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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2022/868 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 30 May 2022

on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act)

(Text with EEA relevance)

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 114 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 Committee ([1]),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) The Treaty on the Functioning of the European Union (TFEU) provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives, while fully respecting fundamental rights. It should also guarantee the strengthening of the open strategic autonomy of the Union while fostering international free flow of data.

(2) Over the last decade, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of that transformation: data-driven innovation will bring enormous benefits to both Union citizens and the economy, for example by improving and personalising medicine, providing new mobility, and contributing to the communication of the Commission of 11 December 2019 on the European Green Deal. In order to make the data-driven economy inclusive for all Union citizens, particular attention must be paid to reducing the digital divide, boosting the participation of women in the data economy and fostering cutting-edge European expertise in the technology sector. The data economy has to be built in a way that enables undertakings, in particular micro, small and medium-sized enterprises (SMEs), as defined in the Annex to Commission Recommendation 2003/361/EC ([3]), and start-ups to thrive, ensuring data access neutrality and data portability and interoperability, and avoiding lock-in effects. In its communication of 19 February 2020 on a European strategy for data (the 'European strategy for data'), the Commission described the vision of a common European data space, meaning an internal market for data in which data could be used irrespective of its physical storage location in the Union in compliance with applicable law, which, *inter alia*, could be pivotal for the rapid development of artificial intelligence technologies.

([1]) OJ C 286, 16.7.2021, p. 38.

([2]) Position of the European Parliament of 6 April 2022 (not yet published in the Official Journal) and decision of the Council of 16 May 2022.

([3]) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

The Commission also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the Union, in line with international obligations, including on fundamental rights. In order to turn that vision into reality, the Commission proposed establishing domain-specific common European data spaces for data sharing and data pooling. As proposed in the European strategy for data, such common European data spaces could cover areas such as health, mobility, manufacturing, financial services, energy or agriculture, or a combination of such areas, for example energy and climate, as well as thematic areas such as the European Green Deal or European data spaces for public administration or skills. Common European data spaces should make data findable, accessible, interoperable and re-usable (the 'FAIR data principles'), while ensuring a high level of cybersecurity. Where there is a level playing field in the data economy, undertakings compete on quality of services, and not on the amount of data they control. For the purposes of the design, creation and maintenance of the level playing field in the data economy, sound governance is needed in which relevant stakeholders of a common European data space need to participate and be represented.

(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges and laying down certain basic requirements for data governance, paying specific attention to facilitating cooperation between Member States. This Regulation should aim to develop further the borderless digital internal market and a human-centric, trustworthy and secure data society and economy. Sector-specific Union law can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the Union law envisaged on the European health data space and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law, which includes rules relating to the sharing of or access to data across borders or across the Union, for example Directive 2011/24/EU of the European Parliament and of the Council ([4]) in the context of the European health data space, and relevant legislative acts in the field of transport, such as Regulations (EU) 2019/1239 ([5]) and (EU) 2020/1056 ([6]) and Directive 2010/40/EU ([7]) of the European Parliament and of the Council in the context of the European mobility data space.

([4]) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

([5]) Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64).

([6]) Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).

([7]) Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

This Regulation should therefore be without prejudice to Regulations (EC) No 223/2009 ([8]), (EU) 2018/858 ([9]) and (EU) 2018/1807 ([10]) as well as Directives 2000/31/EC ([11]), 2001/29/EC ([12]), 2004/48/EC ([13]), 2007/2/EC ([14]), 2010/40/EU, (EU) 2015/849 ([15]), (EU) 2016/943 ([16]), (EU) 2017/1132 ([17]), (EU) 2019/790 ([18]) and (EU) 2019/1024 ([19]) of the European Parliament and of the Council and any other sector-specific Union law that regulates access to and re-use of data. This Regulation should be without prejudice to Union and national law on the access to and use of data for the purpose of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, as well as international cooperation in that context.

This Regulation should be without prejudice to the competences of the Member States with regard to their activities concerning public security, defence and national security. The re-use of data protected for such reasons and held by public sector bodies, including data from procurement procedures falling within the scope of Directive 2009/81/EC of the European Parliament and of the Council ([20]), should not be covered by this Regulation. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data intermediation services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Data intermediation services providers that meet the requirements laid down in this Regulation should be able to use the label 'data intermediation services provider recognised in the Union'. Legal persons that seek to support objectives of general interest by making available relevant data based on data altruism at scale and that meet the requirements laid down in this Regulation should be able to register as and use the label 'data altruism organisation recognised in the Union'. Where sector-specific Union or national law requires public sector bodies, such data intermediation services providers or such legal persons (recognised data altruism organisations) to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union or national law should also apply.

([8]) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

([9]) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

([10]) Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union (OJ L 303, 28.11.2018, p. 59).

([11]) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

([12]) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

([13]) Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45).

([14]) Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

([15]) Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

([16]) Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

([17]) Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).

([18]) Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

([19]) Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

([20]) Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).

(4) This Regulation should be without prejudice to Regulations (EU) 2016/679 ([21]) and (EU) 2018/1725 ([22]) of the European Parliament and of the Council and to Directives 2002/58/EC ([23]) and (EU) 2016/680 ([24]) of the European Parliament and of the Council and the corresponding provisions of national law, including where personal and non-personal data in a data set are inextricably linked. In particular, this Regulation should not be read as creating a new legal basis for the processing of personal data for any of the regulated activities, or as amending the information requirements laid down in Regulation (EU) 2016/679. The implementation of this Regulation should not prevent cross-border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679. In the event of a conflict between this Regulation and Union law on the protection of personal data or national law adopted in accordance with such Union law, the relevant Union or national law on the protection of personal data should prevail. It should be possible to consider data protection authorities to be competent authorities under this Regulation. Where other authorities function as competent authorities under this Regulation, they should do so without prejudice to the supervisory powers and competences of data protection authorities under Regulation (EU) 2016/679.

(5) Action at Union level is necessary to increase trust in data sharing by establishing appropriate mechanisms for control by data subjects and data holders over data that relates to them, and in order to address other barriers to a well-functioning and competitive data-driven economy. That action should be without prejudice to obligations and commitments in the international trade agreements concluded by the Union. A Union-wide governance framework should have the objective of building trust among individuals and undertakings in relation to data access, control, sharing, use and re-use, in particular by establishing appropriate mechanisms for data subjects to know and meaningfully exercise their rights, as well as with regard to the re-use of certain types of data held by the public sector bodies, the provision of services by data intermediation services providers to data subjects, data holders and data users, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons. In particular, more transparency regarding the purpose of data use and conditions under which data is stored by undertakings can help increase trust.

(6) The idea that data that has been generated or collected by public sector bodies or other entities at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 and sector-specific Union law ensure that the public sector bodies make more of the data they produce easily available for use and re-use. However, certain categories of data, such as commercially confidential data, data that are subject to statistical confidentiality and data protected by intellectual property rights of third parties, including trade secrets and personal data, in public databases are often not made available, not even for research or innovative activities in the public interest, despite such availability being possible in accordance with the applicable Union law, in particular Regulation (EU) 2016/679 and Directives 2002/58/EC and (EU) 2016/680. Due to the sensitivity of such data, certain technical and legal procedural requirements must be met before they are made available, not least in order to ensure the respect of rights others have over such data or to limit the negative impact on fundamental rights, the principle of non-discrimination and data protection. The fulfilment of such requirements is usually time- and knowledge-intensive. This has led to the insufficient use of such data. While some Member States are establishing structures, processes or legislation to facilitate that type of re-use, this is not the case across the Union. In order to facilitate the use of data for European research and innovation by private and public entities, clear conditions for access to and use of such data are needed across the Union.

([21]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

([22]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

([23]) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

([24]) Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

(7) There are techniques enabling analyses on databases that contain personal data, such as anonymisation, differential privacy, generalisation, suppression and randomisation, the use of synthetic data or similar methods and other state-of-the-art privacy-preserving methods that could contribute to a more privacy-friendly processing of data. Member States should provide support to public sector bodies to make optimal use of such techniques, thus making as much data as possible available for sharing. The application of such techniques, together with comprehensive data protection impact assessments and other safeguards, can contribute to more safety in the use and re-use of personal data and should ensure the safe re-use of commercially confidential business data for research, innovation and statistical purposes. In many cases the application of such techniques, impact assessments and other safeguards implies that data can be used and re-used only in a secure processing environment that is provided or controlled by the public sector body. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) No 557/2013 ([25]). In general, insofar as personal data are concerned, the processing of personal data should be based upon one or more of the legal bases for processing provided in Articles 6 and 9 of Regulation (EU) 2016/679.

(8) In accordance with Regulation (EU) 2016/679, the principles of data protection should not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person, or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable. Re-identification of data subjects from anonymised datasets should be prohibited. This should not prejudice the possibility to conduct research into anonymisation techniques, in particular for the purpose of ensuring information security, improving existing anonymisation techniques and contributing to the overall robustness of anonymisation, undertaken in accordance with Regulation (EU) 2016/679.

(9) In order to facilitate the protection of personal data and confidential data and to speed up the process of making such data available for re-use under this Regulation, Member States should encourage public sector bodies to create and make available data in accordance with the principle of 'open by design and by default' referred to in Article 5(2) of Directive (EU) 2019/1024 and to promote the creation and the procurement of data in formats and structures that facilitate anonymisation in that regard.

(10) The categories of data held by public sector bodies which should be subject to re-use under this Regulation fall outside the scope of Directive (EU) 2019/1024 that excludes data which is not accessible due to commercial and statistical confidentiality and data that is included in works or other subject matter over which third parties have intellectual property rights. Commercially confidential data includes data protected by trade secrets, protected know-how and any other information the undue disclosure of which would have an impact on the market position or financial health of the undertaking. This Regulation should apply to personal data that fall outside the scope of Directive (EU) 2019/1024 insofar as the access regime excludes or restricts access to such data for reasons of data protection, privacy and the integrity of the individual, in particular in accordance with data protection rules. The re-use of data, which may contain trade secrets, should take place without prejudice to Directive (EU) 2016/943, which sets out the framework for the lawful acquisition, use or disclosure of trade secrets.

(11) This Regulation should not create an obligation to allow the re-use of data held by public sector bodies. In particular, each Member State should therefore be able to decide whether data is made accessible for re-use, also in terms of the purposes and scope of such access. This Regulation should complement and be without prejudice to more specific obligations on public sector bodies to allow re-use of data laid down in sector-specific Union or national law. Public access to official documents may be considered to be in the public interest. Taking into account the role of public access to official documents and transparency in a democratic society, this Regulation should also be without prejudice to Union or national law on granting access to and disclosing official documents. Access to official documents may in particular be granted in accordance with national law without imposing specific conditions or by imposing specific conditions that are not provided by this Regulation.

([25]) Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

(12) The re-use regime provided for in this Regulation should apply to data the supply of which forms part of the public tasks of the public sector bodies concerned under law or other binding rules in the Member States. In the absence of such rules, the public tasks should be defined in accordance with common administrative practice in the Member States, provided that the scope of the public tasks is transparent and subject to review. The public tasks could be defined generally or on a case-by-case basis for individual public sector bodies. As public undertakings are not covered by the definition of public sector body, the data held by public undertakings should not be covered by this Regulation. Data held by cultural establishments, such as libraries, archives and museums as well as orchestras, operas, ballets and theatres, and by educational establishments should not be covered by this Regulation since the works and other documents they hold are predominantly covered by third party intellectual property rights. Research-performing organisations and research-funding organisations could also be organised as public sector bodies or bodies governed by public law.

This Regulation should apply to such hybrid organisations only in their capacity as research-performing organisations. If a research-performing organisation holds data as a part of a specific public-private association with private sector organisations or other public sector bodies, bodies governed by public law or hybrid research-performing organisations, i.e. organised as either public sector bodies or public undertakings, with the main purpose of pursuing research, those data should also not be covered by this Regulation. Where relevant, Member States should be able to apply this Regulation to public undertakings or private undertakings that exercise public sector duties or provide services of general interest. The exchange of data, purely in pursuit of their public tasks, among public sector bodies in the Union or between public sector bodies in the Union and public sector bodies in third countries or international organisations, as well as the exchange of data between researchers for non-commercial scientific research purposes, should not be subject to the provisions of this Regulation concerning the re-use of certain categories of protected data held by public sector bodies.

(13) Public sector bodies should comply with competition law when establishing the principles for re-use of data they hold, avoiding the conclusion of agreements which might have as their objective or effect the creation of exclusive rights for the re-use of certain data. Such agreements should be possible only where justified and necessary for the provision of a service or the supply of a product in the general interest. This may be the case where the exclusive use of the data is the only way to maximise the societal benefits of the data in question, for example where there is only one entity (which has specialised in the processing of a specific dataset) capable of providing the service or supplying the product which allows the public sector body to provide a service or supply a product in the general interest. Such arrangements should, however, be concluded in accordance with applicable Union or national law and be subject to regular review based on a market analysis in order to ascertain whether such exclusivity continues to be necessary. In addition, such arrangements should comply with the relevant State aid rules, as appropriate, and should be concluded for a limited duration which should not exceed 12 months. In order to ensure transparency, such exclusive agreements should be published online, in a form that complies with relevant Union law on public procurement. Where an exclusive right to re-use data does not comply with this Regulation, that exclusive right should be invalid.

(14) Prohibited exclusive agreements and other practices or arrangements pertaining to the re-use of data held by public sector bodies which do not expressly grant exclusive rights but which can reasonably be expected to restrict the availability of data for re-use that have been concluded or were already in place before the date of entry into force of this Regulation should not be renewed after the expiry of their term. In the case of indefinite or longer-term agreements, they should be terminated within 30 months of the date of entry into force of this Regulation.

(15) This Regulation should lay down conditions for re-use of protected data that apply to public sector bodies designated as competent under national law to grant or refuse access for re-use, and which are without prejudice to rights or obligations concerning access to such data. Those conditions should be non-discriminatory, transparent, proportionate and objectively justified, while not restricting competition, with a specific focus on promoting access to such data by SMEs and start-ups. The conditions for re-use should be designed in a manner promoting scientific research so that, for example, privileging scientific research should, as a rule, be considered to be non-discriminatory. Public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties and should be empowered to request the necessary information from the re-user. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of third parties in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate burden on the public sector bodies. Conditions

attached to the re-use of data should be designed to ensure effective safeguards with regard to the protection of personal data. Before transmission, personal data should be anonymised, in order not to allow the identification of the data subjects, and data containing commercially confidential information should be modified in such a way that no confidential information is disclosed. Where the provision of anonymised or modified data would not respond to the needs of the re-user, subject to fulfilling any requirements to carry out a data protection impact assessment and consult the supervisory authority pursuant to Articles 35 and 36 of Regulation (EU) 2016/679 and where the risks to the rights and interests of data subjects have been found to be minimal, on-premise or remote re-use of the data within a secure processing environment could be allowed.

This could be a suitable arrangement for the re-use of pseudonymised data. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of third parties. In particular, personal data should be transmitted to a third party for re-use only where a legal basis under data protection law allows such transmission. Non-personal data should be transmitted only where there is no reason to believe that the combination of non-personal data sets would lead to the identification of data subjects. This should also apply to pseudonymised data which retain their status as personal data. In the event of the reidentification of data subjects, an obligation to notify such a data breach to the public sector body should apply in addition to an obligation to notify such a data breach to a supervisory authority and to the data subject in accordance with Regulation (EU) 2016/679. Where relevant, the public sector bodies should facilitate the re-use of data on the basis of the consent of data subjects or the permission of data holders on the re-use of data pertaining to them through adequate technical means. In that respect, the public sector body should make best efforts to provide assistance to potential re-users in seeking such consent or permission by establishing technical mechanisms that permit transmitting requests for consent or permission from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or data holders directly. Where the public sector body transmits a request for consent or permission, it should ensure that the data subject or data holder is clearly informed of the possibility to refuse consent or permission.

(16) In order to facilitate and encourage the use of data held by public sector bodies for the purposes of scientific research, public sector bodies are encouraged to develop a harmonised approach and harmonised processes to make that data easily accessible for the purposes of scientific research in the public interest. That could mean, *inter alia*, creating streamlined administrative procedures, standardised data formatting, informative metadata on the methodological and data collection choices and standardised data fields that enable the easy joining of data sets from different public sector data sources where relevant for the purposes of analysis. The objective of those practices should be to promote the publicly funded and produced data for the purposes of scientific research in accordance with the principle of 'as open as possible, as closed as necessary'.

(17) The intellectual property rights of third parties should not be affected by this Regulation. This Regulation should neither affect the existence or ownership of intellectual property rights of public sector bodies nor limit the exercise of those rights in any way. The obligations imposed in accordance with this Regulation should apply only insofar as they are compatible with international agreements on the protection of intellectual property rights, in particular the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement) and the World Intellectual Property Organization Copyright Treaty (WCT), and Union or national intellectual property law. Public sector bodies should, however, exercise their copyright in a way that facilitates re-use.

(18) Data subject to intellectual property rights as well as trade secrets should be transmitted to a third party only where such transmission is lawful by virtue of Union or national law or with the agreement of the rights holder. Where public sector bodies are holders of the right of the maker of a database provided for in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council ([26]) they should not exercise that right in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.

([26]) Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).

(19) Undertakings and data subjects should be able to have confidence in the fact that the re-use of certain categories of protected data which are held by the public sector bodies will take place in a manner that respects their rights and interests. Additional safeguards should therefore be put in place for situations in which the re-use of such public sector data takes place on the basis of a processing of the data outside the public sector, such as a requirement that public sector bodies ensure that the rights and interests of natural and legal persons are fully protected, in particular with regard to personal data, commercially sensitive data and intellectual property rights, in all cases, including where such data is transferred to third countries. Public sector bodies should not allow the re-use of information stored in e-health applications by insurance undertakings or any other service provider for the purpose of discriminating in the setting of prices, as this would run counter to the fundamental right of access to health.

(20) Furthermore, in order to preserve fair competition and the open market economy it is of the utmost importance to safeguard protected data of non-personal nature, in particular trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to intellectual property theft or industrial espionage. In order to ensure the protection of the rights or interests of data holders, it should be possible to transfer non-personal data which is to be protected from unlawful or unauthorised access in accordance with Union or national law and which is held by public sector bodies to third countries, but only where appropriate safeguards for the use of data are provided. Such appropriate safeguards should include a requirement that the public sector body transmit protected data to a re-user only if that re-user makes contractual commitments in the interest of the protection of the data. A re-user that intends to transfer the protected data to a third country should comply with the obligations laid down in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.

(21) Appropriate safeguards should also be considered to be implemented where, in the third country to which non-personal data is being transferred, there are equivalent measures in place which ensure that data benefit from a level of protection similar to that applicable by means of Union law, in particular with regard to the protection of trade secrets and intellectual property rights. To that end, the Commission should be able to declare, by means of implementing acts, where justified because of the substantial number of requests across the Union concerning the re-use of non-personal data in specific third countries, that a third country provides a level of protection that is essentially equivalent to that provided by Union law. The Commission should assess the necessity of such implementing acts on the basis of information provided by the Member States through the European Data Innovation Board. Such implementing acts would reassure public sector bodies that re-use of data held by public sector bodies in the third country concerned would not compromise the protected nature of that data. The assessment of the level of protection afforded in the third country concerned should, in particular, take into consideration the relevant general and sectoral law, including on public security, defence, national security and criminal law, concerning access to and protection of non-personal data, any access by the public sector bodies of that third country to the data transferred, the existence and effective functioning of one or more independent supervisory authorities in the third country with responsibility for ensuring and enforcing compliance with the legal regime ensuring access to such data, the third country's international commitments regarding the protection of data, or other obligations arising from legally binding conventions or instruments as well as from its participation in multilateral or regional systems.

The existence of effective legal remedies for data holders, public sector bodies or data intermediation services providers in the third country concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such safeguards should therefore include the availability of enforceable rights and of effective legal remedies. Such implementing acts should be without prejudice to any legal obligation or contractual arrangements already undertaken by a re-user in the interest of the protection of non-personal data, in particular industrial data, and to the right of public sector bodies to oblige re-users to comply with conditions for re-use, in accordance with this Regulation.

(22) Some third countries adopt laws, regulations and other legal acts which aim to directly transfer or provide governmental access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Decisions and judgments of third-country courts or tribunals or decisions of third-country administrative authorities requiring such transfer of or access to non-personal data should be enforceable where they are based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where

the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular with regard to the protection of the fundamental rights of the individual or of the fundamental interests of a Member State related to national security or defence, as well as the protection of commercially sensitive data and the protection of intellectual property rights, including contractual undertakings regarding confidentiality in accordance with such law. In the absence of international agreements regulating such matters, the transfer of or access to non-personal data should be allowed only if, in particular, it has been verified that the third-country's legal system requires the reasons and proportionality of the decision or judgment to be set out, that the decision or judgment is specific in character, and that the reasoned objection of the addressee is subject to a review by a competent third-country court or tribunal, which is empowered to take duly into account the relevant legal interests of the provider of such data.

