁺</p>	<p>Any RCO listed for specific objectives (i), (iii) and (iv) RCO125 Firms: Enterprises supported linked primarily to digital technologies and deep tech innovations productive investments RCO126 Firms: Enterprises supported linked primarily to clean and resource-efficient technologies productive investments RCO127 Firms: Enterprises supported linked primarily to biotechnologies productive investments [These indicators are to be reported as subsets of RCO01-RCO04]</p>	<p>Any RCR listed for specific objectives (i), (iii) and (iv)’</p>
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⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

(7) In Annex I, Table I, the following row is added under policy objective 2:

	<p>‘(ix) supporting investments contributing to the STEP objectives referred to in Article 2 of Regulation .../...’⁺</p>	<p>Any RCO listed for specific objectives (i), (iii), (iv) and (vi) under policy objective 1</p> <p>RCO125 Firms: Enterprises supported linked primarily to digital technologies and deep tech innovations productive investments</p> <p>RCO126 Firms: Enterprises supported linked primarily to clean and resource efficient technologies productive investments</p> <p>RCO127 Firms: Enterprises supported linked primarily to biotechnologies productive investments</p> <p>[These indicators are to be reported as subsets of RC001-RC004]</p>	<p>Any RCR listed for specific objectives (i), (iii) and (iv) under policy objective 1’</p>
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⁺ *Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

- (8) In the Table of Annex II, the following row is added under policy objective 1:

	‘(vi) supporting investments contributing to the STEP objectives referred to Article 2 of Regulation .../... ⁺	Any CCO listed for specific objectives (i), (iii) and (iv) under policy objective 1	Any CCR listed for specific objectives (i), (iii) and (iv) under policy objective 1’
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- (9) In the Table of Annex II, the following row is added under policy objective 2:

	‘(ix) supporting investments contributing to the STEP objectives referred to Article 2 of Regulation .../... ⁺⁺	Any CCO listed for specific objectives (i), (iii) and (iv) under policy objective 1	Any CCR listed for specific objectives (i), (iii) and (iv) under policy objective 1’
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⁺ *Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

⁺⁺ *Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

Article 11
Amendments to Regulation (EU) 2021/1056 [JTF]

Regulation (EU) 2021/1056 is amended as follows:

- (1) Article 2 is replaced by the following:

‘In accordance with the second subparagraph of Article 5(1) of Regulation (EU) 2021/1060, the JTF shall contribute to the specific objective of enabling regions and people to address the social, employment, economic and environmental impacts of the transition towards the Union’s 2030 targets for energy and climate and a climate-neutral economy of the Union by 2050, based on the Paris Agreement. The JTF may also support investments contributing to the STEP objective referred to in Article 2 of Regulation .../... ***of the European Parliament and of the Council****+.

* ***Regulation (EU) .../... of the European Parliament and of the Council of ... (OJ ...).***’

- (2) In Article 8(2) the following subparagraph is inserted:

‘The JTF may also support productive investments in enterprises other than SMEs, ***while preserving a focus on SMEs,*** contributing to the STEP objectives referred to in Article 2 of Regulation .../...+’. That support may be provided irrespective of whether the gap analysis was carried out in accordance with Article 11(2)(h) and irrespective of its outcome. Such investments shall only be eligible where they do not lead to relocation as defined in point (27) of Article 2 of Regulation (EU) 2021/1060.. The provision of such support shall not require a revision of the territorial just transition plan where that revision would be exclusively linked to the gap analysis. ***Apprenticeships and jobs, education or training for new skills shall be considered in the selection process.***’;

+ ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.***

+ ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).***

(3) In Article 10, the following paragraph 4 is added:

‘The Commission shall pay 30% of the JTF allocation, including amounts transferred in line with Article 27 of Regulation EU 2021/1060, to a programme as set out in the decision approving the programme as exceptional one-off pre-financing in addition to the yearly pre-financing for the programme provided for in Article 90(1) and (2) of Regulation (EU) 2021/1060. The exceptional pre-financing shall be paid as from [entry into force of this Regulation].