Moreover, public sector bodies, natural or legal persons to which the right to re-use data was granted, data intermediation services providers and recognised data altruism organisations should ensure, where they sign contractual agreements with other private parties, that non-personal data held in the Union are accessed in or transferred to third countries only in accordance with Union law or the national law of the relevant Member State.

(23) To foster further trust in the data economy of the Union, it is essential that the safeguards in relation to Union citizens, the public sector and undertakings that ensure control over their strategic and sensitive data are implemented and that Union law, values and standards are upheld in terms of, but not limited to, security, data protection and consumer protection. In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right to re-use data was granted, data intermediation services providers and recognised data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored, including encryption of data or corporate policies. To that end, it should be ensured that public sector bodies, natural or legal persons to which the right to re-use data was granted, data intermediation services providers and recognised data altruism organisations adhere to all relevant technical standards, codes of conduct and certifications at Union level.

(24) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that may be identified as highly sensitive in future specific Union legislative acts, with regard to the transfer to third countries, if such transfer could jeopardise Union public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. Other relevant sectors include transport, energy, environment and finance. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European health data space or other sectoral law. Those conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate Union public policy objectives identified, such as the protection of public health, safety, the environment, public morality, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. Such conditions could include terms applicable for the transfer or technical arrangements, such as the requirement to use a secure processing environment, limitations with regard to the re-use of data in third countries or categories of persons entitled to transfer such data to third countries or to access the data in the third country. In exceptional cases such conditions could also include restrictions to the transfer of the data to third countries to protect the public interest.

(25) Public sector bodies should be able to charge fees for the re-use of data but should also be able to allow re-use at a discounted fee or free of charge, for example for certain categories of re-use such as non-commercial re-use for scientific research purposes, or re-use by SMEs and start-ups, civil society and educational establishments, so as to provide incentives for such re-use in order to stimulate research and innovation and support undertakings that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in accordance with State aid rules. In that specific context, scientific research purposes should be understood to include any type of research-related purpose regardless of the organisational or financial structure of the research institution in question, with the exception of research that is being conducted by an undertaking with the aim of

developing, enhancing or optimising products or services. Such fees should be transparent, non-discriminatory and limited to the necessary costs incurred and should not restrict competition. A list of categories of re-users to which a discounted fee or no charge applies, together with the criteria used to establish that list, should be made public.

(26) In order to provide incentives for the re-use of specific categories of data held by public sector bodies, Member States should establish a single information point to act as an interface for re-users that seek to re-use that data. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. The single information point should be able to rely on automated means where it transmits enquiries or requests for re-use. Sufficient human oversight should be ensured in the transmission process. For that purpose existing practical arrangements such as open data portals could be used. The single information point should have an asset list containing an overview of all available data resources including, where relevant, those data resources that are available at sectoral, regional or local information points, with relevant information describing the available data. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated under sectoral Union or national law. Those competent bodies should provide assistance to public sector bodies with state-of-the-art techniques, including on how to best structure and store data to make data easily accessible, in particular through application programming interfaces, as well as make data interoperable, transferable and searchable, taking into account best practices for data processing, as well as any existing regulatory and technical standards and secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information.

The competent bodies should act in accordance with the instructions received from the public sector body. Such an assistance structure could assist the data subjects and data holders with management of the consent or permission for re-use, including consent and permission to certain areas of scientific research where in keeping with recognised ethical standards for scientific research. The competent bodies should not have a supervisory function, which is reserved for supervisory authorities under Regulation (EU) 2016/679. Without prejudice to the supervisory powers of data protection authorities, data processing should be carried out under the responsibility of the public sector body responsible for the register containing the data, which remains a data controller as defined in Regulation (EU) 2016/679 insofar as personal data are concerned. Member States should be able to have one or more competent bodies, which could act in different sectors. The internal services of public sector bodies could also act as competent bodies. A competent body could be a public sector body assisting other public sector bodies in allowing re-use of data, where relevant, or a public sector body allowing re-use itself. Assisting other public sector bodies should entail informing them, upon request, about best practices on how to fulfil the requirements laid down in this Regulation such as the technical means to make a secure processing environment available or the technical means to ensure privacy and confidentiality where access to re-use of data within the scope of this Regulation is provided.

(27) Data intermediation services are expected to play a key role in the data economy, in particular in supporting and promoting voluntary data sharing practices between undertakings or facilitating data sharing in the context of obligations set by Union or national law. They could become a tool to facilitate the exchange of substantial amounts of relevant data. Data intermediation services providers, which may include public sector bodies, that offer services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediation services that are independent from data subjects, data holders and data users could have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power, while allowing non-discriminatory access to the data economy for undertakings of all sizes, in particular SMEs and start-ups with limited financial, legal or administrative means. This will be particularly important in the context of the establishment of common European data spaces, namely purpose- or sector-specific or cross-sectoral interoperable frameworks of common standards and practices to share or jointly process data for, *inter alia*, the development of new products and services, scientific research or civil society initiatives. Data intermediation services could include bilateral or multilateral sharing of data or the creation of platforms or databases enabling the sharing or joint use of data, as well as the establishment of specific infrastructure for the interconnection of data subjects and data holders with data users.

(28) This Regulation should cover services which aim to establish commercial relationships for the purposes of data sharing between an undetermined number of data subjects and data holders on the one hand and data users on the other, through technical, legal or other means, including for the purpose of exercising the rights of data subjects in relation to personal data. Where undertakings or other entities offer multiple data-related services, only the activities which directly concern the provision of data intermediation services should be covered by this Regulation. The provision of cloud storage, analytics, data sharing software, web browsers, browser plug-ins or email services should not be considered to be data intermediation services within the meaning of this Regulation, provided that such services only provide technical tools for data subjects or data holders to share data with others, but the provision of such tools neither aims to establish a commercial relationship between data holders and data users nor allows the data intermediation services provider to acquire information on the establishment of commercial relationships for the purposes of data sharing. Examples of data intermediation services include data marketplaces on which undertakings could make data available to others, orchestrators of data sharing ecosystems that are open to all interested parties, for instance in the context of common European data spaces, as well as data pools established jointly by several legal or natural persons with the intention to license the use of such data pools to all interested parties in a manner that all participants that contribute to the data pools would receive a reward for their contribution.

This would exclude services that obtain data from data holders and aggregate, enrich or transform the data for the purpose of adding substantial value to it and license the use of the resulting data to data users, without establishing a commercial relationship between data holders and data users. This would also exclude services that are exclusively used by one data holder in order to enable the use of the data held by that data holder, or that are used by multiple legal persons in a closed group, including supplier or customer relationships or collaborations established by contract, in particular those that have as a main objective to ensure the functionalities of objects and devices connected to the Internet of Things.

(29) Services that focus on the intermediation of copyright-protected content, such as online content-sharing service providers as defined in Article 2, point (6), of Directive (EU) 2019/790, should not be covered by this Regulation. Consolidated tape providers as defined in Article 2(1), point (35), of Regulation (EU) No 600/2014 of the European Parliament and of the Council ([27]) and account information service providers as defined in Article 4, point (19), of Directive (EU) 2015/2366 of the European Parliament and of the Council ([28]) should not be considered to be data intermediation services providers for the purposes of this Regulation. This Regulation should not apply to services offered by public sector bodies in order to facilitate either the re-use of protected data held by public sector bodies in accordance with this Regulation or the use of any other data, insofar as those services do not aim to establish commercial relationships. Data altruism organisations regulated by this Regulation should not be considered to be offering data intermediation services provided that those services do not establish a commercial relationship between potential data users, on the one hand, and data subjects and data holders who make data available for altruistic purposes, on the other. Other services that do not aim to establish commercial relationships, such as repositories that aim to enable the re-use of scientific research data in accordance with open access principles should not be considered to be data intermediation services within the meaning of this Regulation.

(30) A specific category of data intermediation services includes providers of services that offer their services to data subjects. Such data intermediation services providers seek to enhance the agency of data subjects, and in particular individuals' control over data relating to them. Such providers would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular giving and withdrawing their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the right to data portability, which allows data subjects to move their personal data from one data controller to the other. In that context, it is important that the business model of such providers ensures that there are no misaligned incentives that encourage individuals to use such services to make more data relating to them available for processing than would be in their interest. This could include advising individuals on the possible uses of their data and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data space so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy. Such personal

([27]) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

([28]) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

data spaces could contain static personal data such as name, address or date of birth as well as dynamic data that an individual generates through, for example, the use of an online service or an object connected to the Internet of Things. They could also be used to store verified identity information such as passport numbers or social security information, as well as credentials such as driving licences, diplomas or bank account information.

(31) Data cooperatives seek to achieve a number of objectives, in particular to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use in a manner that gives better choices to the individual members of the group or potentially finding solutions to conflicting positions of individual members of a group on how data can be used where such data relates to several data subjects within that group. In that context it is important to acknowledge that the rights under Regulation (EU) 2016/679 are personal rights of the data subject and that data subjects cannot waive such rights. Data cooperatives could also provide a useful means for one-person undertakings and SMEs which, in terms of knowledge of data sharing, are often comparable to individuals.

(32) In order to increase trust in such data intermediation services, in particular related to the use of data and compliance with the conditions imposed by data subjects and data holders, it is necessary to create a Union-level regulatory framework which establishes highly harmonised requirements related to the trustworthy provision of such data intermediation services, and which is implemented by the competent authorities. That framework will contribute to ensuring that data subjects and data holders, as well as data users, have better control over access to and use of their data, in accordance with Union law. The Commission could also encourage and facilitate the development of codes of conduct at Union level, involving relevant stakeholders, in particular on interoperability. Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-consumer context, data intermediation services providers should offer a novel, 'European' way of data governance, by providing a separation in the data economy between data provision, intermediation and use. Data intermediation services providers could also make available specific technical infrastructure for the interconnection of data subjects and data holders with data users. In that regard, it is of particular importance to shape that infrastructure in such a way that SMEs and start-ups encounter no technical or other barriers to their participation in the data economy.

Data intermediation services providers should be allowed to offer additional specific tools and services to data holders or data subjects for the specific purpose of facilitating the exchange of data, such as temporary storage, curation, conversion, anonymisation and pseudonymisation. Those tools and services should be used only at the explicit request or approval of the data holder or data subject and third-party tools offered in that context should not use data for other purposes. At the same time, data intermediation services providers should be allowed to adapt the data exchanged in order to improve the usability of the data by the data user where the data user so desires, or to improve interoperability by, for example, converting the data into specific formats.

(33) It is important to enable a competitive environment for data sharing. A key element by which to increase the trust and control of data holders, data subjects and data users in data intermediation services is the neutrality of data intermediation services providers with regard to the data exchanged between data holders or data subjects and data users. It is therefore necessary that data intermediation services providers act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. The commercial terms, including pricing, for the provision of data intermediation services should not be dependent on whether a potential data holder or data user is using other services, including storage, analytics, artificial intelligence or other data-based applications, provided by the same data intermediation services provider or by a related entity, and if so to what degree the data holder or data user uses such other services. This will also require structural separation between the data intermediation service and any other services provided, so as to avoid conflicts of interest. This means that the data intermediation service should be provided through a legal person that is separate from the other activities of that data intermediation services provider. However, the data intermediation services providers should be able to use the data provided by the data holder for the improvement of their data intermediation services.

Data intermediation services providers should be able to put at the disposal of data holders, data subjects or data users their own or third-party tools for the purpose of facilitating the exchange of data, for example tools for the conversion or curation of data only at the explicit request or approval of the data subject or data holder. The third-party tools offered in that context should not use data for purposes other than those related to data intermediation services. Data intermediation services providers that intermediate the exchange of data between individuals as data

subjects and legal persons as data users should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data subjects. Questions of liability for all material and immaterial damage and detriment resulting from any conduct of the data intermediation services provider could be addressed in the relevant contract, on the basis of national liability regimes.

(34) Data intermediation services providers should take reasonable measures to ensure interoperability within a sector and between different sectors to ensure the proper functioning of the internal market. Reasonable measures could include following the existing, commonly-used standards in the sector where the data intermediation services providers operate. The European Data Innovation Board should facilitate the emergence of additional industry standards, where necessary. Data intermediation services providers should implement in due time the measures for interoperability between the data intermediation services adopted by the European Data Innovation Board.

(35) This Regulation should be without prejudice to the obligation of data intermediation services providers to comply with Regulation (EU) 2016/679 and the responsibility of supervisory authorities to ensure compliance with that Regulation. Where data intermediation services providers process personal data, this Regulation should not affect the protection of personal data. Where the data intermediation services providers are data controllers or processors as defined in Regulation (EU) 2016/679 they are bound by the rules of that Regulation.

(36) Data intermediation services providers are expected to have in place procedures and measures to impose penalties for fraudulent or abusive practices in relation to parties seeking access through their data intermediation services, including measures such as the exclusion of data users that breach the terms of service or infringe existing law.

(37) Data intermediation services providers should also take measures to ensure compliance with competition law and have procedures in place to that effect. This applies in particular in situations where data sharing enables undertakings to become aware of market strategies of their actual or potential competitors. Competitively sensitive information typically includes information on customer data, future prices, production costs, quantities, turnovers, sales or capacities.

(38) A notification procedure for data intermediation services should be established in order to ensure that data governance within the Union is based on trustworthy exchange of data. The benefits of a trustworthy environment would be best achieved by imposing a number of requirements for the provision of data intermediation services, but without requiring any explicit decision or administrative act by the competent authority for data intermediation services for the provision of such services. The notification procedure should not impose undue obstacles for SMEs, start-ups and civil society organisations and should comply with the principle of non-discrimination.

(39) In order to support effective cross-border provision of services, the data intermediation services provider should be requested to send a notification only to the competent authority for data intermediation services from the Member State where its main establishment is located or where its legal representative is located. Such a notification should not entail more than a mere declaration of the intention to provide such services and should be completed only by providing the information set out in this Regulation. After the relevant notification the data intermediation services provider should be able to start operating in any Member State without further notification obligations.

(40) The notification procedure laid down in this Regulation should be without prejudice to specific additional rules for the provision of data intermediation services applicable by means of sector-specific law.

(41) The main establishment of a data intermediation services provider in the Union should be the place of its central administration in the Union. The main establishment of a data intermediation services provider in the Union should be determined in accordance with objective criteria and should imply the effective and real exercise of management activities. Activities of a data intermediation services provider should comply with the national law of the Member State in which it has its main establishment.

(42) In order to ensure the compliance of data intermediation services providers with this Regulation, they should have their main establishment in the Union. Where a data intermediation services provider not established in the Union offers services within the Union, it should designate a legal representative. The designation of a legal representative in such cases is necessary, given that such data intermediation services providers handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of data intermediation services providers with this Regulation. In order to determine whether such a data intermediation services provider is offering services within the Union, it should be ascertained whether it is apparent that the data intermediation services provider is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and other contact details of the data intermediation services provider, or the use of a language generally used in the third country where the data intermediation services provider is established, should be considered to be insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that language, or the mentioning of users who are in the Union, could make it apparent that the data intermediation services provider is planning to offer services within the Union.

A designated legal representative should act on behalf of the data intermediation services provider and it should be possible for competent authorities for data intermediation services to address the legal representative in addition to or instead of a data intermediation services provider, including in the case of an infringement, for the purpose of initiating enforcement proceedings against a non-compliant data intermediation services provider not established in the Union. The legal representative should be designated by a written mandate of the data intermediation services provider to act on the latter's behalf with regard to the latter's obligations under this Regulation.

(43) In order to assist data subjects and data holders to easily identify, and thereby increase their trust in, data intermediation services providers recognised in the Union, a common logo recognisable throughout the Union should be established, in addition to the label 'data intermediation services provider recognised in the Union'.

(44) The competent authorities for data intermediation services designated to monitor compliance of data intermediation services providers with the requirements of this Regulation should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing They should be independent of any data intermediation services provider as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of those competent authorities for data intermediation services. The powers and competences of the competent authorities for data intermediation services should be without prejudice to the powers of the data protection authorities. In particular, for any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority for data intermediation services should seek, where relevant, an opinion or decision of the competent supervisory authority established pursuant to that Regulation.

(45) There is a strong potential for objectives of general interest in the use of data made available voluntarily by data subjects on the basis of their informed consent or, where it concerns non-personal data, made available by data holders. Such objectives would include healthcare, combating climate change, improving mobility, facilitating the development, production and dissemination of official statistics, improving the provision of public services, or public policy making. Support to scientific research should also be considered to be an objective of general interest. This Regulation should aim to contribute to the emergence of sufficiently-sized data pools made available on the basis of data altruism in order to enable data analytics and machine learning, including across the Union. In order to achieve that objective, Member States should be able to have in place organisational or technical arrangements, or both, which would facilitate data altruism. Such arrangements could include the availability of easily useable tools for data subjects or data holders for giving consent or permission for the altruistic use of their data, the organisation of awareness campaigns, or a structured exchange between competent authorities on how public policies, such as improving traffic, public health and combating climate change, benefit from data altruism. To that end, Member States should be able to establish national policies for data altruism. Data subjects should be able to receive compensation related only to the costs they incur when making their data available for objectives of general interest.

(46) The registration of recognised data altruism organisations and use of the label 'data altruism organisation recognised in the Union' is expected to lead to the establishment of data repositories. Registration in a Member State would be valid across the Union and is expected to facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data holders could give permission to the processing of their non-personal data for a range of purposes not established at the moment of giving the permission. The compliance of

such recognised data altruism organisations with a set of requirements as laid down in this Regulation should bring trust that the data made available for altruistic purposes is serving an objective of general interest. Such trust should result in particular from having a place of establishment or a legal representative within the Union, as well as from the requirement that recognised data altruism organisations are not-for-profit organisations, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and undertakings.

Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the recognised data altruism organisations, oversight mechanisms such as ethics councils or boards, including representatives from civil society to ensure that the data controller maintains high standards of scientific ethics and protection of fundamental rights, effective and clearly communicated technical means to withdraw or modify consent at any moment, on the basis of the information obligations of data processors under Regulation (EU) 2016/679, as well as means for data subjects to stay informed about the use of data they made available. Registration as a recognised data altruism organisation should not be a precondition for exercising data altruism activities. The Commission should, by means of delegated acts, prepare a rulebook in close cooperation with data altruism organisations and relevant stakeholders. Compliance with that rulebook should be a requirement for registration as a recognised data altruism organisation.

(47) In order to assist data subjects and data holders to easily identify, and thereby to increase their trust in, recognised data altruism organisations, a common logo that is recognisable throughout the Union should be established. The common logo should be accompanied by a QR code with a link to the public Union register of recognised data altruism organisations.

(48) This Regulation should be without prejudice to the establishment, organisation and functioning of entities that seek to engage in data altruism pursuant to national law and build on national law requirements to operate lawfully in a Member State as a not-for-profit organisation.

(49) This Regulation should be without prejudice to the establishment, organisation and functioning of entities other than public sector bodies that engage in the sharing of data and content on the basis of open licenses, thereby contributing to the creation of common resources available to all. This should include open collaborative knowledge sharing platforms, open access scientific and academic repositories, open source software development platforms and open access content aggregation platforms.

(50) Recognised data altruism organisations should be able to collect relevant data directly from natural and legal persons or to process data collected by others. Processing of collected data could be done by data altruism organisations for purposes which they establish themselves or, where relevant, they could allow the processing by third parties for those purposes. Where recognised data altruism organisations are data controllers or processors as defined in Regulation (EU) 2016/679, they should comply with that Regulation. Typically, data altruism would rely on consent of data subjects within the meaning of Article 6(1), point (a), and Article 9(2), point (a), of Regulation (EU) 2016/679 that should be in compliance with requirements for lawful consent in accordance with Articles 7 and 8 of that Regulation. In accordance with Regulation (EU) 2016/679, scientific research purposes could be supported by consent to certain areas of scientific research where in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1), point (b), of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes. For non-personal data the usage limitations should be found in the permission given by the data holder.

(51) The competent authorities for the registration of data altruism organisations designated to monitor compliance of recognised data altruism organisations with the requirements of this Regulation should be chosen on the basis of their capacity and expertise. They should be independent of any data altruism organisation as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of those competent authorities for the registration of data altruism organisations. The powers and competences of the competent authorities for the registration of data altruism organisations should be without prejudice to the powers of the data protection authorities. In particular, for any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority for the registration of data altruism organisations should seek, where relevant, an opinion or decision of the competent supervisory authority established pursuant to that Regulation.

(52) To promote trust and bring additional legal certainty and user-friendliness to the process of granting and withdrawing consent, in particular in the context of scientific research and statistical use of data made available on an altruistic basis, a European data altruism consent form should be developed and used in the context of altruistic data sharing. Such a form should contribute to additional transparency for data subjects that their data will be accessed and used in accordance with their consent and also in full compliance with the data protection rules. It should also facilitate the granting and withdrawing of consent and be used to streamline data altruism carried out by undertakings and provide a mechanism allowing such undertakings to withdraw their permission to use the data. In order to take into account the specificities of individual sectors, including from a data protection perspective, the European data altruism consent form should use a modular approach allowing customisation for specific sectors and for different purposes.

(53) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The European Data Innovation Board should consist of representatives of the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations of all Member States, the European Data Protection Board, the European Data Protection Supervisor, the European Union Agency for Cybersecurity (ENISA), the Commission, the EU SME Envoy or a representative appointed by the network of SME envoys, and other representatives of relevant bodies in specific sectors as well as bodies with specific expertise. The European Data Innovation Board should consist of a number of subgroups, including a subgroup for stakeholder involvement composed of relevant representatives of industry, such as health, environment, agriculture, transport, energy, industrial manufacturing, media, cultural and creative sectors, and statistics, as well as of research, academia, civil society, standardisation organisations, relevant common European data spaces and other relevant stakeholders and third parties, *inter alia* bodies with specific expertise such as national statistical offices.

(54) The European Data Innovation Board should assist the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework principles and through the use of European and international standards and specifications, including through the EU Multi-Stakeholder Platform for ICT Standardisation, the Core Vocabularies and the CEF Building Blocks, and should take into account standardisation work taking place in specific sectors or domains. Work on technical standardisation could include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised, in particular clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral. The European Data Innovation Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with the re-use of data. Regarding data altruism, the European Data Innovation Board should assist the Commission in the development of the data altruism consent form, after consulting the European Data Protection Board. By proposing guidelines on common European data spaces, the European Data Innovation Board should support the development of a functioning European data economy on the basis of those data spaces, as set out in the European strategy for data.

(55) Member States should lay down rules on penalties applicable to infringements of this Regulation and should take all measures necessary to ensure that they are implemented. The penalties provided for should be effective, proportionate and dissuasive. Large discrepancies between rules on penalties could lead to distortion of competition in the digital single market. The harmonisation of such rules could be of benefit in that regard.

(56) In order to provide for an efficient enforcement of this Regulation and to ensure that data intermediation services providers and entities that wish to register as recognised data altruism organisations are able to access and complete the procedures of notification and registration fully online and in a cross-border manner, such procedures should be offered through the single digital gateway established pursuant to Regulation (EU) 2018/1724 of the European Parliament and of the Council ([29]). Those procedures should be added to the list of procedures included in Annex II to Regulation (EU) 2018/1724.

(57) Regulation (EU) 2018/1724 should therefore be amended accordingly.

([29]) Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

(58) In order to ensure the effectiveness of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission for the purpose of supplementing this Regulation by laying down special conditions applicable to transfers to third countries of certain non-personal data categories deemed to be highly sensitive in specific Union legislative acts and by establishing a rulebook for recognised data altruism organisations, with which those organisations are to comply, that provides for information, technical and security requirements as well as communication roadmaps and interoperability standards. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([30]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(59) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to assist public sector bodies and re-users in their compliance with conditions for re-use set out in this Regulation by establishing model contractual clauses for the transfer by re-users of non-personal data to a third country, to declare that the legal, supervisory and enforcement arrangements of a third country are equivalent to the protection ensured under Union law, to develop the design of the common logo for data intermediation services providers and of the common logo for recognised data altruism organisations, and to establish and develop the European data altruism consent form. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([31]).

(60) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 TFEU. The measures provided for in this Regulation should not be used to restrict competition in a manner contrary to the TFEU. This concerns in particular the rules on the exchange of competitively sensitive information between actual or potential competitors through data intermediation services.

(61) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered their opinion on 10 March 2021.

(62) This Regulation uses as its guiding principles the respect for the fundamental rights and principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to privacy, the protection of personal data, the freedom to conduct a business, the right to property and the integration of persons with disabilities. In the context of the latter, the public service bodies and services under this Regulation should, where relevant, comply with Directives (EU) 2016/2102 ([32]) and (EU) 2019/882 ([33]) of the European Parliament and of the Council. Furthermore, Design for All in the context of information and communications technology, which is the conscious and systematic effort to proactively apply principles, methods and tools to promote universal design in computer-related technologies, including internet-based technologies, thus avoiding the need for a posteriori adaptations or specialised design, should be taken into account.

(63) Since the objectives of this Regulation, namely the re-use, within the Union, of certain categories of data held by public sector bodies as well as the establishment of a notification and supervisory framework for the provision of data intermediation services, a framework for voluntary registration of entities which make data available for altruistic purposes and a framework for the establishment of a European Data Innovation Board, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, 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 in order to achieve those objectives,

([30]) OJ L 123, 12.5.2016, p. 1.

([31]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

([32]) Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

([33]) Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Subject matter and scope

1. This Regulation lays down:

(a) conditions for the re-use, within the Union, of certain categories of data held by public sector bodies;

(b) a notification and supervisory framework for the provision of data intermediation services;

(c) a framework for voluntary registration of entities which collect and process data made available for altruistic purposes; and

(d) a framework for the establishment of a European Data Innovation Board.

2. This Regulation does not create any obligation on public sector bodies to allow the re-use of data, nor does it release public sector bodies from their confidentiality obligations under Union or national law.

This Regulation is without prejudice to:

(a) specific provisions in Union or national law regarding the access to or re-use of certain categories of data, in particular with regard to the granting of access to and disclosure of official documents; and

(b) the obligations of public sector bodies under Union or national law to allow the re-use of data or to requirements related to processing of non-personal data.

Where sector-specific Union or national law requires public sector bodies, data intermediation services providers or recognised data altruism organisations to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union or national law shall also apply. Any such specific additional requirements shall be non-discriminatory, proportionate and objectively justified.

3. Union and national law on the protection of personal data shall apply to any personal data processed in connection with this Regulation. In particular, this Regulation is without prejudice to Regulations (EU) 2016/679 and (EU) 2018/1725 and Directives 2002/58/EC and (EU) 2016/680, including with regard to the powers and competences of supervisory authorities. In the event of a conflict between this Regulation and Union law on the protection of personal data or national law adopted in accordance with such Union law, the relevant Union or national law on the protection of personal data shall prevail. This Regulation does not create a legal basis for the processing of personal data, nor does it affect any of the rights and obligations set out in Regulations (EU) 2016/679 or (EU) 2018/1725 or Directives 2002/58/EC or (EU) 2016/680.

4. This Regulation is without prejudice to the application of competition law.

5. This Regulation is without prejudice to the competences of the Member States with regard to their activities concerning public security, defence and national security.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;

(2) 're-use' means the use by natural or legal persons of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in pursuit of their public tasks;

(3) 'personal data' means personal data as defined in Article 4, point (1), of Regulation (EU) 2016/679;

(4) 'non-personal data' means data other than personal data;

(5) 'consent' means consent as defined in Article 4, point (11), of Regulation (EU) 2016/679;

(6) 'permission' means giving data users the right to the processing of non-personal data;

(7) 'data subject' means data subject as referred to in Article 4, point (1), of Regulation (EU) 2016/679;

(8) 'data holder' means a legal person, including public sector bodies and international organisations, or a natural person who is not a data subject with respect to the specific data in question, which, in accordance with applicable Union or national law, has the right to grant access to or to share certain personal data or non-personal data;

(9) 'data user' means a natural or legal person who has lawful access to certain personal or non-personal data and has the right, including under Regulation (EU) 2016/679 in the case of personal data, to use that data for commercial or non-commercial purposes;

(10) 'data sharing' means the provision of data by a data subject or a data holder to a data user for the purpose of the joint or individual use of such data, based on voluntary agreements or Union or national law, directly or through an intermediary, for example under open or commercial licences subject to a fee or free of charge;

(11) 'data intermediation service' means a service which aims to establish commercial relationships for the purposes of data sharing between an undetermined number of data subjects and data holders on the one hand and data users on the other, through technical, legal or other means, including for the purpose of exercising the rights of data subjects in relation to personal data, excluding at least the following:

   (a) services that obtain data from data holders and aggregate, enrich or transform the data for the purpose of adding substantial value to it and license the use of the resulting data to data users, without establishing a commercial relationship between data holders and data users;

   (b) services that focus on the intermediation of copyright-protected content;

   (c) services that are exclusively used by one data holder in order to enable the use of the data held by that data holder, or that are used by multiple legal persons in a closed group, including supplier or customer relationships or collaborations established by contract, in particular those that have as a main objective to ensure the functionalities of objects and devices connected to the Internet of Things;

   (d) data sharing services offered by public sector bodies that do not aim to establish commercial relationships;

(12) 'processing' means processing as defined in Article 4, point (2), of Regulation (EU) 2016/679 with regard to personal data or Article 3, point (2), of Regulation (EU) 2018/1807 with regard to non-personal data;

(13) 'access' means data use, in accordance with specific technical, legal or organisational requirements, without necessarily implying the transmission or downloading of data;

(14) 'main establishment' of a legal person means the place of its central administration in the Union;

(15) 'services of data cooperatives' means data intermediation services offered by an organisational structure constituted by data subjects, one-person undertakings or SMEs who are members of that structure, having as its main objectives to support its members in the exercise of their rights with respect to certain data, including with regard to making informed choices before they consent to data processing, to exchange views on data processing purposes and conditions that would best represent the interests of its members in relation to their data, and to negotiate terms and conditions for data processing on behalf of its members before giving permission to the processing of non-personal data or before they consent to the processing of personal data;

(16) 'data altruism' means the voluntary sharing of data on the basis of the consent of data subjects to process personal data pertaining to them, or permissions of data holders to allow the use of their non-personal data without seeking or receiving a reward that goes beyond compensation related to the costs that they incur where they make their data available for objectives of general interest as provided for in national law, where applicable, such as healthcare, combating climate change, improving mobility, facilitating the development, production and dissemination of official statistics, improving the provision of public services, public policy making or scientific research purposes in the general interest;

(17) 'public sector body' means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities, or one or more such bodies governed by public law;

(18) 'bodies governed by public law' means bodies that have the following characteristics:

(a) they are established for the specific purpose of meeting needs in the general interest, and do not have an industrial or commercial character;

(b) they have legal personality;

(c) they are financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law, are subject to management supervision by those authorities or bodies, or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;

(19) 'public undertaking' means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it; for the purposes of this definition, a dominant influence on the part of the public sector bodies shall be presumed in any of the following cases in which those bodies, directly or indirectly:

(a) hold the majority of the undertaking's subscribed capital;

(b) control the majority of the votes attaching to shares issued by the undertaking;

(c) can appoint more than half of the undertaking's administrative, management or supervisory body;

(20) 'secure processing environment' means the physical or virtual environment and organisational means to ensure compliance with Union law, such as Regulation (EU) 2016/679, in particular with regard to data subjects' rights, intellectual property rights, and commercial and statistical confidentiality, integrity and accessibility, as well as with applicable national law, and to allow the entity providing the secure processing environment to determine and supervise all data processing actions, including the display, storage, download and export of data and the calculation of derivative data through computational algorithms;

(21) 'legal representative' means a natural or legal person established in the Union explicitly designated to act on behalf of a data intermediation services provider or an entity that collects data for objectives of general interest made available by natural or legal persons on the basis of data altruism not established in the Union, which may be addressed by the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations in addition to or instead of the data intermediation services provider or entity with regard to the obligations under this Regulation, including with regard to initiating enforcement proceedings against a non-compliant data intermediation services provider or entity not established in the Union.

CHAPTER II

Re-use of certain categories of protected data held by public sector bodies

Article 3

Categories of data

1. This Chapter applies to data held by public sector bodies which are protected on grounds of:

(a) commercial confidentiality, including business, professional and company secrets;

(b) statistical confidentiality;

(c) the protection of intellectual property rights of third parties; or

(d) the protection of personal data, insofar as such data fall outside the scope of Directive (EU) 2019/1024.

2. This Chapter does not apply to:

(a) data held by public undertakings;

(b) data held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit;

(c) data held by cultural establishments and educational establishments;

(d) data held by public sector bodies which are protected for reasons of public security, defence or national security; or

(e) data the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State concerned, or, in the absence of such rules, as defined in accordance with common administrative practice in that Member State, provided that the scope of the public tasks is transparent and subject to review.

3. This Chapter is without prejudice to:

(a) Union and national law and international agreements to which the Union or Member States are party on the protection of categories of data referred to in paragraph 1; and

(b) Union and national law on access to documents.

Article 4

Prohibition of exclusive arrangements

1. Agreements or other practices pertaining to the re-use of data held by public sector bodies containing categories of data referred to in Article 3(1) which grant exclusive rights or which have as their objective or effect to grant such exclusive rights or to restrict the availability of data for re-use by entities other than the parties to such agreements or other practices shall be prohibited.

2. By way of derogation from paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or the supply of a product in the general interest that would not otherwise be possible.

3. An exclusive right as referred to in paragraph 2 shall be granted through an administrative act or contractual arrangement in accordance with applicable Union or national law and in compliance with the principles of transparency, equal treatment and non-discrimination.

4. The duration of an exclusive right to re-use data shall not exceed 12 months. Where a contract is concluded, the duration of the contract shall be the same as the duration of the exclusive right.

5. The grant of an exclusive right pursuant to paragraphs 2, 3 and 4, including the reasons as to why it is necessary to grant such a right, shall be transparent and be made publicly available online, in a form that complies with relevant Union law on public procurement.

6. Agreements or other practices falling within the scope of the prohibition referred to in paragraph 1 which do not meet the conditions laid down in paragraphs 2 and 3 and which were concluded before 23 June 2022 shall be terminated at the end of the applicable contract and in any event by 24 December 2024.

Article 5

Conditions for re-use

1. Public sector bodies which are competent under national law to grant or refuse access for the re-use of one or more of the categories of data referred to in Article 3(1) shall make publicly available the conditions for allowing such re-use and the procedure to request the re-use via the single information point referred to in Article 8. Where they grant or refuse access for re-use, they may be assisted by the competent bodies referred to in Article 7(1).

Member States shall ensure that public sector bodies are equipped with the necessary resources to comply with this Article.

2. Conditions for re-use shall be non-discriminatory, transparent, proportionate and objectively justified with regard to the categories of data and the purposes of re-use and the nature of the data for which re-use is allowed. Those conditions shall not be used to restrict competition.

3. Public sector bodies shall, in accordance with Union and national law, ensure that the protected nature of data is preserved. They may provide for the following requirements:

(a) to grant access for the re-use of data only where the public sector body or the competent body, following the request for re-use, has ensured that data has been:

   (i) anonymised, in the case of personal data; and

   (ii) modified, aggregated or treated by any other method of disclosure control, in the case of commercially confidential information, including trade secrets or content protected by intellectual property rights;

(b) to access and re-use the data remotely within a secure processing environment that is provided or controlled by the public sector body;

(c) to access and re-use the data within the physical premises in which the secure processing environment is located in accordance with high security standards, provided that remote access cannot be allowed without jeopardising the rights and interests of third parties.

4. In the case of re-use allowed in accordance with paragraph 3, points (b) and (c), the public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall reserve the right to verify the process, the means and any results of processing of data undertaken by the re-user to preserve the integrity of the protection of the data and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties. The decision to prohibit the use of the results shall be comprehensible and transparent to the re-user.

5. Unless national law provides for specific safeguards on applicable confidentiality obligations relating to the re-use of data referred to in Article 3(1), the public sector body shall make the re-use of data provided in accordance with paragraph 3 of this Article conditional on the adherence by the re-user to a confidentiality obligation that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. Re-users shall be prohibited from re-identifying any data subject to whom the data relates and shall take technical and operational measures to prevent re-identification and to notify any data breach resulting in the re-identification of the data subjects concerned to the public sector body. In the event of the unauthorised re-use of non-personal data, the re-user shall, without delay, where appropriate with the assistance of the public sector body, inform the legal persons whose rights and interests may be affected.

6. Where the re-use of data cannot be allowed in accordance with the obligations laid down in paragraphs 3 and 4 of this Article and there is no legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall make best efforts, in accordance with Union and national law, to provide assistance to potential re-users in seeking consent of the data subjects or permission from the data holders whose rights and interests may be affected by such re-use, where it is feasible without a disproportionate burden on the public sector body. Where it provides such assistance, the public sector body may be assisted by the competent bodies referred to in Article 7(1).

7. Re-use of data shall be allowed only in compliance with intellectual property rights. The right of the maker of a database as provided for in Article 7(1) of Directive 96/9/EC shall not be exercised by public sector bodies in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.

8. Where data requested is considered to be confidential, in accordance with Union or national law on commercial or statistical confidentiality, the public sector bodies shall ensure that the confidential data is not disclosed as a result of allowing re-use, unless such re-use is allowed in accordance with paragraph 6.

9. Where a re-user intends to transfer non-personal data protected on the grounds set out in Article 3(1) to a third country, it shall inform the public sector body of its intention to transfer such data and the purpose of such transfer at the time of requesting the re-use of such data. In the case of re-use in accordance with paragraph 6 of this Article, the re-user shall, where appropriate with the assistance of the public sector body, inform the legal person whose rights and interests may be affected of that intention, purpose and the appropriate safeguards. The public sector body shall not allow the re-use unless the legal person gives permission for the transfer.

10. Public sector bodies shall transmit non-personal confidential data or data protected by intellectual property rights to a re-user which intends to transfer those data to a third country other than a country designated in accordance with paragraph 12 only if the re-user contractually commits to:

(a) complying with the obligations imposed in accordance with paragraphs 7 and 8 even after the data is transferred to the third country; and

(b) accepting the jurisdiction of the courts or tribunals of the Member State of the transmitting public sector body with regard to any dispute related to compliance with paragraphs 7 and 8.

11. Public sector bodies shall, where relevant and to the extent of their capabilities, provide guidance and assistance to re-users in complying with the obligations referred to in paragraph 10 of this Article.

In order to assist public sector bodies and re-users, the Commission may adopt implementing acts establishing model contractual clauses for complying with the obligations referred to in paragraph 10 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(3).

12. Where justified because of the substantial number of requests across the Union concerning the re-use of non-personal data in specific third countries, the Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:

(a) ensure protection of intellectual property and trade secrets in a way that is essentially equivalent to the protection ensured under Union law;

(b) are being effectively applied and enforced; and

(c) provide effective judicial redress.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(3).

13. Specific Union legislative acts may deem certain non-personal data categories held by public sector bodies to be highly sensitive for the purposes of this Article where their transfer to third countries may put at risk Union public policy objectives, such as safety and public health or may lead to the risk of re-identification of non-personal, anonymised data. Where such an act is adopted, the Commission shall adopt delegated acts in accordance with Article 32 supplementing this Regulation by laying down special conditions applicable to the transfers of such data to third countries.

Those special conditions shall be based on the nature of the non-personal data categories identified in the specific Union legislative act and on the grounds for deeming those categories to be highly sensitive, taking into account the risks of re-identification of non-personal, anonymised data. They shall be non-discriminatory and limited to what is necessary to achieve the Union public policy objectives identified in that act, in accordance with the Union's international obligations.

If required by specific Union legislative acts as referred to in the first subparagraph, such special conditions may include terms applicable for the transfer or technical arrangements in this regard, limitations with regard to the re-use of data in third countries or categories of persons entitled to transfer such data to third countries or, in exceptional cases, restrictions with regard to transfers to third countries.

14. The natural or legal person to which the right to re-use non-personal data was granted may transfer the data only to those third countries for which the requirements in paragraphs 10, 12 and 13 are met.

Article 6

Fees

1. Public sector bodies which allow re-use of the categories of data referred to in Article 3(1) may charge fees for allowing the re-use of such data.

2. Any fees charged pursuant to paragraph 1 shall be transparent, non-discriminatory, proportionate and objectively justified and shall not restrict competition.

3. Public sector bodies shall ensure that any fees can also be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account within the Union.

4. Where public sector bodies charge fees, they shall take measures to provide incentives for the re-use of the categories of data referred to in Article 3(1) for non-commercial purposes, such as scientific research purposes, and by SMEs and start-ups in accordance with State aid rules. In that regard, public sector bodies may also make the data available at a discounted fee or free of charge, in particular to SMEs and start-ups, civil society and educational establishments. To that end, public sector bodies may establish a list of categories of re-users to which data for re-use is made available at a discounted fee or free of charge. That list, together with the criteria used to establish it, shall be made public.