In accordance with Article 90(5) of Regulation (EU) 2021/1060, the amount paid as exceptional pre-financing shall be cleared no later than with the final accounting year.

In accordance with Article 90(6) of Regulation (EU) 2021/1060, any interest generated by the exceptional pre-financing shall be used for the programme concerned in the same way as the ERDF and shall be included in the accounts for the final accounting year.

In accordance with Article 97(1) of Regulation (EU) 2021/1060, the exceptional pre-financing shall not be suspended.

In accordance with Article 105(1) of Regulation (EU) 2021/1060, the pre-financing to be taken into account for the purposes of calculating amounts to be de-committed shall include the exceptional pre-financing paid.

By way of derogation from Article 112 of Regulation (EU) 2021/1060, the maximum co-financing rates for dedicated priorities established to support the STEP objectives shall be 100 %.’

Article 12
Amendments to Regulation (EU) 2021/1057 [ESF+]

Regulation (EU) 2021/1057 is amended as follows:

- (1) A new article 12a is inserted:

‘Article 12a

- 1. Member States may use the ESF+ to provide support to the STEP objective referred to in point b) of Article 2 of Regulation.../...*+[STEP Regulation] under the relevant specific objectives set out in Article 4(1), including by supporting the development of skills in net-zero technologies, inter alia, those based on learning programmes created by European Skills Academies, as well as the training of young people and the skilling, upskilling and reskilling of workers in net-zero technologies.*
- 2. In addition to the pre-financing for the programme provided for in Article 90(1) and (2) of Regulation (EU) 2021/1060, where the Commission approves an amendment of a programme including one or more priorities dedicated to operations supported by the ESF+ contributing to the STEP objectives referred to in Article 2 of Regulation .../...++, it shall make an exceptional pre-financing of 30% on the basis of the allocation to those priorities. The exceptional pre-financing shall be paid **within 60 days of the adoption of the Commission decision approving the programme amendment, provided the programme amendment is submitted to the Commission** by 31 **March 2025**.*

In accordance with Article 90(5) of Regulation (EU) 2021/1060, the amount paid as exceptional pre-financing shall be cleared no later than with the final accounting year.

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.*

⁺⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

In accordance with Article 90(6) of Regulation (EU) 2021/1060, any interest generated by the exceptional pre-financing shall be used for the programme concerned in the same way as the ESF+ and shall be included in the accounts for the final accounting year.

In accordance with Article 97(1) of Regulation (EU) 2021/1060, the exceptional pre-financing shall not be suspended.

In accordance with Article 105(1) of Regulation (EU) 2021/1060, the pre-financing to be taken into account for the purposes of calculating amounts to be de-committed shall include the exceptional pre-financing paid.

By way of derogation from Article 112 of Regulation (EU) 2021/1060, the maximum co-financing rate for dedicated priorities established to support the STEP objectives shall be 100 %.

* Regulation .../... of the European Parliament and of the Council *of*’

Amendments to Regulation (EU) 2021/1060 [CPR]

Regulation (EU) 2021/1060 is amended as follows:

- (1) In Article 2, point (45) is replaced by the following:

‘(45) ‘Seal of Excellence’ means the quality label attributed by the Commission in respect of a proposal, which shows that the proposal which has been assessed in a call for proposals under a Union instrument is deemed to comply with the minimum quality requirements of that Union instrument, but could not be funded due to lack of budget available for that call for proposals, and might receive support from other Union or national sources of funding; or the ‘Sovereignty Seal’ referred to in Article 4 of Regulation .../...*+.