5. Any fees shall be derived from the costs related to conducting the procedure for requests for the re-use of the categories of data referred to in Article 3(1) and limited to the necessary costs in relation to:

(a) the reproduction, provision and dissemination of data;

(b) the clearance of rights;

(c) anonymisation or other forms of preparation of personal data and commercially confidential data as provided for in Article 5(3);

(d) the maintenance of the secure processing environment;

(e) the acquisition of the right to allow re-use in accordance with this Chapter by third parties outside the public sector; and

(f) assisting re-users in seeking consent from data subjects and permission from data holders whose rights and interests may be affected by such re-use.

6. The criteria and methodology for calculating fees shall be laid down by the Member States and published. The public sector body shall publish a description of the main categories of costs and the rules used for the allocation of costs.

Article 7

Competent bodies

1. For the purpose of carrying out the tasks referred to in this Article, each Member State shall designate one or more competent bodies, which may be competent for particular sectors, to assist the public sector bodies which grant or refuse access for the re-use of the categories of data referred to in Article 3(1). Member States may either establish one or more new competent bodies or rely on existing public sector bodies or on internal services of public sector bodies that fulfil the conditions laid down in this Regulation.

2. The competent bodies may be empowered to grant access for the re-use of the categories of data referred to in Article 3(1) pursuant to Union or national law which provides for such access to be granted. Where they grant or refuse access for the re-use, Articles 4, 5, 6 and 9 shall apply to those competent bodies.

3. The competent bodies shall have adequate legal, financial, technical and human resources to carry out the tasks assigned to them, including the necessary technical knowledge to be able to comply with relevant Union or national law concerning the access regimes for the categories of data referred to in Article 3(1).

4. The assistance provided for in paragraph 1 shall include, where necessary:

(a) providing technical support by making available a secure processing environment for providing access for the re-use of data;

(b) providing guidance and technical support on how to best structure and store data to make that data easily accessible;

(c) providing technical support for pseudonymisation and ensuring data processing in a manner that effectively preserves the privacy, confidentiality, integrity and accessibility of the information contained in the data for which re-use is allowed, including techniques for the anonymisation, generalisation, suppression and randomisation of personal data or other state-of-the-art privacy-preserving methods, and the deletion of commercially confidential information, including trade secrets or content protected by intellectual property rights;

(d) assisting the public sector bodies, where relevant, to provide support to re-users in requesting consent for re-use from data subjects or permission from data holders in line with their specific decisions, including on the jurisdiction in which the data processing is intended to take place and assisting the public sector bodies in establishing technical mechanisms that allow the transmission of requests for consent or permission from re-users, where practically feasible;

(e) providing public sector bodies with assistance in assessing the adequacy of contractual commitments made by a re-user pursuant to Article 5(10).

5. Each Member State shall notify the Commission of the identity of the competent bodies designated pursuant to paragraph 1 by 24 September 2023. Each Member State shall also notify the Commission of any subsequent change to the identity of those competent bodies.

Article 8

Single information points

1. Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available and easily accessible through a single information point. Member States shall establish a new body or designate an existing body or structure as the single information point. The single information point may be linked to sectoral, regional or local information points. The functions of the single information point may be automated provided that the public sector body ensures adequate support.

2. The single information point shall be competent to receive enquiries or requests for the re-use of the categories of data referred to in Article 3(1) and shall transmit them, where possible and appropriate by automated means, to the competent public sector bodies, or the competent bodies referred to in Article 7(1), where relevant. The single information point shall make available by electronic means a searchable asset list containing an overview of all available data resources including, where relevant, those data resources that are available at sectoral, regional or local information points, with relevant information describing the available data, including at least the data format and size and the conditions for their re-use.

3. The single information point may establish a separate, simplified and well-documented information channel for SMEs and start-ups, addressing their needs and capabilities in requesting the re-use of the categories of data referred to in Article 3(1).

4. The Commission shall establish a European single access point offering a searchable electronic register of data available in the national single information points and further information on how to request data via those national single information points.

Article 9

Procedure for requests for re-use

1. Unless shorter time limits have been established in accordance with national law, the competent public sector bodies or the competent bodies referred to in Article 7(1) shall adopt a decision on the request for the re-use of the categories of data referred to in Article 3(1) within two months of the date of receipt of the request.

In the case of exceptionally extensive and complex requests for re-use, that two-month period may be extended by up to 30 days. In such cases the competent public sector bodies or the competent bodies referred to in Article 7(1) shall notify the applicant as soon as possible that more time is needed for conducting the procedure, together with the reasons for the delay.

2. Any natural or legal person directly affected by a decision as referred to in paragraph 1 shall have an effective right of redress in the Member State where the relevant body is located. Such a right of redress shall be laid down in national law and shall include the possibility of review by an impartial body with the appropriate expertise, such as the national competition authority, the relevant access-to-documents authority, the supervisory authority established in accordance with Regulation (EU) 2016/679 or a national judicial authority, whose decisions are binding upon the public sector body or the competent body concerned.

CHAPTER III

Requirements applicable to data intermediation services

Article 10

Data intermediation services

The provision of the following data intermediation services shall comply with Article 12 and shall be subject to a notification procedure:

(a) intermediation services between data holders and potential data users, including making available the technical or other means to enable such services; those services may include bilateral or multilateral exchanges of data or the creation of platforms or databases enabling the exchange or joint use of data, as well as the establishment of other specific infrastructure for the interconnection of data holders with data users;

(b) intermediation services between data subjects that seek to make their personal data available or natural persons that seek to make non-personal data available, and potential data users, including making available the technical or other means to enable such services, and in particular enabling the exercise of the data subjects' rights provided in Regulation (EU) 2016/679;

(c) services of data cooperatives.

Article 11

Notification by data intermediation services providers

1. Any data intermediation services provider who intends to provide the data intermediation services referred to in Article 10 shall submit a notification to the competent authority for data intermediation services.

2. For the purposes of this Regulation, a data intermediation services provider with establishments in more than one Member State shall be deemed to be under the jurisdiction of the Member State in which it has its main establishment, without prejudice to Union law regulating cross-border actions for damages and related proceedings.

3. A data intermediation services provider that is not established in the Union, but which offers the data intermediation services referred to in Article 10 within the Union, shall designate a legal representative in one of the Member States in which those services are offered.

For the purpose of ensuring compliance with this Regulation, the legal representative shall be mandated by the data intermediation services provider to be addressed in addition to or instead of it by competent authorities for data intermediation services or data subjects and data holders, with regard to all issues related to the data intermediation services provided. The legal representative shall cooperate with and comprehensively demonstrate to the competent authorities for data intermediation services, upon request, the actions taken and provisions put in place by the data intermediation services provider to ensure compliance with this Regulation.

The data intermediation services provider shall be deemed to be under the jurisdiction of the Member State in which the legal representative is located. The designation of a legal representative by the data intermediation services provider shall be without prejudice to any legal actions which could be initiated against the data intermediation services provider.

4. After having submitted a notification in accordance with paragraph 1, the data intermediation services provider may start the activity subject to the conditions laid down in this Chapter.

5. The notification referred to in paragraph 1 shall entitle the data intermediation services provider to provide data intermediation services in all Member States.

6. The notification referred to in paragraph 1 shall include the following information:

(a) the name of the data intermediation services provider;

(b) the data intermediation services provider's legal status, form, ownership structure, relevant subsidiaries and, where the data intermediation services provider is registered in a trade or other similar public national register, registration number;

(c) the address of the data intermediation services provider's main establishment in the Union, if any, and, where applicable, of any secondary branch in another Member State or that of the legal representative;

(d) a public website where complete and up-to-date information on the data intermediation services provider and the activities can be found, including as a minimum the information referred to in points (a), (b), (c) and (f);

(e) the data intermediation services provider's contact persons and contact details;

(f) a description of the data intermediation service the data intermediation services provider intends to provide, and an indication of the categories listed in Article 10 under which such data intermediation service falls;

(g) the estimated date for starting the activity, if different from the date of the notification.

7. The competent authority for data intermediation services shall ensure that the notification procedure is non-discriminatory and does not distort the competition.

8. At the request of the data intermediation services provider, the competent authority for data intermediation services shall, within one week of a duly and fully completed notification, issue a standardised declaration, confirming that the data intermediation services provider has submitted the notification referred to in paragraph 1 and that the notification contains the information referred to in paragraph 6.

9. At the request of the data intermediation services provider, the competent authority for data intermediation services shall confirm that the data intermediation services provider complies with this Article and Article 12. Upon receipt of such a confirmation, that data intermediation services provider may use the label 'data intermediation services provider recognised in the Union' in its written and spoken communication, as well as a common logo.

In order to ensure that data intermediation services providers recognised in the Union are easily identifiable throughout the Union, the Commission shall, by means of implementing acts, establish a design for the common logo. Data intermediation services providers recognised in the Union shall display the common logo clearly on every online and offline publication that relates to their data intermediation activities.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

10. The competent authority for data intermediation services shall notify the Commission of each new notification by electronic means without delay. The Commission shall keep and regularly update a public register of all data intermediation services providers providing their services in the Union. The information referred to in paragraph 6, points (a), (b), (c), (d), (f) and (g), shall be published in the public register.

11. The competent authority for data intermediation services may charge fees for the notification in accordance with national law. Such fees shall be proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authority for data intermediation services in relation to notifications of data intermediation services providers. In the case of SMEs and start-ups, the competent authority for data intermediation services may charge a discounted fee or waive the fee.

12. Data intermediation services providers shall notify the competent authority for data intermediation services of any changes to the information provided pursuant to paragraph 6 within 14 days of the date of the change.

13. Where a data intermediation services provider ceases its activities, it shall notify the relevant competent authority for data intermediation services determined pursuant to paragraphs 1, 2 and 3 within 15 days.

14. The competent authority for data intermediation services shall notify the Commission of each notification referred to in paragraphs 12 and 13 by electronic means without delay. The Commission shall update the public register of the data intermediation services providers in the Union accordingly.

Article 12

Conditions for providing data intermediation services

The provision of data intermediation services referred in Article 10 shall be subject to the following conditions:

(a) the data intermediation services provider shall not use the data for which it provides data intermediation services for purposes other than to put them at the disposal of data users and shall provide data intermediation services through a separate legal person;

(b) the commercial terms, including pricing, for the provision of data intermediation services to a data holder or data user shall not be dependent upon whether the data holder or data user uses other services provided by the same data intermediation services provider or by a related entity, and if so to what degree the data holder or data user uses such other services;

(c) the data collected with respect to any activity of a natural or legal person for the purpose of the provision of the data intermediation service, including the date, time and geolocation data, duration of activity and connections to other natural or legal persons established by the person who uses the data intermediation service, shall be used only for the development of that data intermediation service, which may entail the use of data for the detection of fraud or cybersecurity, and shall be made available to the data holders upon request;

(d) the data intermediation services provider shall facilitate the exchange of the data in the format in which it receives it from a data subject or a data holder, shall convert the data into specific formats only to enhance interoperability within and across sectors or if requested by the data user or where mandated by Union law or to ensure harmonisation with international or European data standards and shall offer an opt-out possibility regarding those conversions to data subjects or data holders, unless the conversion is mandated by Union law;

(e) data intermediation services may include offering additional specific tools and services to data holders or data subjects for the specific purpose of facilitating the exchange of data, such as temporary storage, curation, conversion, anonymisation and pseudonymisation, such tools being used only at the explicit request or approval of the data holder or data subject and third-party tools offered in that context not being used for other purposes;

(f) the data intermediation services provider shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for both data subjects and data holders, as well as for data users, including with regard to prices and terms of service;

(g) the data intermediation services provider shall have procedures in place to prevent fraudulent or abusive practices in relation to parties seeking access through its data intermediation services;

(h) the data intermediation services provider shall, in the event of its insolvency, ensure a reasonable continuity of the provision of its data intermediation services and, where such data intermediation services ensure the storage of data, shall have mechanisms in place to allow data holders and data users to obtain access to, to transfer or to retrieve their data and, where such data intermediation services are provided between data subjects and data users, to allow data subjects to exercise their rights;

(i) the data intermediation services provider shall take appropriate measures to ensure interoperability with other data intermediation services, *inter alia*, by means of commonly used open standards in the sector in which the data intermediation services provider operates;

(j) the data intermediation services provider shall put in place adequate technical, legal and organisational measures in order to prevent the transfer of or access to non-personal data that is unlawful under Union law or the national law of the relevant Member State;

(k) the data intermediation services provider shall without delay inform data holders in the event of an unauthorised transfer, access or use of the non-personal data that it has shared;

(l) the data intermediation services provider shall take necessary measures to ensure an appropriate level of security for the storage, processing and transmission of non-personal data, and the data intermediation services provider shall further ensure the highest level of security for the storage and transmission of competitively sensitive information;

(m) the data intermediation services provider offering services to data subjects shall act in the data subjects' best interest where it facilitates the exercise of their rights, in particular by informing and, where appropriate, advising data subjects in a concise, transparent, intelligible and easily accessible manner about intended data uses by data users and standard terms and conditions attached to such uses before data subjects give consent;

(n) where a data intermediation services provider provides tools for obtaining consent from data subjects or permissions to process data made available by data holders, it shall, where relevant, specify the third-country jurisdiction in which the data use is intended to take place and provide data subjects with tools to both give and withdraw consent and data holders with tools to both give and withdraw permissions to process data;

(o) the data intermediation services provider shall maintain a log record of the data intermediation activity.

Article 13

Competent authorities for data intermediation services

1. Each Member State shall designate one or more competent authorities to carry out the tasks related to the notification procedure for data intermediation services and shall notify the Commission of the identity of those competent authorities by 24 September 2023. Each Member State shall also notify the Commission of any subsequent change to the identity of those competent authorities.

2. The competent authorities for data intermediation services shall comply with the requirements set out in Article 26.

3. The powers of the competent authorities for data intermediation services are without prejudice to the powers of the data protection authorities, national competition authorities, authorities in charge of cybersecurity and other relevant sectoral authorities. In accordance with their respective competences under Union and national law, those authorities shall establish strong cooperation and exchange information as is necessary for the exercise of their tasks in relation to data intermediation services providers, and shall aim to achieve consistency in the decisions taken in applying this Regulation.

Article 14

Monitoring of compliance

1. The competent authorities for data intermediation services shall monitor and supervise compliance of data intermediation services providers with the requirements of this Chapter. The competent authorities for data intermediation services may also monitor and supervise the compliance of data intermediation services providers, on the basis of a request by a natural or legal person.

2. The competent authorities for data intermediation services shall have the power to request from data intermediation services providers or their legal representatives all the information that is necessary to verify compliance with the requirements of this Chapter. Any request for information shall be proportionate to the performance of the task and shall be reasoned.

3. Where the competent authority for data intermediation services finds that a data intermediation services provider does not comply with one or more of the requirements of this Chapter, it shall notify that data intermediation services provider of those findings and give it the opportunity to state its views, within 30 days of the receipt of the notification.

4. The competent authority for data intermediation services shall have the power to require the cessation of the infringement referred to in paragraph 3 within a reasonable time limit or immediately in the case of a serious infringement and shall take appropriate and proportionate measures with the aim of ensuring compliance. In that regard, the competent authority for data intermediation services shall have the power, where appropriate:

(a) to impose, through administrative procedures, dissuasive financial penalties, which may include periodic penalties and penalties with retroactive effect, to initiate legal proceedings for the imposition of fines, or both;

(b) to require a postponement of the commencement or a suspension of the provision of the data intermediation service until any changes to the conditions requested by the competent authority for data intermediation services have been made; or

(c) to require the cessation of the provision of the data intermediation service in the event that serious or repeated infringements have not been remedied despite prior notification in accordance with paragraph 3.

The competent authority for data intermediation services shall request the Commission to remove the data intermediation services provider from the register of data intermediation services providers once it has ordered the cessation of the provision of the data intermediation service in accordance with the first subparagraph, point (c).

If a data intermediation services provider remedies infringements, that data intermediation services provider shall re-notify the competent authority for data intermediation services. The competent authority for data intermediation services shall notify the Commission of each new re-notification.

5. Where a data intermediation services provider that is not established in the Union fails to designate a legal representative or the legal representative fails, upon request of the competent authority for data intermediation services, to provide the necessary information that comprehensively demonstrates compliance with this Regulation, the competent authority for data intermediation services shall have the power to postpone the commencement of or to suspend the provision of the data intermediation service until the legal representative is designated or the necessary information is provided.

6. The competent authorities for data intermediation services shall notify the data intermediation services provider concerned of the measures imposed pursuant to paragraphs 4 and 5 and the reasons on which they are based, as well as the necessary steps to be taken to rectify the relevant shortcomings, without delay, and shall stipulate a reasonable period, which shall not be longer than 30 days, for the data intermediation services provider to comply with those measures.

7. If a data intermediation services provider has its main establishment or its legal representative in a Member State but provides services in other Member States, the competent authority for data intermediation services of the Member State of the main establishment or where the legal representative is located and the competent authorities for data intermediation services of those other Member States shall cooperate and assist each other. Such assistance and cooperation may cover information exchanges between the competent authorities for data intermediation services concerned for the purposes of their tasks under this Regulation and reasoned requests to take the measures referred to in this Article.

Where a competent authority for data intermediation services in one Member State requests assistance from a competent authority for data intermediation services in another Member State, it shall submit a reasoned request. The competent authority for data intermediation services shall, upon such a request, provide a response without delay and within a timeframe proportionate to the urgency of the request.

Any information exchanged in the context of assistance requested and provided under this paragraph shall be used only in respect of the matter for which it was requested.

Article 15

Exceptions

This Chapter shall not apply to recognised data altruism organisations or other not-for-profit entities insofar as their activities consist of seeking to collect data for objectives of general interest, made available by natural or legal persons on the basis of data altruism, unless those organisations and entities aim to establish commercial relationships between an undetermined number of data subjects and data holders on the one hand and data users on the other.

CHAPTER IV

Data altruism

Article 16

National arrangements for data altruism

Member States may have in place organisational or technical arrangements, or both, to facilitate data altruism. To that end, Member States may establish national policies for data altruism. Those national policies may, in particular, assist data subjects in making personal data related to them held by public sector bodies available voluntarily for data altruism, and set out the necessary information that is required to be provided to data subjects concerning the re-use of their data in the general interest.

If a Member State develops such national policies, it shall notify the Commission thereof.

Article 17

Public registers of recognised data altruism organisations

1. Each competent authority for the registration of data altruism organisations shall keep and regularly update a public national register of recognised data altruism organisations.

2. The Commission shall maintain a public Union register of recognised data altruism organisations for information purposes. Provided that an entity is registered in the public national register of recognised data altruism organisations in accordance with Article 18, it may use the label 'data altruism organisation recognised in the Union' in its written and spoken communication, as well as a common logo.

In order to ensure that recognised data altruism organisations are easily identifiable throughout the Union, the Commission shall, by means of implementing acts, establish a design for the common logo. Recognised data altruism organisations shall display the common logo clearly on every online and offline publication that relates to their data altruism activities. The common logo shall be accompanied by a QR code with a link to the public Union register of recognised data altruism organisations.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

Article 18

General requirements for registration

In order to qualify for registration in a public national register of recognised data altruism organisations, an entity shall:

(a) carry out data altruism activities;

(b) be a legal person established pursuant to national law to meet objectives of general interest as provided for in national law, where applicable;

(c) operate on a not-for-profit basis and be legally independent from any entity that operates on a for-profit basis;

(d) carry out its data altruism activities through a structure that is functionally separate from its other activities;

(e) comply with the rulebook referred to Article 22(1), at the latest 18 months after the date of entry into force of the delegated acts referred to in that paragraph.

Article 19

Registration of recognised data altruism organisations

1. An entity which meets the requirements of Article 18 may submit an application for registration in the public national register of recognised data altruism organisations in the Member State in which it is established.

2. An entity which meets the requirements of Article 18 and has establishments in more than one Member State may submit an application for registration in the public national register of recognised data altruism organisations in the Member State in which it has its main establishment.

3. An entity which meets the requirements of Article 18 but which is not established in the Union shall designate a legal representative in one of the Member States in which the data altruism services are offered.

For the purpose of ensuring compliance with this Regulation, the legal representative shall be mandated by the entity to be addressed in addition to or instead of it by competent authorities for the registration of data altruism organisations or data subjects and data holders, with regard to all issues related to that entity. The legal representative shall cooperate with and comprehensively demonstrate to the competent authorities for the registration of data altruism organisations, upon request, the actions taken and provisions put in place by the entity to ensure compliance with this Regulation.

The entity shall be deemed to be under the jurisdiction of the Member State in which the legal representative is located. Such an entity may submit an application for registration in the public national register of recognised data altruism organisations in that Member State. The designation of a legal representative by the entity shall be without prejudice to any legal actions which could be initiated against the entity.