* Regulation .../... of the European Parliament and of the Council *of*’;

- (2) *In Article 6(1), the following sentence is added:*

‘Where, as a result of a programme amendment for STEP, the climate contribution of the Cohesion Fund would exceed the target of 37 % of its total allocation, the amount exceeding that target may be taken into account when calculating the climate contribution of the ERDF for the purpose of reaching the target of 30 % of its total allocation. In the same vein, the amounts exceeding the ERDF climate contribution target of 30 % of its total allocation may be taken into account when calculating the climate contribution of the Cohesion Fund.’;

⁺ ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.***

(3) *In Article 13, the following paragraphs are inserted:*

'5. Without prejudice to the possibility to amend the Partnership Agreement by 31 March 2025 referred to in paragraph 1, a Member State may submit to the Commission an amended Partnership Agreement to take into account the introduction in the programmes of priorities contributing to the STEP objectives as referred to in Article 10(1) and (2) of Regulation.../...⁺.

6. By way of derogation from paragraph 2 and 4, the Commission shall approve the amended Partnership Agreement referred to in paragraph 5 no later than three months after its first submission by the Member State.'

(4) In Article 14(5), the first subparagraph is replaced by the following:

'In accordance with the second subparagraph of Article 10(4) of the InvestEU Regulation, where a guarantee agreement has not been concluded within 12 months from the conclusion of the contribution agreement, the contribution agreement shall be terminated or prolonged by mutual agreement.'

(5) *In Article 24, the following paragraphs are inserted:*

'8. By way of derogation from Article 18, when priorities dedicated to investments contributing to the STEP objectives as referred to in Article 10(1) and (2) and Article 12 of Regulation.../...⁺ have been included in a programme as a result of the approval of a programme amendment submitted by the Member State by 31 August 2024, these shall not be taken into account for the purposes of the mid-term review. The decision approving such programme amendments may include a definitive allocation of the totality or part of the flexibility amount for the years 2026 and 2027 to address priorities dedicated to investments contributing to the STEP objectives. Where the totality of the flexibility amount of a programme is definitively allocated to such priorities, the mid-term review shall not be carried out for that programme.

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

9. *By way of derogation from paragraph 4, the Commission shall adopt the decision approving a programme amendment that has been submitted by 31 August 2024 within two months of its submission by a Member State provided that it concerns exclusively the introduction of dedicated priorities to investments contributing to the STEP objectives as referred to in Article 10(1) and (2) of Regulation.../...⁺;*

(6) In Article 49, the following paragraph ■ is inserted:

‘Where support is programmed for the STEP objectives referred to in Article 2 of Regulation .../...⁺⁺, the managing authority shall ensure that all the information to be published in accordance with paragraph 2 of this Article is also submitted to the Commission in the format set out in paragraph 4 of this Article for publication on the Sovereignty Portal set out in Article 6 of Regulation .../...⁺⁺⁺, including a timetable of the planned calls for proposals that is updated at least three times a year, as well as the link to the calls for proposals on the day of their publication.’;

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

⁺⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

⁺⁺⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).*

(7) In the Annex I, Table 1, the following rows are added:

INTERVENTION FIELD		Coefficient for the calculation of support to climate change objectives	Coefficient for the calculation of support to environmental objectives
145a	Support for the development of skills or access to employment in digital technologies and deep tech innovations , biotechnologies.	0%	0%
145b	Support for the development of skills or access to employment in clean and resource-efficient technologies.	100%	40%
188	Productive investments in large enterprises linked primarily to clean and resource-efficient technologies.	100%	40%
189	Productive investments in SMEs linked primarily to clean and resource-efficient technologies.	100%	40%
190	Productive investments in large enterprises linked primarily to biotechnologies.	0%	0%
191	Productive investments in SMEs linked primarily to biotechnologies.	0%	0%

192	Productive investments in large enterprises linked primarily to digital technologies and deep tech innovation.	0%	0%
193	Productive investments in SMEs linked primarily to digital technologies and deep tech innovation.	0%	0%'

(8) In Annex I, Table 6, the following row is added:

'11	Contributing to skills and jobs in digital technologies and deep tech innovation, clean and resource-efficient technologies, and biotechnologies	0%	0%'
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Amendments to Regulation (EU) No 1303/2013 [CPR]

Regulation (EU) No 1303/2013 is amended as follows:

(1) In Article 25a, the following paragraphs are added:

- ‘1. By way of derogation from Article 60(1) and the first and fourth subparagraphs of Article 120(3), a co-financing rate of 100 % may be applied to expenditure declared in payment applications for the entire accounting year starting on 1 July 2023 and ending on 30 June 2024 for one or more priority axes in a programme supported by the ERDF, the ESF or the Cohesion Fund.***
- 2. By way of derogation from Article 30(1) and (2) and Article 96(10), the application of the co-financing rate of 100 % shall not require a Commission decision approving a programme amendment. The Member State shall notify the revised financial tables to the Commission following approval by the monitoring committee. The co-financing rate of 100 % shall apply only if the financial tables are notified to the Commission before the submission of the final application for an interim payment for the last accounting year starting on 1 July 2023 and ending on 30 June 2024 in accordance with Article 135(2).’;***

(2) *In Article 130, the first subparagraph of paragraph 3 is amended as follows:*

‘3. By way of derogation from paragraph 2, the contribution from the Funds or the EMFF through payments of the final balance for each priority per Fund and per category of regions in the final accounting year shall not exceed, by more than 15 %, the contribution from the Funds or the EMFF for each priority per Fund and per category of regions as laid down in the decision of the Commission approving the operational programme. For the purposes of this provision, the additional special allocation for the outermost regions as set out in Article 92(1)(e) shall be considered as part of the ERDF allocation to the category of regions of the outermost region concerned.’;

(3) In Article 135, the following paragraph 6 is added:

‘6. By way of derogation from paragraph 2, the deadline for the submission of the final application for an interim payment for the final accounting year shall be 31 July 2025. The last application for interim payment submitted by 31 July 2025 shall be deemed to be the final application for an interim payment for the final accounting year.

Amounts from resources other than REACT-EU reimbursed by the Commission as interim payments in 2025 shall not exceed 1 % of the total financial appropriations to the programme concerned by Fund, REACT-EU resources excluded. Amounts that would be due to be paid by the Commission in 2025 exceeding this percentage shall not be paid and shall be used exclusively for the clearing of pre-financing at closure.’;

(4) In Article 138, the following subparagraph is added:

‘By way of derogation from the deadline set out in the first subparagraph, Member States may submit the documents referred to under points (a), (b) and (c) for the final accounting year by 15 February 2026.’;

Article 15
Amendment to Regulation (EU) No 223/2014 [FEAD]

Regulation (EU) No 223/2014 is amended as follows:

(1) In Article 13, paragraph 5 is replaced by the following:

‘5. The Member State shall submit a final report on implementation of the operational programme together with the closure documents as set out in Article 52, by 15 February 2026 at the latest.’

(2) In Article 22, the following paragraph 2a is added:

‘2a. In the case of costs reimbursed pursuant to points (b), (c), (d) and (e) of Article 26(2), the corresponding actions being reimbursed shall be carried out by the submission of the final application for an interim payment for the final accounting year in accordance with Article 45(6).’

(3) In Article 45, the following paragraph 6 is added:

‘6. By way of derogation from paragraph 2, the deadline for the submission of the final application for an interim payment for the final accounting year shall be 31 July 2025. The last application for interim payment submitted by 31 July 2025 shall be deemed to be the final application for an interim payment for the final accounting year.

Amounts reimbursed by the Commission as interim payments in 2025 shall not exceed 1 % of the total financial appropriations to the programme concerned.

Amounts that would be due to be paid by the Commission in 2025 exceeding this percentage shall not be paid and shall be used exclusively for the clearing of pre-financing at closure.’

(4) In Article 48, the following subparagraph is added:

‘By way of derogation from the deadline set out in the first subparagraph, Member States may submit the documents referred to under points (a), (b) and (c) for the final accounting year by 15 February 2026.’