4. Applications for registration referred to in paragraphs 1, 2 and 3 shall contain the following information:

(a) the name of the entity;

(b) the entity's legal status, form and, where the entity is registered in a public national register, registration number;

(c) the statutes of the entity, where appropriate;

(d) the entity's sources of income;

(e) the address of the entity's main establishment in the Union, if any, and, where applicable, any secondary branch in another Member State or that of the legal representative;

(f) a public website where complete and up-to-date information on the entity and the activities can be found, including as a minimum the information referred to in points (a), (b), (d), (e) and (h);

(g) the entity's contact persons and contact details;

(h) the objectives of general interest it intends to promote when collecting data;

(i) the nature of the data that the entity intends to control or process, and, in the case of personal data, an indication of the categories of personal data;

(j) any other documents which demonstrate that the requirements of Article 18 are met.

5. Where the entity has submitted all necessary information pursuant to paragraph 4 and after the competent authority for the registration of data altruism organisations has evaluated the application for registration and found that the entity complies with the requirements of Article 18, it shall register the entity in the public national register of recognised data altruism organisations within 12 weeks after the receipt of the application for registration. The registration shall be valid in all Member States.

The competent authority for the registration of data altruism organisations shall notify the Commission of any registration. The Commission shall include that registration in the public Union register of recognised data altruism organisations.

6. The information referred to in paragraph 4, points (a), (b), (f), (g) and (h), shall be published in the relevant public national register of recognised data altruism organisations.

7. A recognised data altruism organisation shall notify the relevant competent authority for the registration of data altruism organisations of any changes to the information provided pursuant to paragraph 4 within 14 days of the date of the change.

The competent authority for the registration of data altruism organisations shall notify the Commission of each such notification by electronic means without delay. Based on such a notification, the Commission shall update the public Union register of recognised data altruism organisations without delay.

Article 20

Transparency requirements

1. A recognised data altruism organisation shall keep full and accurate records concerning:

(a) all natural or legal persons that were given the possibility to process data held by that recognised data altruism organisation, and their contact details;

(b) the date or duration of the processing of personal data or use of non-personal data;

(c) the purpose of the processing as declared by the natural or legal person that was given the possibility of processing;

(d) the fees paid by natural or legal persons processing the data, if any.

2. A recognised data altruism organisation shall draw up and transmit to the relevant competent authority for the registration of data altruism organisations an annual activity report which shall contain at least the following:

(a) information on the activities of the recognised data altruism organisation;

(b) a description of the way in which the objectives of general interest for which data was collected have been promoted during the given financial year;

(c) a list of all natural and legal persons that were allowed to process data it holds, including a summary description of the objectives of general interest pursued by such data processing and the description of the technical means used for it, including a description of the techniques used to preserve privacy and data protection;

(d) a summary of the results of the data processing allowed by the recognised data altruism organisation, where applicable;

(e) information on sources of revenue of the recognised data altruism organisation, in particular all revenue from allowing access to the data, and on expenditure.

Article 21

Specific requirements to safeguard rights and interests of data subjects and data holders with regard to their data

1. A recognised data altruism organisation shall inform data subjects or data holders prior to any processing of their data in a clear and easily comprehensible manner of:

(a) the objectives of general interest and, if applicable, the specified, explicit and legitimate purpose for which personal data is to be processed, and for which it permits the processing of their data by a data user;

(b) the location of and the objectives of general interest for which it permits any processing carried out in a third country, where the processing is carried out by the recognised data altruism organisation.

2. The recognised data altruism organisation shall not use the data for other objectives than those of general interest for which the data subject or data holder allows the processing. The recognised data altruism organisation shall not use misleading marketing practices to solicit the provision of data.

3. The recognised data altruism organisation shall provide tools for obtaining consent from data subjects or permissions to process data made available by data holders. The recognised data altruism organisation shall also provide tools for easy withdrawal of such consent or permission.

4. The recognised data altruism organisation shall take measures to ensure an appropriate level of security for the storage and processing of non-personal data that it has collected based on data altruism.

5. The recognised data altruism organisation shall, without delay, inform data holders in the event of any unauthorised transfer, access or use of the non-personal data that it has shared.

6. Where the recognised data altruism organisation facilitates data processing by third parties, including by providing tools for obtaining consent from data subjects or permissions to process data made available by data holders, it shall, where relevant, specify the third-country jurisdiction in which the data use is intended to take place.

Article 22

Rulebook

1. The Commission shall adopt delegated acts in accordance with Article 32, supplementing this Regulation by establishing a rulebook laying down:

(a) appropriate information requirements to ensure that data subjects and data holders are provided, before a consent or permission for data altruism is given, with sufficiently detailed, clear and transparent information regarding the use of data, the tools for giving and withdrawing consent or permission, and the measures taken to avoid misuse of the data shared with the data altruism organisation;

(b) appropriate technical and security requirements to ensure the appropriate level of security for the storage and processing of data, as well as for the tools for giving and withdrawing consent or permission;

(c) communication roadmaps taking a multi-disciplinary approach to raise awareness of data altruism, of the designation as a 'data altruism organisation recognised in the Union' and of the rulebook among relevant stakeholders, in particular data holders and data subjects that would potentially share their data;

(d) recommendations on relevant interoperability standards.

2. The rulebook referred to in paragraph 1 shall be prepared in close cooperation with data altruism organisations and relevant stakeholders.

Article 23

Competent authorities for the registration of data altruism organisations

1. Each Member State shall designate one or more competent authorities responsible for its public national register of recognised data altruism organisations.

The competent authorities for the registration of data altruism organisations shall comply with the requirements set out in Article 26.

2. Each Member State shall notify the Commission of the identity of their competent authorities for the registration of data altruism organisations by 24 September 2023. Each Member State shall also notify the Commission of any subsequent change to the identity of those competent authorities.

3. The competent authority for the registration of data altruism organisations of a Member State shall undertake its tasks in cooperation with the relevant data protection authority, where such tasks are related to processing of personal data, and with relevant sectoral authorities of that Member State.

Article 24

Monitoring of compliance

1. The competent authorities for the registration of data altruism organisations shall monitor and supervise compliance of recognised data altruism organisations with the requirements laid down in this Chapter. The competent authority for the registration of data altruism organisations may also monitor and supervise the compliance of such recognised data altruism organisations, on the basis of a request by a natural or legal person.

2. The competent authorities for the registration of data altruism organisations shall have the power to request information from recognised data altruism organisations that is necessary to verify compliance with the requirements of this Chapter. Any request for information shall be proportionate to the performance of the task and shall be reasoned.

3. Where the competent authority for the registration of data altruism organisations finds that a recognised data altruism organisation does not comply with one or more of the requirements of this Chapter, it shall notify the recognised data altruism organisation of those findings and give it the opportunity to state its views within 30 days of the receipt of the notification.

4. The competent authority for the registration of data altruism organisations shall have the power to require the cessation of the infringement referred to in paragraph 3 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures with the aim of ensuring compliance.

5. If a recognised data altruism organisation does not comply with one or more of the requirements of this Chapter even after having been notified in accordance with paragraph 3 by the competent authority for the registration of data altruism organisations, that recognised data altruism organisation shall:

(a) lose its right to use the label 'data altruism organisation recognised in the Union' in any written and spoken communication;

(b) be removed from the relevant public national register of recognised data altruism organisations and the public Union register of recognised data altruism organisations.

Any decision revoking the right to use the label 'data altruism organisation recognised in the Union' under the first subparagraph, point (a), shall be made public by the competent authority for the registration of data altruism organisations.

6. If a recognised data altruism organisation has its main establishment or its legal representative in a Member State but is active in other Member States, the competent authority for the registration of data altruism organisations of the Member State of the main establishment or where the legal representative is located and the competent authorities for the registration of data altruism organisations of those other Member States shall cooperate and assist each other. Such assistance and cooperation may cover information exchanges between the competent authorities for the registration of data altruism organisations concerned for the purposes of their tasks under this Regulation and reasoned requests to take the measures referred to in this Article.

Where a competent authority for the registration of data altruism organisations in one Member State requests assistance from a competent authority for the registration of data altruism organisations in another Member State, it shall submit a reasoned request. The competent authority for the registration of data altruism organisations shall, upon such a request, provide a response without delay and within a timeframe proportionate to the urgency of the request.

Any information exchanged in the context of assistance requested and provided under this paragraph shall be used only in respect of the matter for which it was requested.

Article 25

European data altruism consent form

1. In order to facilitate the collection of data based on data altruism, the Commission shall adopt implementing acts establishing and developing a European data altruism consent form, after consulting the European Data Protection Board, taking into account the advice of the European Data Innovation Board and duly involving relevant stakeholders. The form shall allow the collection of consent or permission across Member States in a uniform format. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

2. The European data altruism consent form shall use a modular approach allowing customisation for specific sectors and for different purposes.

3. Where personal data are provided, the European data altruism consent form shall ensure that data subjects are able to give consent to and withdraw consent from a specific data processing operation in compliance with the requirements of Regulation (EU) 2016/679.

4. The form shall be available in a manner that can be printed on paper and is easily understandable as well as in an electronic, machine-readable form.

CHAPTER V

Competent authorities and procedural provisions

Article 26

Requirements relating to competent authorities

1. The competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations shall be legally distinct from, and functionally independent of, any data intermediation services provider or recognised data altruism organisation. The functions of the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations may be carried out by the same authority. Member States may either establish one or more new authorities for those purposes or rely on existing ones.

2. Competent authorities for data intermediation services and competent authorities for the registration of data altruism organisations shall exercise their tasks in an impartial, transparent, consistent, reliable and timely manner. Where they exercise their tasks, they shall safeguard fair competition and non-discrimination.

3. The top-level management and personnel responsible for carrying out the relevant tasks of the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the services which they evaluate, nor the authorised representative of any of those parties. This shall not preclude the use of evaluated services that are necessary for the operations of the competent authority for data intermediation services and the competent authority for the registration of data altruism organisations or the use of such services for personal purposes.

4. The top-level management and personnel of the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to evaluation activities assigned to them.

5. The competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations shall have at their disposal the adequate financial and human resources to carry out the tasks assigned to them, including the necessary technical knowledge and resources.

6. The competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations of a Member State shall provide the Commission and competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations from other Member States, on reasoned request and without delay, with the information necessary to carry out their tasks under this Regulation. Where a competent authority for data intermediation services or a competent authority for the registration of data altruism organisations considers the information requested to be confidential in accordance with Union and national law on commercial and professional confidentiality, the Commission and any other competent authorities for data intermediation services or competent authorities for the registration of data altruism organisations concerned shall ensure such confidentiality.

Article 27

Right to lodge a complaint

1. Natural and legal persons shall have the right to lodge a complaint in relation to any matter falling within the scope of this Regulation, individually or, where relevant, collectively, with the relevant competent authority for data intermediation services against a data intermediation services provider or with the relevant competent authority for the registration of data altruism organisations against a recognised data altruism organisation.

2. The competent authority for data intermediation services or the competent authority for the registration of data altruism organisations with which the complaint has been lodged shall inform the complainant of:

(a) the progress of the proceedings and of the decision taken; and

(b) the judicial remedies provided for in Article 28.

Article 28

Right to an effective judicial remedy

1. Notwithstanding any administrative or other non-judicial remedies, any affected natural and legal persons shall have the right to an effective judicial remedy with regard to legally binding decisions referred to in Article 14 taken by the competent authorities for data intermediation services in the management, control and enforcement of the notification regime for data intermediation services providers and legally binding decisions referred to in Articles 19 and 24 taken by the competent authorities for the registration of data altruism organisations in the monitoring of recognised data altruism organisations.

2. Proceedings pursuant to this Article shall be brought before the courts or tribunals of the Member State of the competent authority for data intermediation services or the competent authority for the registration of data altruism organisations against which the judicial remedy is sought individually or, where relevant, collectively by the representatives of one or more natural or legal persons.

3. Where a competent authority for data intermediation services or a competent authority for the registration of data altruism organisations fails to act on a complaint, any affected natural and legal persons shall, in accordance with national law, either have the right to an effective judicial remedy or access to review by an impartial body with the appropriate expertise.

CHAPTER VI

European Data Innovation Board

Article 29

European Data Innovation Board

1. The Commission shall establish a European Data Innovation Board in the form of an expert group, consisting of representatives of the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations of all Member States, the European Data Protection Board, the European Data Protection Supervisor, ENISA, the Commission, the EU SME Envoy or a representative appointed by the network of SME envoys, and other representatives of relevant bodies in specific sectors as well as bodies with specific expertise. In its appointments of individual experts, the Commission shall aim to achieve gender and geographical balance among the members of the expert group.

2. The European Data Innovation Board shall consist of at least the following three subgroups:

(a) a subgroup composed of the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations, with a view to carrying out the tasks pursuant to Article 30, points (a), (c), (j) and (k);

(b) a subgroup for technical discussions on standardisation, portability and interoperability pursuant to Article 30, points (f) and (g);

(c) a subgroup for stakeholder involvement composed of relevant representatives from industry, research, academia, civil society, standardisation organisations, relevant common European data spaces and other relevant stakeholders and third parties advising the European Data Innovation Board on tasks pursuant to Article 30, points (d), (e), (f), (g) and (h).

3. The Commission shall chair the meetings of the European Data Innovation Board.

4. The European Data Innovation Board shall be assisted by a secretariat provided by the Commission.

Article 30

Tasks of the European Data Innovation Board

The European Data Innovation Board shall have the following tasks:

(a) to advise and assist the Commission with regard to developing a consistent practice of public sector bodies and competent bodies referred to in Article 7(1) in handling requests for the re-use of the categories of data referred to in Article 3(1);

(b) to advise and assist the Commission with regard to developing a consistent practice for data altruism across the Union;

(c) to advise and assist the Commission with regard to developing a consistent practice of the competent authorities for data intermediation services and the competent authorities for the registration of data altruism organisations in the application of requirements applicable to data intermediation services providers and recognised data altruism organisations;

(d) to advise and assist the Commission with regard to developing consistent guidelines on how to best protect, in the context of this Regulation, commercially sensitive non-personal data, in particular trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that risks intellectual property theft or industrial espionage;

(e) to advise and assist the Commission with regard to developing consistent guidelines for cybersecurity requirements for the exchange and storage of data;

(f) to advise the Commission, in particular taking into account the input from standardisation organisations, on the prioritisation of cross-sector standards to be used and developed for data use and cross-sector data sharing between emerging common European data spaces, cross-sectoral comparison and exchange of best practices with regard to sectoral requirements for security and access procedures, taking into account sector-specific standardisation activities, in particular clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral;

(g) to assist the Commission, in particular taking into account the input from standardisation organisations, in addressing fragmentation of the internal market and the data economy in the internal market by enhancing cross-border, cross-sector interoperability of data as well as data sharing services between different sectors and domains, building on existing European, international or national standards, *inter alia* with the aim of encouraging the creation of common European data spaces;

(h) to propose guidelines for common European data spaces, namely purpose- or sector-specific or cross-sectoral interoperable frameworks of common standards and practices to share or jointly process data for, *inter alia*, the development of new products and services, scientific research or civil society initiatives, such common standards and practices taking into account existing standards, complying with the competition rules and ensuring non-discriminatory access to all participants, for the purpose of facilitating data sharing in the Union and reaping the potential of existing and future data spaces, addressing, *inter alia*:

   (i) cross-sectoral standards to be used and developed for data use and cross-sector data sharing, cross-sectoral comparison and exchange of best practices with regard to sectoral requirements for security and access procedures, taking into account sector-specific standardisation activities, in particular clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral;

   (ii) requirements to counter barriers to market entry and to avoid lock-in effects, for the purpose of ensuring fair competition and interoperability;

(iii) adequate protection for lawful data transfers to third countries, including safeguards against any transfers prohibited by Union law;

(iv) adequate and non-discriminatory representation of relevant stakeholders in the governance of common European data spaces;

(v) adherence to cybersecurity requirements in accordance with Union law;

(i) to facilitate cooperation between Member States with regard to setting harmonised conditions allowing for the re-use of the categories of data referred to in Article 3(1) held by public sector bodies across the internal market;

(j) to facilitate cooperation between competent authorities for data intermediation services and competent authorities for the registration of data altruism organisations through capacity-building and the exchange of information, in particular by establishing methods for the efficient exchange of information relating to the notification procedure for data intermediation services providers and the registration and monitoring of recognised data altruism organisations, including coordination with regard to the setting of fees or penalties, as well as facilitate cooperation between competent authorities for data intermediation services and competent authorities for the registration of data altruism organisations with regard to international access and transfer of data;

(k) to advise and assist the Commission with regard to evaluating whether the implementing acts referred to in Article 5(11) and (12) are to be adopted;

(l) to advise and assist the Commission with regard to developing the European data altruism consent form in accordance with Article 25(1);

(m) to advise the Commission on improving the international regulatory environment for non-personal data, including standardisation.

CHAPTER VII

International access and transfer

Article 31

International access and transfer

1. The public sector body, the natural or legal person to which the right to re-use data was granted under Chapter II, the data intermediation services provider or the recognised data altruism organisation shall take all reasonable technical, legal and organisational measures, including contractual arrangements, in order to prevent international transfer or governmental access to non-personal data held in the Union where such transfer or access would create a conflict with Union law or the national law of the relevant Member State, without prejudice to paragraph 2 or 3.

2. Any decision or judgment of a third-country court or tribunal and any decision of a third-country administrative authority requiring a public sector body, a natural or legal person to which the right to re-use data was granted under Chapter II, a data intermediation services provider or recognised data altruism organisation to transfer or give access to non-personal data within the scope of this Regulation held in the Union shall be recognised or enforceable in any manner only if based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or any such agreement between the requesting third country and a Member State.

3. In the absence of an international agreement as referred to in paragraph 2 of this Article, where a public sector body, a natural or legal person to which the right to re-use data was granted under Chapter II, a data intermediation services provider or recognised data altruism organisation is the addressee of a decision or judgment of a third-country court or tribunal or a decision of a third-country administrative authority to transfer or give access to non-personal data within the scope of this Regulation held in the Union and compliance with such a decision would risk putting the addressee in conflict with Union law or with the national law of the relevant Member State, transfer to or access to such data by that third-country authority shall take place only where:

(a) the third-country system requires the reasons and proportionality of such a decision or judgment to be set out and requires such a decision or judgment to be specific in character, for instance by establishing a sufficient link to certain suspected persons or infringements;

(b) the reasoned objection of the addressee is subject to a review by a competent third-country court or tribunal; and

(c) the competent third-country court or tribunal issuing the decision or judgment or reviewing the decision of an administrative authority is empowered under the law of that third country to take duly into account the relevant legal interests of the provider of the data protected under Union law or the national law of the relevant Member State.

4. If the conditions laid down in paragraph 2 or 3 are met, the public sector body, the natural or legal person to which the right to re-use data was granted under Chapter II, the data intermediation services provider or the recognised data altruism organisation shall provide the minimum amount of data permissible in response to a request, based on a reasonable interpretation of the request.

5. The public sector body, the natural or legal person to which the right to re-use data was granted under Chapter II, the data intermediation services provider and the recognised data altruism organisation shall inform the data holder about the existence of a request of a third-country administrative authority to access its data before complying with that request, except where the request serves law enforcement purposes and for as long as this is necessary to preserve the effectiveness of the law enforcement activity.

CHAPTER VIII

Delegation and committee procedure

Article 32

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5(13) and Article 22(1) shall be conferred on the Commission for an indeterminate period of time from 23 June 2022.

3. The delegation of power referred to in Article 5(13) and Article 22(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 5(13) or Article 22(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Article 33

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

CHAPTER IX

Final and transitional provisions

Article 34

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of the obligations regarding transfers of non-personal data to third countries pursuant to Article 5(14) and Article 31, the notification obligation of data intermediation services providers pursuant to Article 11, the conditions for providing data intermediation services pursuant to Article 12 and the conditions for the registration as a recognised data altruism organisation pursuant to Articles 18, 20, 21 and 22, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. In their rules on penalties, Member States shall take into account the recommendations of the European Data Innovation Board. Member States shall, by 24 September 2023, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

2. Member States shall take into account the following non-exhaustive and indicative criteria for the imposition of penalties on data intermediation services providers and recognised data altruism organisations for infringements of this Regulation, where appropriate:

(a) the nature, gravity, scale and duration of the infringement;

(b) any action taken by the data intermediation services provider or recognised data altruism organisation to mitigate or remedy the damage caused by the infringement;

(c) any previous infringements by the data intermediation services provider or recognised data altruism organisation;

(d) the financial benefits gained or losses avoided by the data intermediation services provider or recognised data altruism organisation due to the infringement, insofar as such benefits or losses can be reliably established;

(e) any other aggravating or mitigating factors applicable to the circumstances of the case.

Article 35

Evaluation and review

By 24 September 2025, the Commission shall carry out an evaluation of this Regulation and submit a report on its main findings to the European Parliament and to the Council as well as to the European Economic and Social Committee. The report shall be accompanied, where necessary, by legislative proposals.

The report shall assess, in particular:

(a) the application and functioning of the rules on penalties laid down by the Member States pursuant to Article 34;

(b) the level of compliance of the legal representatives of data intermediation services providers and recognised data altruism organisations that are not established in the Union with this Regulation and the level of enforceability of penalties imposed on those providers and organisations;

(c) the type of data altruism organisations registered under Chapter IV and an overview of the objectives of general interests for which data are shared in view of establishing clear criteria in that respect.

Member States shall provide the Commission with the information necessary for the preparation of that report.

Article 36

Amendment to Regulation (EU) 2018/1724

In the table in Annex II to Regulation (EU) 2018/1724, the entry 'Starting, running and closing a business' is replaced by the following:

Life events	Procedures	Expected output subject to an assessment of the application by the competent authority in accordance with national law, where relevant
Starting, running and closing a business	Notification of business activity, permission for exercising a business activity, changes of business activity and the termination of a business activity not involving insolvency or liquidation procedures, excluding the initial registration of a business activity with the business register and excluding procedures concerning the constitution of or any subsequent filing by companies or firms within the meaning of the second paragraph of Article 54 TFEU	Confirmation of the receipt of notification or change, or of the request for permission for business activity
	Registration of an employer (a natural person) with compulsory pension and insurance schemes	Confirmation of registration or social security registration number
	Registration of employees with compulsory pension and insurance schemes	Confirmation of registration or social security registration number
	Submitting a corporate tax declaration	Confirmation of the receipt of the declaration
	Notification to the social security schemes of the end of contract with an employee, excluding procedures for the collective termination of employee contracts	Confirmation of the receipt of the notification
	Payment of social contributions for employees	Receipt or other form of confirmation of payment of social contributions for employees
	Notification of a data intermediation services provider	Confirmation of the receipt of notification
	Registration as a data altruism organisation recognised in the Union	Confirmation of the registration

Article 37

Transitional arrangements

Entities providing the data intermediation services referred to in Article 10 on 23 June 2022 shall comply with the obligations set out in Chapter III by 24 September 2025.

Article 38

Entry into force and application

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

It shall apply from 24 September 2023.

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

Done at Brussels, 30 May 2022.

For the European Parliament	*For the Council*
The President	*The President*
R. METSOLA	B. LE MAIRE

REGULATION (EU) 2022/869 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 30 May 2022

on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013

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 172 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 Committee ([1]),

Having regard to the opinion of the Committee of the Regions ([2]),

Acting in accordance with the ordinary legislative procedure ([3]),

Whereas:

(1) The Commission, in its communication of 11 December 2019 entitled 'The European Green Deal' (the 'European Green Deal'), set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, where the climate neutrality objective is met by 2050 at the latest and where economic growth is decoupled from resource use. In its communication of 17 September 2020 entitled 'Stepping up Europe's 2030 climate ambition – Investing in a climate-neutral future for the benefit of our people', the Commission proposed to increase the greenhouse gas emissions reduction target to at least 55 % by 2030. That ambition was endorsed by the European Council on 11 December 2020 and the impact assessment accompanying that communication confirms that the energy mix of the future will be very different from the one of today and underpins the necessity to review and if necessary to revise the energy legislation. The current energy infrastructure investments are clearly insufficient to transform and build the energy infrastructure of the future. That also means infrastructure needs to be in place to support the European energy transition, including rapid electrification, scaling up of renewable and fossil fuel free electricity generation, the increased use of renewable and low-carbon gases, energy system integration and a higher uptake of innovative solutions.

(2) The current binding Union level target for renewable energy for 2030 of at least 32 % of final energy consumption and a headline Union level target for energy efficiency of at least 32,5 % will be revised as part of the Union's enhanced ambition enshrined in the Regulation (EU) 2021/1119 of the European Parliament and the Council ([4]) and the European Green Deal.

(3) The Paris Agreement adopted under the United Nations Framework Convention on Climate Change ([5]) (the 'Paris Agreement') sets out a long-term goal to hold the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels, and stresses the importance of adapting to the adverse impacts of climate change and making finance flows

([1]) OJ C 220, 9.6.2021, p. 51.
([2]) OJ C 440, 29.10.2021, p. 105.
([3]) Position of the European Parliament 5 April 2022 (not yet published in the Official Journal) and Council Decision of 16 May 2022.
([4]) Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).
([5]) OJ L 282, 19.10.2016, p. 4.

consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. On 12 December 2019, the European Council endorsed the objective of achieving a climate-neutral European Union by 2050, in line with the objectives of the Paris Agreement.

(4) Regulation (EU) No 347/2013 of the European Parliament and of the Council ([6]) lays down guidelines for the timely development and interoperability of priority corridors and areas of trans-European energy infrastructure in order to achieve the energy policy objectives of the Treaty on the Functioning of the European Union (TFEU) to ensure the functioning of the internal energy market, security of supply and competitive energy markets in the Union, to promote energy efficiency and energy saving and the development of new and renewable forms of energy, and to promote the interconnection of energy networks. Regulation (EU) No 347/2013 puts in place a framework for Member States and relevant stakeholders to work together in a regional setting to develop better-connected energy networks with the aim to connect regions currently isolated from European energy markets, strengthen existing and promote new cross-border interconnections, and help integrate renewable energy. By pursuing those objectives, Regulation (EU) No 347/2013 contributes to smart, sustainable and inclusive growth and brings benefits to the entire Union in terms of competitiveness and economic, social and territorial cohesion.

(5) The evaluation of Regulation (EU) No 347/2013 has clearly shown that the framework has effectively improved the integration of Member States' networks, stimulated energy trade and hence contributed to the competitiveness of the Union. Projects of common interest in electricity and gas have strongly contributed to security of supply. For gas, the infrastructure is now better connected and supply resilience has improved substantially since 2013. Regional cooperation in regional groups and through cross-border cost allocation is an important enabler for project implementation. However, in many cases the cross-border cost allocation did not result in reducing the financing gap of the projects, as intended. While the majority of permitting procedures have been shortened, in some cases the process is still long. The financial assistance from the Connecting Europe Facility, established by Regulation (EU) No 1316/2013 of the European Parliament and of the Council ([7]), has been an important factor as grants for studies have helped projects to reduce risks in the early stages of development, while grants for works have supported projects addressing key bottlenecks that market finance could not sufficiently address.

(6) In its resolution of 10 July 2020 on the revision of the guidelines for trans-European energy infrastructure ([8]), the European Parliament called for a revision of Regulation (EU) No 347/2013, taking into account, in particular, the Union's 2030 targets for energy and climate and its 2050 climate neutrality objectives and the energy efficiency first principle.

(7) The trans-European energy networks policy is a central instrument in the development of an internal energy market and necessary to achieve the objectives of the European Green Deal. To achieve higher levels of greenhouse gas emission reductions by 2030 and climate neutrality by 2050 at the latest, Europe will need a more integrated energy system, relying on higher levels of electrification based on additional renewable and low-carbon sources and the decarbonisation of the gas sector. The trans-European energy networks policy can ensure that the Union energy infrastructure development supports the required energy transition to climate neutrality in line with the energy efficiency first principle and technological neutrality while considering the potential for emission reduction in the end use. It can also ensure interconnections, energy security, market and system integration, and competition that benefits all Member States, as well as energy at an affordable price for households and undertakings.

([6]) Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 (OJ L 115, 25.4.2013, p. 39).

([7]) Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

([8]) OJ C 371, 15.9.2021, p. 68.

(8) While the objectives of Regulation (EU) No 347/2013 remain largely valid, the current trans-European energy networks framework does not yet fully reflect the expected changes to the energy system that will result from the new political context and in particular the upgraded Union 2030 targets for energy and climate and the 2050 climate neutrality objective under the European Green Deal. Therefore, among other aspects, both climate mitigation and climate adaptation objectives need to be adequately reflected in the revised trans-European energy networks framework. Besides the new political context and objectives, technological development has been rapid in the past decade. That development should be taken into account in the energy infrastructure categories covered by this Regulation, the selection criteria for projects of common interest as well as the priority corridors and areas. At the same time, the provisions of this Regulation should not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, in accordance with Article 194 TFEU.

(9) Directives 2009/73/EC ([9]) and (EU) 2019/944 ([10]) of the European Parliament and of the Council provide for an internal market for energy. While there has been very significant progress in the completion of that market, there is still room for improvement by better utilising existing energy infrastructure, integrating the increasing amounts of renewable energy, and system integration.

(10) The Union's energy infrastructure should be upgraded in order to prevent technical failure and to increase its resilience against such failure, natural or man-made disasters, adverse effects of climate change and threats to its security, in particular as regards European critical infrastructures pursuant to Council Directive 2008/114/EC ([11]).

(11) The Union's energy infrastructure should be resilient to the unavoidable impacts that climate change is expected to create in Europe in spite of the mitigation efforts. Hence, strengthening the efforts on climate adaptation and mitigation, resilience building, disaster prevention and preparedness is crucial.

(12) The development of trans-European energy infrastructure should take into account, where technically possible and most efficient, the possibility of repurposing existing infrastructure and equipment.

(13) Security of supply, as a main driver behind the adoption of Regulation (EU) No 347/2013, has been significantly improved through projects of common interest. Moreover, the Commission's impact assessment accompanying the Commission communication of 17 September 2020 entitled 'Stepping up Europe's 2030 climate ambition – Investing in a climate-neutral future for the benefit of our people' expects the consumption of natural gas to be reduced significantly because its non-abated use is not compatible with carbon neutrality. On the other hand, the consumption of biogas, renewable and low-carbon hydrogen and synthetic gaseous fuels is expected to increase significantly towards 2050. For gas, the infrastructure is now better connected and supply resilience has improved substantially since 2013. The planning of energy infrastructure should reflect this changing gas landscape. However, not all Member States are yet connected sufficiently to the European gas network and island Member States in particular continue to face significant challenges in terms of security of supply and energy isolation. Although 78 % of gas projects that are projects of common interest are expected to be commissioned by the end of 2025, a number of them are experiencing significant delays, including due to permitting problems. This Regulation should therefore not negatively affect projects of common interest that have not yet been completed on the date of its entry into force. Therefore, projects of common interest included in the fifth Union list of projects of common interest established pursuant to Regulation (EU) No 347/2013, for which an application file has been accepted for examination by the competent authority should be able to maintain their rights and obligations as regards permitting for a period of four years after the date of entry into force of this Regulation.

([9]) Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

([10]) Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).

([11]) Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p. 75).

(14) The importance of smart electricity grids, which do not always include the crossing of a physical border, in achieving the Union's energy and climate policy objectives was acknowledged in the Commission communication of 8 July 2020 entitled 'Powering a climate-neutral economy: An EU Strategy for Energy System Integration' (the 'EU Strategy for Energy System Integration'). The criteria for that category should be simplified, should include technological developments regarding innovation and digital aspects and should enable energy system integration. Furthermore, the role of projects promoters should be clarified. Given the expected significant increase in power demand from the transport sector, in particular for electric vehicles along highways and in urban areas, smart grid technologies should also help to improve energy network related support for cross-border, high-capacity recharging to support the decarbonisation of the transport sector.

(15) The EU Strategy for Energy System Integration also underlined the need for integrated energy infrastructure planning across energy carriers, infrastructures, and consumption sectors. Such system integration starts from the point of departure of applying the energy efficiency first principle and taking a holistic approach in policy and beyond individual sectors. It also addresses the decarbonisation needs of the hard to abate sectors, such as parts of industry or certain modes of transport, where direct electrification is, currently, technically or economically challenging. Such investments include hydrogen and electrolysers, which are progressing towards commercial large-scale deployment. The Commission communication of 8 July 2020 entitled 'A hydrogen strategy for a climate-neutral Europe' (the 'Hydrogen Strategy') gives priority to hydrogen production from renewable electricity, which is the cleanest solution and is most compatible with the Union's climate neutrality objective. In a transitional phase however, other forms of low-carbon hydrogen are needed to more rapidly decarbonise existing hydrogen production, focusing on a diverse range of clean technologies, and to kick-start an economy of scale.

(16) Moreover, in its Hydrogen Strategy the Commission concluded that, for the required deployment of hydrogen, a large-scale infrastructure network is an important element that only the Union and the internal market can offer. There is currently very limited dedicated infrastructure in place to transport and trade hydrogen across borders or to create hydrogen valleys. Such infrastructure should consist of a significant extent of assets converted from natural gas assets, complemented by new assets dedicated to hydrogen. Furthermore, the Hydrogen Strategy set a strategic goal to increase installed electrolyser capacity to 40 Gigawatts (GW) by 2030 in order to scale up the production of renewable hydrogen and facilitate the decarbonisation of fossil-fuel dependent sectors, such as industry or transport. Therefore, the trans-European energy networks policy should include new and repurposed hydrogen transmission infrastructure and storage as well as electrolyser facilities. Hydrogen transmission and storage infrastructure should also be included in the Union-wide ten-year network development plan so as to allow a comprehensive and consistent assessment of their costs and benefits for the energy system, including their contribution to sector integration and decarbonisation, with the aim of creating a hydrogen backbone for the Union.

(17) Moreover, a new infrastructure category should be created for smart gas grids to support investments which integrate a plurality of low-carbon and particularly renewable gases such as biogas, biomethane, and hydrogen, in the gas network and help manage a resulting more complex system, building on innovative digital technologies.

(18) Achieving climate neutrality by 2050 at the latest assumes that there will still be industrial processes that emit carbon dioxide. Such carbon dioxide is considered to be unavoidable when its production cannot be avoided despite optimisation, for example through energy efficiency or electrification integrating renewables. The development of carbon dioxide infrastructure should lead to a significant net reduction of otherwise unavoidable emissions in the absence of reasonable alternatives. Carbon dioxide capture is covered by Directive 2010/75/EU of the European Parliament and of the Council ([12]) for the purpose of carbon dioxide streams originating from the installations covered by that Directive, and for the purpose of geological storage pursuant to Directive 2009/31/EC of the European Parliament and of the Council ([13]).

(19) Regulation (EU) No 347/2013 required a candidate project of common interest to prove a significant contribution to at least one criterion from a set of criteria in the process for the elaboration of the Union list of projects of common interest, which could have, but did not need to, include sustainability. That requirement, in line with the specific needs of the internal energy market at the time, enabled development of projects of common interest which addressed only security of supply risks even if they did not demonstrate benefits in terms of sustainability. However,

([12]) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

([13]) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).

given the evolution of the Union's infrastructure needs, the decarbonisation goals and the European Council conclusions adopted on 21 July 2020, according to which Union expenditure should be consistent with Paris Agreement objectives and the 'do no harm' principle of the European Green Deal, sustainability in terms of the integration of renewable energy sources into the grid or the reduction of greenhouse gas emissions, as relevant, should be assessed in order to ensure that trans-European energy networks policy is coherent with the Union's targets for energy and climate and 2050 climate neutrality objectives, taking into account the specificities of each Member State in reaching the climate neutrality objective. The sustainability of carbon dioxide transport networks is addressed by total expected project life-cycle greenhouse gas reductions and the absence of alternative technological solutions to achieve the same level of carbon dioxide reduction.

(20) The Union should facilitate infrastructure projects linking the Union's networks with third-country networks that are mutually beneficial and necessary for the energy transition and the achievement of the climate targets, and which also meet the specific criteria of the relevant infrastructure categories pursuant to this Regulation, in particular with neighbouring countries and with countries with which the Union has established specific energy cooperation. Therefore, this Regulation should include in its scope projects of mutual interest where they are sustainable and able to demonstrate significant net socioeconomic benefits at Union level and at least one third country. Such projects should be eligible for inclusion in the Union list of projects of common interest and projects of mutual interest (the 'Union list') provided that the policy framework has a high level of convergence and is supported by enforcement mechanisms, and should demonstrate a contribution to the Union's and the third countries' overall energy and climate policy objectives in terms of security of supply and decarbonisation.

A high level of convergence of the policy framework should be presumed for the European Economic Area or Energy Community Contracting Parties or can be demonstrated in the case of other third countries through bilateral agreements that include relevant provisions on climate and energy policy objectives on decarbonisation and further assessed by the appropriate regional group with the support of the Commission. In addition, the third country with which the Union cooperates in the development of projects of mutual interest should facilitate a similar timeline for accelerated implementation and other policy support measures, as provided for in this Regulation. Therefore, projects of mutual interest should be treated in the same manner as projects of common interest, with all provisions relative to projects of common interest applying also to projects of mutual interest, unless otherwise specified. Significant net socioeconomic benefits at Union level should be understood as improving interoperability and the functioning of the internal market, going beyond one Member State. As regards projects for storage of carbon dioxide, only projects necessary to allow the cross-border transport and storage of carbon dioxide should be eligible, provided that standards and safeguards preventing any leaks and concerning climate, human health and ecosystems as regards the safety and effectiveness of the permanent storage of carbon dioxide are at least at the same level as in the Union. It should be presumed that the European Economic Area meets those standards and safeguards.

(21) Projects of mutual interest should be considered to be an additional tool to expand the scope of this Regulation to third countries beyond those projects of common interest that contribute to implementing an energy infrastructure priority corridor or area as set out in Annex I. Therefore, where a project with a third country contributes to implementing an energy infrastructure priority corridor or area, it should be eligible to apply for the status of a project of common interest under this Regulation. By the same principle, electricity interconnection projects with third countries that had attained the status of project of common interest under Regulation (EU) No 347/2013 may be selected as projects of common interest, provided that they undergo the selection process and that they fulfil the criteria for projects of common interest.

(22) Furthermore, to achieve the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, the Union needs to significantly scale up renewable electricity generation. The existing energy infrastructure categories for electricity transmission and storage are crucial for the integration of the significant increase in renewable electricity generation in the power grid. In addition, that requires stepping up investment in offshore renewable energy with the aim of reaching at least 300 GW of offshore wind generation installed in line with the Commission's offshore renewable energy strategy set out in the Commission communication of 19 November 2020 entitled 'An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future'. That strategy includes radial links connecting new offshore wind capacities, as well as hybrid integrated projects. Coordinating long-term planning and development of offshore and onshore electricity grids should also be

addressed. In particular, offshore infrastructure planning should move away from the project-by-project approach towards a coordinated comprehensive approach ensuring the sustainable development of integrated offshore grids in line with the offshore renewable potential of each sea basin, environmental protection and other uses of the sea. There should be an approach based on voluntary cooperation between Member States. Member States should remain responsible for approving the projects of common interest which are related to their territory and the related costs.

(23) Relevant Member States should be able to assess the benefits and costs of the priority offshore grid corridors for renewable energy and carry out a preliminary cost-sharing analysis at priority offshore grid corridor level to underpin joint political commitments for offshore renewable energy development. The Commission, together with the Member States and the relevant transmission system operators (TSOs) and national regulatory authorities, should develop guidance for a specific cost-benefit and cost-sharing for the deployment of the integrated offshore network development plans which should enable Member States to carry out an adequate assessment.

(24) The Union-wide ten-year network development plan process as basis for the identification of projects of common interest in the categories of electricity and gas has proven to be effective. However, while the European Network of Transmission System Operators for Electricity (the 'ENTSO for Electricity'), the European Network of Transmission System Operators for Gas (the 'ENTSO for Gas') and TSOs have an important role to play in the process, more scrutiny is required, in particular as regards defining the scenarios for the future, identifying long-term infrastructure gaps and bottlenecks and assessing individual projects, to enhance trust in the process. Therefore, due to the need for independent validation, the Agency for the Cooperation of Energy Regulators (the 'Agency') and the Commission should have an increased role in the process, including in the process for drawing up the Union-wide ten-year network development plans pursuant to Regulations (EC) No 715/2009 ([14]) and (EU) 2019/943 ([15]) of the European Parliament and of the Council. The Union-wide ten-year network development plan process should benefit from the objective, science-based input from an independent scientific body such as the European Scientific Advisory Board on Climate Change and should be organised in the most effective manner.

(25) In carrying out their tasks preceding the adoption of the Union-wide ten-year network development plans, the ENTSO for Electricity and ENTSO for Gas should conduct an extensive consultation process involving all relevant stakeholders. The consultation should be open and transparent and should be organised in a timely manner to allow for stakeholders' feedback in the preparation of key phases of the Union-wide ten-year network development plans, such as the scenario development, infrastructure gaps identification and the cost-benefit analysis methodology for project assessment. The ENTSO for Electricity and the ENTSO for Gas should give due consideration to the input received from stakeholders during consultations and should explain how they took that input into account.