Article 16

Amendments to Regulation (EU) 2021/523 [InvestEU]

Regulation (EU) 2021/523 is amended as follows:

(1) Article 3 is amended as follows:

(a) the following point is added in paragraph 1:

‘(h) supporting investments contributing to the STEP objectives referred to in Article 2 of Regulation .../... *of the European Parliament and of the Council* *+’

* Regulation .../... of the European Parliament and of the Council of... .’

+ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.*

- (3) In Article 7(3), a second subparagraph is added:

‘By way of derogation from the first subparagraph, when support from the financial instruments is combined in a financial product in a subordinated position to the EU guarantee under this Regulation and/or EU guarantee established by Regulation (EU) 2015/1017, the losses, revenues and repayments from financial products as referred to in paragraph 1, as well as potential recoveries, may also be attributed on a non pro rata basis between the financial instruments and the EU guarantee under this Regulation and/or EU guarantee established by Regulation (EU) 2015/1017.’

■

- (4) In Article 10, the second subparagraph of paragraph 4 is replaced by the following:

‘Where no guarantee agreement has been concluded within 12 months from the conclusion of the contribution agreement, the contribution agreement shall be terminated or prolonged by mutual agreement. Where the amount of a contribution agreement has not been fully committed under one or more guarantee agreements within twelve months from the conclusion of the contribution agreement, that amount shall be amended accordingly. The unused amount of provisioning attributable to amounts allocated by Member States pursuant to the provisions on the use of the ERDF, the ESF+, the Cohesion Fund and the EMFAF delivered through the InvestEU Programme laid down in Regulation (EU) 2021/1060 or to the provisions on the use of the EAFRD delivered through the InvestEU Programme laid down in the CAP Strategic Plans Regulation shall be re-used in accordance with those respective Regulations. The unused amount of provisioning attributable to amounts allocated by a Member State under Article 4(1), third subparagraph, of this Regulation shall be paid back to the Member State.’

(5) Article 13 is amended as follows:

(a) paragraph 5 is replaced by the following:

‘5. The remaining 25 % of the EU guarantee under the EU compartment shall be granted to other implementing partners, which shall also provide a financial contribution to be determined in the guarantee agreements. Where the Commission determines that such other implementing partners do not make full use of the remaining 25 % of the EU guarantee under the EU compartment, the unused amounts may be granted to the EIB Group. In that case the EIB Group shall provide an additional corresponding financial contribution in accordance with the requirements laid down in the third sentence of paragraph 4. ’;

(b) in paragraph 7, the second subparagraph is replaced by the following:

‘4b. ‘Contracts between the implementing partner and the final recipient or the financial intermediary or other entity referred to in point (a) of Article 16(1) under the EU guarantee referred to in the first subparagraph of Article 4(2) shall be signed at the latest by 31 August 2026. In other cases, contracts between the implementing partner and the final recipient or the financial intermediary or other entity referred to in point (a) of Article 16(1) shall be signed by 31 December 2028. ’;

(6) In Article 23, the following paragraph 3 is added:

- ‘3. In the context of the procedures referred to in paragraphs 1 and 2 of this Article, the Commission shall take into account any Sovereignty Seal awarded under Article 4 of Regulation .../...⁺ to a project.’;

■ (7) In Article 26, the following paragraph 5 is added:

- ‘5. In addition to paragraph 4, implementing partners shall also examine projects having been awarded the Sovereignty Seal under Article 4 of Regulation .../...⁺⁺ whenever those projects fall within their geographic and activity scope.’

⁺ ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).***

⁺⁺ ***OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).***

Amendments to Regulation (EU) 2021/695 [Horizon Europe]

Regulation (EU) 2021/695 is amended as follows:

(1) Article 12 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The financial envelope for the implementation of the Programme for the period from 1 January 2021 to 31 December 2027 shall be EUR **■ 86 123 000 000** in current prices for the specific programme referred to in point (a) of Article 1(2) and for the EIT and EUR 9 453 000 000 in current prices for the specific programme referred to in point (c) of Article 1(2). ’;

■ (2) ■ Article 48 *is amended as follows:*’