(26) In line with the conclusions of the 2020 Energy Infrastructure Forum, it is necessary to ensure that all relevant sectors, such as gas, electricity, and transport, are considered in an integrated perspective in the planning processes of all onshore and offshore, transmission and distribution infrastructure. In order to comply with the Paris Agreement and to achieve the Union's 2030 climate objectives, the 2040 offshore energy development objectives, and in line with the Union's objective to achieve climate neutrality by 2050 at the latest, trans-European energy networks framework should rely on a smarter, more integrated, long-term and optimised 'one energy system' view through deployment of a framework that enables greater coordination of infrastructure planning across various sectors and creates an opportunity to optimally integrate various coupling solutions involving various network elements between various infrastructures. This should be secured by developing a progressively integrated model that enables consistency between single-sector methodologies based on common assumptions and reflects interdependencies.

([14]) Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).

([15]) Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).

(27) It is important to ensure that only infrastructure projects for which no reasonable alternative solutions exist may receive the status of project of common interest. To that end, the energy efficiency first principle should be taken into account in the infrastructure gaps identification report developed in line with this Regulation and the work of the regional groups in establishing the regional lists of proposed projects. In line with the energy efficiency first principle, all relevant alternatives to new infrastructure for ensuring future infrastructure needs, that could contribute to addressing the infrastructure gap identification, should be considered.

The regional groups, assisted by the national regulatory authorities, should consider the assumptions and outcomes of the infrastructure gaps assessment developed in line with this Regulation and ensure that the energy efficiency first principle is fully reflected in the selection process for projects of common interest. In addition, during project implementation, project promoters should report on the compliance with environmental legislation and demonstrate that projects do 'no significant harm' to the environment within the meaning of Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council ([16]). For existing projects of common interest having reached sufficient maturity, this will be taken into account during project selection for subsequent Union list by the regional groups.

(28) To ensure voltage and frequency stability, particular attention should be given to the stability of the European electricity network under the changing conditions, especially in view of the growing share of flexibility options, such as sustainable energy storage, and renewable electricity. Efforts to maintain and ensure a satisfactory level of planned low-carbon energy production, in order to ensure security of supply for citizens and businesses, should be given particular priority.

(29) Following close consultations with all Member States and stakeholders, the Commission has identified 14 trans-European energy infrastructure priorities, the implementation of which is essential for the achievement of the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective. Those priorities cover various geographic regions or thematic areas in the field of electricity transmission and storage, offshore grids for renewable energy, hydrogen transmission and storage, electrolysers, smart gas grids, smart electricity grids, and the transport and storage of carbon dioxide.

(30) Projects of common interest should comply with common, transparent and objective criteria in view of their contribution to the energy policy objectives. In order to be eligible for inclusion in the Union lists, electricity, and hydrogen projects should be part of the latest available Union-wide ten-year network development plan. As hydrogen infrastructure is not currently included in the Union-wide ten-year network development plan, that requirement for hydrogen projects should apply only from 1 January 2024 for the purposes of the second Union list that will be established pursuant to this Regulation.

(31) Regional groups should be established for the purpose of proposing and reviewing projects of common interest, leading to the establishment of regional lists of projects of common interest. In order to ensure broad consensus, those regional groups should ensure close cooperation between Member States, national regulatory authorities, project promoters and relevant stakeholders. In the context of that cooperation, national regulatory authorities should, where necessary, advise the regional groups, inter alia, on the feasibility of the regulatory aspects of proposed projects and on the feasibility of the proposed timetable for regulatory approval.

(32) In order to increase the efficiency of the process, cooperation between the regional groups should be strengthened and further encouraged. It is necessary that the Commission play an important role in facilitating that cooperation with a view to addressing the possible impact of projects on other regional groups.

([16]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

(33) A new Union list should be established every two years. Projects of common interest that have been completed or that no longer fulfil the relevant criteria and requirements as set out in this Regulation should not appear on the following Union list. For that reason, existing projects of common interest that are to be included in the following Union list should be subject to the same selection process for the establishment of regional lists and for the establishment of the Union list applied to proposed projects. However, the administrative burden should be reduced to the extent possible, for example by using information submitted previously and by taking account of the annual reports of the project promoters. To that end, existing projects of common interest that have made significant progress should benefit from a streamlined inclusion process in the Union-wide ten-year network development plan.

(34) Projects of common interest should be implemented as quickly as possible and should be closely monitored and evaluated, while duly observing the requirements for stakeholder participation and environmental legislation and keeping the administrative burden for project promoters to a minimum. The Commission should nominate European coordinators for projects facing particular difficulties or delays. The progress in the implementation of the specific projects as well as the fulfilment of the obligations pertaining to this Regulation should be taken into account in the selection process for subsequent Union lists for those projects.

(35) The permit granting process should neither lead to administrative burdens which are disproportionate to the size or complexity of a project, nor create barriers to the development of the trans-European networks and market access.

(36) The planning and implementation of Union projects of common interest in the areas of energy, transport and telecommunication infrastructure should be coordinated to generate synergies where it is feasible from an overall economic, technical, environmental, climate or spatial planning point of view and with due regard to the relevant safety aspects. Thus, during the planning of the various European networks, it should be possible to give preference to integrating transport, communication and energy networks in order to ensure that as little land as possible is taken up. A common vision of the networks is necessary for energy system integration in the various sectors, whilst ensuring, where possible, that existing or disused routes are reused, in order to reduce to a minimum any negative social, economic, environmental, climate and financial impact.

(37) Projects of common interest should be given priority status at national level to ensure rapid administrative treatment and urgent treatment in all judicial and dispute resolution procedures relating to them. They should be considered by competent authorities as being in the public interest. For reasons of overriding public interest, projects which have an adverse impact on the environment should be authorised where all the conditions set out in Directive 2000/60/EC of the European Parliament and of the Council ([17]) and Council Directive 92/43/EEC ([18]) are met.

(38) It is essential that stakeholders, including civil society, be provided with information and be consulted, in order to ensure the success of projects and to limit objections to them.

(39) In order to reduce complexity, increase efficiency and transparency, and help enhance cooperation among Member States, there should be a competent authority or authorities integrating or coordinating all permit granting processes.

(40) In order to simplify and expedite the permit granting process for offshore grids for renewable energy, unique points of contact should be designated for cross-border offshore projects on the Union list reducing administrative burden for project developers. The unique points of contact should reduce complexity, increase efficiency and speed up the permit granting process for offshore transmission assets often crossing many jurisdictions.

([17]) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

([18]) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

(41) Despite the existence of established standards ensuring the participation of the public in environmental decision-making procedures, which apply fully to projects of common interest, additional measures are still required under this Regulation to ensure the highest possible standards of transparency and public participation in all relevant issues in the permit granting process for projects of common interest. Where already covered by national rules under the same or higher standards as in this Regulation, the pre-consultation ahead of the permitting procedure should become optional and avoid duplication of legal requirements.

(42) The correct and coordinated implementation of Directives 2001/42/EC ([19]) and 2011/92/EU ([20]) of the European Parliament and of the Council and where applicable, of the United Nations Economic Commission for Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters ([21]), signed in Aarhus on 25 June 1998 (the 'Aarhus Convention'), and of the Convention on environmental impact assessment in a transboundary context ([22]), signed in Espoo on 25 February 1991 (the 'Espoo Convention'), should ensure the harmonisation of the main principles for the assessment of environmental and climate effects, including in a cross-border context. The Commission has issued guidance to support Member States in defining adequate legislative and non-legislative measures to streamline the environmental assessment procedures for energy infrastructure and to ensure the coherent application of environmental assessment procedures required under Union law for projects of common interest. Member States should coordinate their assessments of projects of common interest, and provide for joint assessments, where possible. Member States should be encouraged to exchange best practice and administrative capacity-building in the permit granting processes.

(43) It is important to streamline and improve the permit granting process, while respecting, to the extent possible and with due regard to the principle of subsidiarity, national competences and procedures for the construction of new energy infrastructure. Given the urgency of developing energy infrastructures, the simplification of the permit granting process should set a clear time limit for the decision of the relevant authorities regarding the construction of the project. That time limit should stimulate a more efficient definition and handling of procedures, and should under no circumstances compromise the high standards for the protection of the environment in line with environmental legislation and public participation. This Regulation should establish maximum time limits. However, Member States can strive to achieve shorter time limits where feasible and, in particular, as regards projects such as smart grids, which may not require as complex a permitting process as that for transmission infrastructure. The competent authorities should be responsible for ensuring compliance with the time limits.

(44) Member States should be able to include in comprehensive decisions, where appropriate, decisions taken in the context of negotiations with individual landowners to grant access to, ownership of, or a right to occupy, property in the context of spatial planning, which determines the general land use of a defined region, including other developments such as highways, railways, buildings and nature protection areas and which is not undertaken for the specific purpose of the planned project and granting of operational permits. In the context of the permit granting process, a project of common interest should be able to include related infrastructure to the extent that it is essential for the construction or functioning of the project. This Regulation, in particular the provisions on permit granting, public participation and the implementation of projects of common interest, should apply without prejudice to Union and international law, including provisions to protect the environment and human health, and provisions adopted under the Common Fisheries Policy and Integrated Maritime Policy, in particular Directive 2014/89/EU of the European Parliament and of the Council ([23]).

(45) The costs of the development, construction, operation and maintenance of projects of common interest should in general be borne fully by the users of the infrastructure. The cost allocation should ensure that end-users are not disproportionately burdened, especially if that could lead to energy poverty. Projects of common interest should be eligible for cross-border cost allocation where an assessment of market demand, or of the expected effects on tariffs, indicates that costs cannot be expected to be recovered by the tariffs paid by the infrastructure users.

([19]) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

([20]) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

([21]) OJ L 124, 17.5.2005, p. 4.

([22]) OJ C 104, 24.4.1992, p. 7.

([23]) Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ L 257, 28.8.2014, p. 135).

(46) The discussion of the appropriate allocation of costs should be based on the analysis of the costs and benefits of an infrastructure project carried out on the basis of a harmonised methodology for energy-system-wide analysis, using all relevant scenarios established in the framework of the Union-wide ten-year network development plans prepared pursuant to Regulations (EC) No 715/2009 and (EU) 2019/943, and reviewed by the Agency and additional scenarios for network development planning, allowing a robust analysis of the contribution of the project of common interest to the Union energy policy of decarbonisation, market integration, competition, sustainability and security of supply. That analysis can take into consideration indicators and corresponding reference values for the comparison of unit investment costs. Where additional scenarios are used, those should be consistent with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and should be subject to a comprehensive consultation and scrutiny process.

(47) In an increasingly integrated internal energy market, clear and transparent rules for cost allocation across borders are necessary in order to accelerate investment in cross-border infrastructure and in projects with a cross-border impact. It is essential to ensure a stable financing framework for the development of projects of common interest while minimising the need for financial support, and at the same time to encourage interested investors, with appropriate incentives and financial mechanisms. In deciding on cross-border cost allocation, national regulatory authorities should allocate efficiently incurred investment costs, as relevant in view of their national approaches and methodologies for similar infrastructure, across borders in their entirety and include them in the national tariffs, and, afterwards, if relevant, determine whether their impact on national tariffs could represent a disproportionate burden for consumers in their respective Member States. The national regulatory authorities should avoid the risks of double support for projects by taking into account actual or estimated charges and revenues. Those charges and revenues should be taken into account only in so far as they relate to the projects, and are designed to cover the costs concerned.

(48) There is a need for cross-border projects that have a positive effect on the Union's power grid, such as smart electricity grids or electrolysers, without involving a physical common border.

(49) The internal energy market legislation requires that tariffs for access to networks provide appropriate incentives for investment. However, several types of projects of common interest are likely to have externalities that might not be fully captured in, and recovered through, the regular tariff system. In applying the internal energy market legislation, national regulatory authorities should ensure a stable and predictable regulatory and financial framework with incentives for projects of common interest, including long-term incentives, that are commensurate with the level of specific risk of the project. That framework should apply in particular to cross-border projects, innovative transmission technologies for electricity allowing for the large scale integration of renewable energy, of distributed energy resources or of demand response in interconnected networks, and energy technology and digitalisation projects, which are either likely to incur higher risks than similar projects located within one Member State or which promise higher benefits for the Union. Moreover, projects with high operational expenditure should also have access to appropriate incentives for investment. In particular, offshore grids for renewable energy, which serve the dual functionality of electricity interconnectors and connecting renewable offshore generation projects, are likely to incur higher risks than comparable onshore infrastructure projects, due to their intrinsic connection to generation assets which brings regulatory risks, financing risks such as the need for anticipatory investments, market risks and risks pertaining to the use of new innovative technologies.

(50) This Regulation should apply only to the granting of permits for projects of common interest, public participation therein and their regulatory treatment. Member States should nevertheless be able to adopt national provisions to apply the same or similar rules to other projects that do not have the status of projects of common interest within the scope of this Regulation. As regards the regulatory incentives, Member States should be able to adopt national provisions to apply the same or similar rules to projects of common interest falling under the category of electricity storage.

(51) Member States that currently do not attribute the highest possible national significance to energy infrastructure projects as regards the process of permit granting, should be encouraged to consider introducing such a high national significance, in particular by evaluating whether that would lead to a quicker permit granting process.

(52) Member States that do not currently have in place accelerated or urgent judicial procedures applicable to energy infrastructure projects should be encouraged to consider introducing such procedures, in particular by evaluating whether that would lead to the quicker implementation of such projects.

(53) Regulation (EU) No 347/2013 has demonstrated the added value of leveraging private funding through significant Union financial assistance to allow the implementation of projects of European significance. In the light of the economic and financial situation and budgetary constraints, targeted support, through grants and financial instruments, should continue under the multiannual financial framework, in order to maximise the benefits to Union citizens and to attract new investors into the energy infrastructure priority corridors and areas set out in an annex to this Regulation, while keeping the budgetary contribution of the Union to a minimum.

(54) Projects of common interest should be eligible for Union financial assistance for studies and, under certain conditions, for works pursuant to Regulation (EU) 2021/1153 of the European Parliament and of the Council ([24]) in the form of grants or in the form of innovative financial instruments to ensure that tailor-made support can be provided to those projects of common interest which are not viable under the existing regulatory framework and market conditions. It is important to avoid any distortion of competition, in particular between projects contributing to the achievement of the same Union priority corridor. Such financial assistance should ensure the necessary synergies with the Structural Funds, in order to finance smart energy distribution networks, and with the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294 ([25]), pursuant to Article 33(1) of Regulation (EU) 2018/1999 of the European Parliament and of the Council ([26]).

A three-step logic should apply to investments in projects of common interest. First, the market should have the priority to invest. Second, if investments are not made by the market, regulatory solutions should be explored, the relevant regulatory framework should be adjusted if necessary, and the correct application of the relevant regulatory framework should be ensured. Third, where the first two steps are not sufficient to deliver the necessary investments in projects of common interest, it should be possible to grant Union financial assistance where the project of common interest fulfils the applicable eligibility criteria. Projects of common interest may also be eligible under the InvestEU programme, which is complementary to grant financing.

(55) The Union should facilitate energy projects in disadvantaged, less connected, peripheral, outermost or isolated regions so as to enable access to the trans-European energy networks in order to accelerate the decarbonisation process and reduce dependency on fossil fuels.

(56) Where there is no TSO in a Member State, the references to TSOs throughout this Regulation should apply mutatis mutandis to distribution system operators (DSO).

(57) Grants for works related to projects of mutual interest should be available under the same conditions as for other categories where they contribute to the Union's overall energy and climate policy objectives and where the decarbonisation objectives of the third country are consistent with the Paris Agreement.

([24]) Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38).

([25]) Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).

([26]) Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

(58) Regulations (EC) No 715/2009, (EU) 2019/942 ([27]), and (EU) 2019/943 of the European Parliament and of the Council and Directives 2009/73/EC and (EU) 2019/944 should therefore be amended accordingly.

(59) Whereas the repurposing of the natural gas infrastructure aims to decarbonise the gas networks, allowing the dedicated use of pure hydrogen, a transitional period could allow for the transport or storage of a predefined blend of hydrogen with natural gas or biomethane. The blending of hydrogen with natural gas or biomethane could be used in the scaling up of the hydrogen production capacity and facilitating the transport of hydrogen. To ensure the transition to hydrogen, the project promoter should demonstrate, including through commercial contracts, how, by the end of the transitional period, the natural gas assets will become dedicated hydrogen assets and how the use of hydrogen will be enhanced during the transitional period. In the context of the monitoring exercise, the Agency should verify the timely transition of the project to a dedicated hydrogen asset. Any financing of those projects pursuant to Regulation (EU) 2021/1153 during the transitional period should be subject to a condition in the grant agreement to repay the financing in the case of a delay of the timely transition of the project to a dedicated hydrogen asset, and to adequate provisions allowing for the enforcement of that condition.

(60) In line with the European Council conclusions of 4 February 2011 that no Member State should remain isolated from the European gas and electricity networks after 2015 or see its energy security jeopardised by lack of the appropriate connections, this Regulation aims to ensure access to the trans-European energy networks by ending the energy isolation of Cyprus and Malta, that are still not interconnected to the trans-European gas network. That objective should be attained by allowing projects under development or planning that have been granted the status of project of common interest under Regulation (EU) No 347/2013 to maintain their status until Cyprus and Malta are interconnected to the trans-European gas network. Apart from contributing to the development of the renewable energy market, the flexibility and resilience of the energy system, and the security of supply, those projects will ensure access to future energy markets, including hydrogen, and contribute to achieving the Union's overall energy and climate policy objectives.

(61) Projects of common interest should not be eligible for Union financial assistance where the project promoters, operators or investors are in one of the situations of exclusion referred to in Article 136 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ([28]), such as in cases of a conviction for fraud, corruption or conduct related to a criminal organisation. It should be possible to remove a project of common interest from the Union list if its inclusion in that list was based on incorrect information which was a determining factor for that inclusion, or if the project does not comply with Union law. For a project of common interest located in the Member States benefiting from a derogation under this Regulation, those Member States should ensure, when supporting any applications for financing pursuant to Regulation (EU) 2021/1153 for such projects, that the projects do not benefit directly or indirectly persons or entities that are in one of the situation of exclusion as referred to in Article 136 of Regulation (EU, Euratom) 2018/1046.

(62) In order to ensure the timely development of essential energy infrastructure projects for the Union, the fifth Union list of projects of common interest should remain in force until the first Union list of projects of common interest and projects of mutual interest established pursuant to this Regulation enters into force. Moreover, to enable the development, monitoring and financing of the projects of common interest on the fifth Union list, certain provisions of Regulation (EU) No 347/2013 should also remain in force and produce effects until the entry into force of the first Union list of projects of common interest and projects of mutual interest established pursuant to this Regulation.

([27]) Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (OJ L 158, 14.6.2019, p. 22).

([28]) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

(63) Regulation (EU) No 347/2013 should therefore be repealed.

(64) In order to ensure that the Union list is limited to projects which contribute the most to the implementation of the strategic energy infrastructure priority corridors and areas set out in an annex to this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the annexes to this Regulation so as to establish and review the Union list, while respecting the right of the Member States to approve projects on the Union list related to their territories. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([29]). The Commission, when preparing and drawing up delegated acts, should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. Where they consider this necessary, the European Parliament and the Council may each send experts to meetings of the Commission expert groups dealing with the preparation of delegated acts to which Member States' experts are invited.

The discussions in the regional groups are instrumental for the Commission to adopt the delegated acts establishing the Union lists. Therefore, it is appropriate, to the extent possible and compatible with the framework of this Regulation, that the European Parliament and the Council be informed about, and may send experts to, the meetings of regional groups in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. Taking into account the need to ensure the achievement of the objectives of this Regulation and, in view of the number of projects on Union lists so far, the total number of projects on the Union list should remain manageable, and therefore should not significantly exceed 220.

(65) Since the objectives of this Regulation, namely the development and interoperability of trans-European energy networks and connection to such networks that contribute to ensuring climate change mitigation, in particular achieving the Union's 2030 targets for energy and climate and its climate neutrality objective by2050 at the latest, and to ensuring interconnections, energy security, market and system integration, competition that benefits all Member States, and affordable energy prices, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the proposed action, 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 in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Subject matter, objectives and scope

1. This Regulation lays down guidelines for the timely development and interoperability of the priority corridors and areas of trans-European energy infrastructure (energy infrastructure priority corridors and areas) set out in Annex I that contribute to ensuring climate change mitigation, in particular achieving the Union's 2030 targets for energy and climate and its climate neutrality objective by 2050 at the latest, and to ensuring interconnections, energy security, market and system integration and competition that benefits all Member States, as well as affordability of energy prices.

([29]) OJ L 123, 12.5.2016, p. 1.