(a) in paragraph 1, second subparagraph, point (c) is replaced by the following:

‘(c) equity-only support to non-bankable SMEs, including start-ups, carrying out breakthrough and disruptive non-bankable innovation may also be provided;’;

(b) in paragraph 1, second subparagraph, the following point is added:

‘(d) equity-only support required for scale-up to non-bankable SMEs, including start-ups, and non-bankable small mid-caps, including entities which have already received support in line with points (a) to (c), carrying out breakthrough and disruptive non-bankable innovation in the critical technologies referred to in Article 2(1)(a) of Regulation .../...⁺ [STEP Regulation]’;

(c) in paragraph 1, the following subparagraph is added:

‘When providing equity support, the EIC shall strive to crowd-in other investors. However, in order to effectively support non-bankable innovation, equity support can be provided without crowding in other investors, particularly for but not limited to breakthrough and disruptive non-bankable innovation in the technologies referred to in Article 2(1)(a) of Regulation .../...⁺⁺ [STEP Regulation].’

⁺ **OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).**

⁺⁺ **OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)).**

Article 18

Amendments to Regulation (EU) 2021/697 [EDF]

(1) Article 4 is amended as follows

(a) Paragraph 1 is replaced by the following:

‘1. In accordance with Article 12(1) of Regulation (EU) 2021/695, the financial envelope for the implementation of the Fund for the period from 1 January 2021 to 31 December 2027 shall be EUR 9 453 000 000 in current prices.’

(b) in paragraph 2, points (a) and (b) are replaced by the following:

‘(a) EUR 3 151 000 000 for research actions;

(b) EUR 6 302 000 000 for development actions.’

(c) *the following paragraph* is added:

‘An amount of EUR 1 500 000 000 in current prices of the amount referred to in paragraph 2 shall be allocated to calls for proposals or awards of funding supporting investments contributing to the STEP objectives referred to in Article 2(1), point **(a)** of Regulation .../...*+.

* Regulation .../... of the European Parliament and of the Council ... *of...*’

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.*

Amendments to Regulation (EU) 2021/241 [RRF]

Regulation (EU) 2021/241 is amended as follows:

(1) In Article 7, the following paragraph 3 is added:

- ‘3. Without prejudice to paragraph 2, Member States may also propose to include in their recovery and resilience plan, as estimated costs, the amount of the cash contribution for the purpose of the Member State compartment pursuant to the relevant provisions of the InvestEU Regulation exclusively for measures supporting investment operations contributing to the STEP objectives referred to in Article 2 of Regulation .../...⁺. Those costs shall not exceed 6 % of the recovery and resilience plan’s total financial allocation, and the relevant measures, as set out in the recovery and resilience plan, shall respect the requirements of this Regulation.

* Regulation .../... of the European Parliament and of the Council ... *of...*’;

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.*

(2) *In Article 21, the following paragraph is inserted:*

'1a. For the sole purpose of taking advantage of the possibility provided for in Article 7(3) of this Regulation and Article 4(3) of Regulation .../...⁺, Member States may make a reasoned request to the Commission to make a proposal to amend the Council implementing decision referred to in Article 20(1) and (3) to include measures which support the objectives of Regulation .../...⁺⁺without prejudice to the provisions of the present Regulation.'

(3) In Article 29 the following paragraph 6 is inserted:

'6. Prior to launching any calls for proposals or tendering procedures related to the STEP objectives, as defined in Article 2 of Regulation .../...⁺⁺⁺, Member States shall make available the following information on the Sovereignty portal referred to in Article 6 of that Regulation:

- (a) geographical area covered by the call for proposal;*
- (b) investment concerned;*
- (c) type of eligible applicants;*
- (d) total amount of support for the call;*
- (e) start and end date of the call;*
- (f) link to the website where the call will be published.'*

⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD))*

⁺⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD))*

⁺⁺⁺ *OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2023/0199(COD))*

CHAPTER 3

FINAL PROVISIONS

Article 20

Entry into force and application

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President