2. In particular, this Regulation:

(a) provides for the identification of projects on the Union list of projects of common interest and of projects of mutual interest established pursuant to Article 3 (Union list);

(b) facilitates the timely implementation of projects on the Union list by streamlining, coordinating more closely and accelerating permit granting processes, and by enhancing transparency and public participation;

(c) provides rules for the cross-border allocation of costs and risk-related incentives for projects on the Union list;

(d) determines the conditions for eligibility of projects on the Union list for Union financial assistance.

Article 2

Definitions

For the purposes of this Regulation, in addition to the definitions in Regulations (EC) No 715/2009, (EU) 2018/1999, (EU) 2019/942 and (EU) 2019/943 and in Directives 2009/73/EC, (EU) 2018/2001 ([30]) and (EU) 2019/944, the following definitions apply:

(1) 'energy infrastructure' means any physical equipment or facility falling under the energy infrastructure categories which is located within the Union, or linking the Union and one or more third countries;

(2) 'energy infrastructure bottleneck' means limitation of physical flows in an energy system due to insufficient transmission capacity, which includes, inter alia, the absence of infrastructure;

(3) 'comprehensive decision' means the decision or set of decisions taken by a Member State authority or authorities not including courts or tribunals, that determines whether or not a project promoter is authorised to build the energy infrastructure to realise a project of common interest or a project of mutual interest by having the possibility to start, or procure and start, the necessary construction works (ready-to-build phase) without prejudice to any decision taken in the context of an administrative appeal procedure;

(4) 'project' means one or several lines, pipelines, facilities, equipment or installations falling under the energy infrastructure categories set out in Annex II;

(5) 'project of common interest' means a project necessary to implement the energy infrastructure priority corridors and areas set out in Annex I and which is on the Union list;

(6) 'project of mutual interest' means a project promoted by the Union in cooperation with third countries pursuant to letters of support from the governments of the directly affected countries or other non-binding agreements, which falls under one of the energy infrastructure categories set out in point 1(a) or (f), point 3(a), or point 5(a) or (c) of Annex II, which contributes to the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and which is on the Union list;

(7) 'competing projects' means projects that fully or partially address the same identified infrastructure gap or regional infrastructure need;

(8) 'project promoter' means one of the following:

  (a) a transmission system operator (TSO), a distribution system operator (DSO) or another operator or investor developing a project on the Union list;

  (b) in the case of more than one such TSO, DSO, other operator or investor, or any group thereof, the entity with legal personality under the applicable national law which has been designated by contractual arrangement between them and which has the capacity to undertake legal obligations and assume financial liability on behalf of the parties to the contractual arrangement;

(9) 'smart electricity grid' means an electricity network, including on islands that are not interconnected or not sufficiently connected to the trans-European energy networks, that enables cost-efficient integration and active control of the behaviour and actions of all users connected to it, including generators, consumers and prosumers, in

([30]) Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

order to ensure an economically efficient and sustainable power system with low losses and a high level of integration of renewable sources, of security of supply and of safety, and in which the grid operator can digitally monitor the actions of the users connected to it, and information and communication technologies for communicating with related grid operators, generators, energy storage facilities, and consumers or prosumers, with a view to transmitting and distributing electricity in a sustainable, cost-efficient and secure way;

(10) 'smart gas grid' means a gas network that makes use of innovative and digital solutions to integrate in a cost-efficient manner a plurality of low-carbon and particularly renewable gas sources in accordance with consumers' needs and gas quality requirements in order to reduce the carbon footprint of the related gas consumption, enable an increased share of renewable and low-carbon gases, and create links with other energy carriers and sectors, including the related physical upgrades if they are indispensable to the functioning of the equipment and installations for integration of low-carbon and particularly renewable gases;

(11) 'authority concerned' means an authority that, under national law, is competent to issue various permits and authorisations related to the planning, design and construction of immovable assets, including energy infrastructure;

(12) 'national regulatory authority' means a national regulatory authority designated in accordance with Article 39(1) of Directive 2009/73/EC or a regulatory authority at national level designated in accordance with Article 57 of Directive (EU) 2019/944;

(13) 'relevant national regulatory authority' means the national regulatory authority in the Member States hosting the projects and in Member States to which the project provides a significant positive impact;

(14) 'works' means the purchase, supply and deployment of components, systems and services including software, the carrying out of development, repurposing and construction and installation activities relating to a project, the acceptance of installations and the launching of a project;

(15) 'studies' means activities needed to prepare project implementation, such as preparatory, feasibility, evaluation, testing and validation studies, including software, and any other technical support measure including prior action to define and develop a project and decide on its financing, such as reconnaissance of the sites concerned and preparation of the financial package;

(16) 'commissioning' means the process of bringing a project into operation once it has been constructed;

(17) 'dedicated hydrogen assets' means infrastructure ready to accommodate pure hydrogen without further adaptation works, including pipeline networks or storage facilities that are newly constructed, repurposed from natural gas assets, or both;

(18) 'repurposing' means the technical upgrading or modification of existing natural gas infrastructure in order to ensure that it is dedicated for the use of pure hydrogen;

(19) 'climate adaptation' means a process that ensures that resilience to the potential adverse impacts of climate change of energy infrastructure is achieved through a climate vulnerability and risk assessment, including through relevant adaptation measures.

CHAPTER II

Projects of common interest and projects of mutual interest

Article 3

Union list of projects of common interest and projects of mutual interest

1. Regional groups (Groups) shall be established in accordance with the process set out in Section 1 of Annex III. The membership of each Group shall be based on each priority corridor and area and their respective geographical coverage as set out in Annex I. Decision-making power in the Groups shall be restricted to Member States and the Commission (decision-making body), and based on consensus.

2. Each Group shall adopt its own rules of procedure, having regard to the provisions set out in Annex III.

3. The decision-making body of each Group shall adopt a regional list of projects drawn up in accordance with the process set out in Section 2 of Annex III, the contribution of each project to implementing the energy infrastructure priority corridors and areas set out in Annex I and their fulfilment of the criteria set out in Article 4.

Where a Group draws up its regional list:

(a) each individual proposal for a project shall require the approval of the Member States to whose territory the project relates; where a Member State does not give its approval, it shall present its substantiated reasons for doing so to the Group concerned;

(b) it shall take into account the advice from the Commission with the aim of having a manageable total number of projects on the Union list.

4. The Commission is empowered to adopt delegated acts in accordance with Article 20 of this Regulation in order to establish the Union list, subject to the second paragraph of Article 172 TFEU.

In exercising its power, the Commission shall ensure that the Union list is established every two years, on the basis of the regional lists adopted by the decision-making bodies of the Groups established pursuant to Section 1, point (1), of Annex III, following the procedure set out in paragraph 3 of this Article.

The Commission shall adopt the delegated act establishing the first Union list pursuant to this Regulation by 30 November 2023.

If a delegated act adopted by the Commission pursuant to this paragraph cannot enter into force due to an objection expressed either by the European Parliament or the Council pursuant to Article 20(6), the Commission shall immediately convene the Groups in order to draw up new regional lists taking into account the reasons for the objection. The Commission shall adopt a new delegated act establishing the Union list as soon as possible.

5. When establishing the Union list by combining the regional lists referred to in paragraph 3, the Commission shall, taking due account of the deliberations of the Groups:

(a) ensure that only projects that fulfil the criteria referred to in Article 4 are included;

(b) ensure cross-regional consistency, taking into account the opinion of the Agency as referred to in Section 2, point (14), of Annex III;

(c) take into account the opinions of Member States referred to in Section 2, point (10), of Annex III;

(d) aim to ensure a manageable total number of projects on the Union list.

6. Projects of common interest that fall under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II to this Regulation shall become an integral part of the relevant regional investment plans under Article 34 of Regulation (EU) 2019/943 and of the relevant national ten-year network development plans under Article 51 of Directive (EU) 2019/944 and other national infrastructure plans, as appropriate. Those projects of common interest shall be conferred the highest possible priority within each of those plans. This paragraph shall not apply to competing projects, projects that have not reached a sufficient degree of maturity to provide a project-specific cost-benefit analysis as referred to in Section 2, point (1)(d), of Annex III or projects of mutual interest.

7. Projects of common interest that fall under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II and that are competing projects or projects that have not reached a sufficient degree of maturity to provide a project-specific cost-benefit analysis as referred to in Section 2, point (1)(d), of Annex III may be included in the relevant regional investment plans, the national ten-year network development plans and other national infrastructure plans, as appropriate, as projects under consideration.

Article 4

Criteria for the assessment of projects by the Groups

1. A project of common interest shall meet the following general criteria:

(a) the project is necessary for at least one of the energy infrastructure priority corridors and areas set out in Annex I;

(b) the potential overall benefits of the project, assessed in accordance with the relevant specific criteria in paragraph 3, outweigh its costs, including in the longer term;

(c) the project meets any of the following criteria:

(i) it involves at least two Member States by directly or indirectly, via interconnection with a third country, crossing the border of two or more Member States;

(ii) it is located on the territory of one Member State, either inland or offshore, including islands, and has a significant cross-border impact as set out in point (1) of Annex IV.

2. A project of mutual interest shall meet the following general criteria:

(a) the project contributes significantly to the objectives referred to in Article 1(1), and those of the third country, in particular by not hindering the capacity of the third country to phase out fossil fuel generation assets for its domestic consumption, and to sustainability, including through the integration of renewable energy into the grid and the transmission and distribution of renewable generation to major consumption centres and storage sites;

(b) the potential overall benefits of the project at Union level, assessed in accordance with the relevant specific criteria in paragraph 3, outweigh its costs within the Union, including in the longer term;

(c) the project is located on the territory of at least one Member State and on the territory of at least one third country and has a significant cross-border impact as set out in point (2) of Annex IV;

(d) for the part located on Member State territory, the project is in line with Directives 2009/73/EC and (EU) 2019/944 where it falls within the infrastructure categories set out in points (1) and (3) of Annex II to this Regulation;

(e) there is a high level of convergence of the policy framework of the third country or countries involved and legal enforcement mechanisms to support the policy objectives of the Union are demonstrated, in particular to ensure:

(i) a well-functioning internal energy market;

(ii) security of supply based, inter alia, on diverse sources, cooperation and solidarity;

(iii) an energy system, including production, transmission and distribution, moving towards the objective of climate neutrality, in line with the Paris Agreement and the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, in particular, avoiding carbon leakage;

(f) the third country or countries involved support the priority status of the project, as set out in Article 7, and commit to complying with a similar timeline for accelerated implementation and other policy and regulatory support measures as applies to projects of common interest in the Union.

As regards projects for the storage of carbon dioxide falling under the energy infrastructure category set out in point (5)(c) of Annex II, the project shall be necessary to allow the cross-border transport and storage of carbon dioxide and the third country where the project is located shall have an adequate legal framework based on demonstrated effective enforcement mechanisms to ensure that standards and safeguards apply to the project, preventing any carbon dioxide leaks, and concerning climate, human health and ecosystems as regards the safety and effectiveness of the permanent storage of carbon-dioxide, which are at least at the same level as those provided by Union law.

3. The following specific criteria shall apply to projects of common interest falling within specific energy infrastructure categories:

(a) for electricity transmission, distribution and storage projects falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II, the project contributes significantly to sustainability through the integration of renewable energy into the grid, the transmission or distribution of renewable generation to major consumption centres and storage sites, and to reducing energy curtailment, where applicable, and contributes to at least one of the following specific criteria:

(i) market integration, including through lifting the energy isolation of at least one Member State and reducing energy infrastructure bottlenecks, competition, interoperability and system flexibility;

(ii) security of supply, including through interoperability, system flexibility, cybersecurity, appropriate connections and secure and reliable system operation;

(b) for smart electricity grid projects falling under the energy infrastructure category set out in point (1)(e) of Annex II, the project contributes significantly to sustainability through the integration of renewable energy into the grid, and contributes to at least two of the following specific criteria:

(i) security of supply, including through efficiency and interoperability of electricity transmission and distribution in day-to-day network operation, avoidance of congestion, and integration and involvement of network users;

(ii) market integration, including through efficient system operation and use of interconnectors;

(iii) network security, flexibility and quality of supply, including through higher uptake of innovation in balancing, flexibility markets, cybersecurity, monitoring, system control and error correction;

(iv) smart sector integration, either in the energy system through linking various energy carriers and sectors, or in a wider way, favouring synergies and coordination between the energy, transport and telecommunication sectors;

(c) for carbon dioxide transport and storage projects falling under the energy infrastructure categories set out in point (5) of Annex II, the project contributes significantly to sustainability through the reduction of carbon dioxide emissions in the connected industrial installations and contributes to all of the following specific criteria:

(i) avoiding carbon dioxide emissions while maintaining security of supply;

(ii) increasing the resilience and security of transport and storage of carbon dioxide;

(iii) the efficient use of resources, by enabling the connection of multiple carbon dioxide sources and storage sites via common infrastructure and minimising environmental burden and risks;

(d) for hydrogen projects falling under the energy infrastructure categories set out in point (3) of Annex II, the project contributes significantly to sustainability, including by reducing greenhouse gas emissions, by enhancing the deployment of renewable or low carbon hydrogen, with an emphasis on hydrogen from renewable sources in particular in end-use applications, such as hard-to-abate sectors, in which more energy efficient solutions are not feasible, and supporting variable renewable power generation by offering flexibility, storage solutions, or both, and the project contributes significantly to at least one of the following specific criteria:

(i) market integration, including by connecting existing or emerging hydrogen networks of Member States, or otherwise contributing to the emergence of an Union-wide network for the transport and storage of hydrogen, and ensuring interoperability of connected systems;

(ii) security of supply and flexibility, including through appropriate connections and facilitating secure and reliable system operation;

(iii) competition, including by allowing access to multiple supply sources and network users on a transparent and non-discriminatory basis;

(e) for electrolysers falling under the energy infrastructure category set out in point (4) of Annex II, the project contributes significantly to all of the following specific criteria:

(i) sustainability, including by reducing greenhouse gas emissions and enhancing the deployment of renewable or low-carbon hydrogen in particular from renewable sources, as well as synthetic fuels of those origins;

(ii) security of supply, including by contributing to secure, efficient and reliable system operation, or by offering storage, flexibility solutions, or both, such as demand side response and balancing services;

(iii) enabling flexibility services such as demand response and storage by facilitating smart energy sector integration through the creation of links to other energy carriers and sectors;

(f) for smart gas grid projects falling under the energy infrastructure category set out in point (2) of Annex II, the project contributes significantly to sustainability by ensuring the integration of a plurality of low-carbon and particularly renewable gases, including where they are locally sourced, such as biomethane or renewable hydrogen, into the gas transmission, distribution or storage systems in order to reduce greenhouse gas emissions, and that project contributes significantly to at least one of the following specific criteria:

(i) network security and quality of supply by improving the efficiency and interoperability of gas transmission, distribution or storage systems in day-to-day network operation by, inter alia, addressing challenges arising from the injection of gases of various qualities;

(ii) market functioning and customer services;

(iii) facilitating smart energy sector integration through the creation of links to other energy carriers and sectors and enabling demand response.

4. For projects falling under the energy infrastructure categories set out in Annex II, the criteria set out in paragraph 3 of this Article shall be assessed in accordance with the indicators set out in points (3) to (8) of Annex IV.

5. In order to facilitate the assessment of all projects that could be eligible as projects of common interest and that could be included in a regional list, each Group shall assess each project's contribution to the implementation of the same energy infrastructure priority corridor or area in a transparent and objective manner. Each Group shall determine its assessment method on the basis of the aggregated contribution to the criteria referred to in paragraph 3. That assessment shall lead to a ranking of projects for internal use of the Group. Neither the regional list nor the Union list shall contain any ranking, nor shall the ranking be used for any subsequent purpose except as described in Section 2, point (16), of Annex III.

In assessing projects, in order to ensure a consistent assessment approach among the Groups, each Group shall give due consideration to:

(a) the urgency and the contribution of each proposed project in order to meet the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, market integration, competition, sustainability, and security of supply;

(b) the complementarity of each proposed project with other proposed projects, including competing or potentially competing projects;

(c) possible synergies with priority corridors and thematic areas identified under trans-European networks for transport and telecommunications;

(d) for proposed projects that are, at the time of the assessment, projects on the Union list, the progress of their implementation and their compliance with the reporting and transparency obligations.

As regards smart electricity grids and smart gas grids projects falling under the energy infrastructure categories set out in point (1)(e) and point (2) of Annex II, ranking shall be carried out for those projects that affect the same two Member States, and due consideration shall also be given to the number of users affected by the project, the annual energy consumption and the share of generation from non-dispatchable resources in the area covered by those users.

Article 5

Implementation and monitoring of projects on the Union list

1. Project promoters shall draw up an implementation plan for projects on the Union list, including a timetable for each of the following:

(a) feasibility and design studies including, as regards, climate adaptation and compliance with environmental legislation and with the doing 'no significant harm' principle;

(b) approval by the national regulatory authority or by any other authority concerned;

(c) construction and commissioning;

(d) the permit granting process referred to in Article 10(6), point (b).

2. TSOs, DSOs and other operators shall cooperate with each other in order to facilitate the development of projects on the Union list in their area.

3. The Agency and the Groups concerned shall monitor the progress achieved in implementing the projects on the Union list and, where necessary, make recommendations to facilitate their implementation. The Groups may request additional information in accordance with paragraphs 4, 5 and 6, convene meetings with the relevant parties and invite the Commission to verify the information provided on site.

4. By 31 December of each year following the year of the inclusion of a project on the Union list, project promoters shall submit an annual report, for each project falling under the energy infrastructure categories set out in Annex II, to the national competent authority referred to in Article 8(1).

That report shall include details of:

(a) the progress achieved in the development, construction and commissioning of the project, in particular with regard to the permit granting process and the consultation procedure, as well as compliance with environmental legislation, with the principle that the project does 'no significant harm' to the environment, and climate adaptation measures taken;

(b) where relevant, delays compared to the implementation plan, the reasons for such delays and other difficulties encountered;

(c) where relevant, a revised plan aiming to overcome the delays.

5. By 28 of February of each year following the year in which the project promoter has to submit the report referred to in paragraph 4 of this Article, the competent authorities referred to in Article 8(1) shall submit to the Agency and to the relevant Group the report referred to in paragraph 4 of this Article supplemented with information on the progress and, where relevant, on delays in the implementation of projects on the Union list located on their respective territory with regard to the permit granting processes, and on the reasons for such delays. The contribution of the competent authorities to the report shall be clearly marked as such and drafted without modifying the text introduced by the project promoters.

6. By 30 April of each year in which a new Union list should be adopted, the Agency shall submit to the Groups a consolidated report for the projects on the Union list that are subject to the competence of national regulatory authorities, evaluating the progress achieved and expected changes in project costs, and, where appropriate, make recommendations on how to overcome the delays and difficulties encountered. That consolidated report shall also evaluate, in accordance with Article 11, point (b), of Regulation (EU) 2019/942, the consistent implementation of the Union-wide network development plans with regard to the energy infrastructure priority corridors and areas set out in Annex I.

In duly justified cases, the Agency may request additional information necessary for carrying out its tasks set out in this paragraph.

7. Where the commissioning of a project on the Union list is delayed when compared to the implementation plan, other than for overriding reasons beyond the control of the project promoter, the following measures shall apply:

(a) in so far as measures referred to in Article 22(7), point (a), (b) or (c) of Directive 2009/73/EC and Article 51(7), point (a), (b) or (c) of Directive (EU) 2019/944 are applicable in accordance with respective national law, national regulatory authorities shall ensure that the investment is carried out;

(b) if the measures of national regulatory authorities pursuant to point (a) are not applicable, the project promoter shall, within 24 months of the date of commissioning set out in the implementation plan, choose a third party to finance or construct all or part of the project;

(c) if a third party is not chosen in accordance with point (b), the Member State or, when the Member State has so provided, the national regulatory authority may, within two months of the expiry of the period referred to in point (b), designate a third party to finance or construct the project which the project promoter shall accept;

(d) where the delay compared to the date of commissioning in the implementation plan exceeds 26 months, the Commission, subject to the agreement and with the full cooperation of the Member States concerned, may launch a call for proposals open to any third party capable of becoming a project promoter to build the project in accordance with an agreed timetable;

(e) where measures referred to in point (c) or (d) are applied, the system operator in whose area the investment is located shall provide the implementing operators or investors or third party with all the information needed to realise the investment, shall connect new assets to the transmission network or, where applicable, the distribution network and shall generally make its best efforts to facilitate the implementation of the investment and the secure, reliable and efficient operation and maintenance of the project on the Union list.

8. A project on the Union list may be removed from the Union list in accordance with the procedure set out in Article 3(4) if its inclusion in that list was based on incorrect information which was a determining factor for that inclusion, or the project does not comply with Union law.

9. Projects which are no longer on the Union list shall lose all rights and obligations linked to the status of project of common interest or project of mutual interest provided for in this Regulation.

However, a project which is no longer on the Union list but for which an application file has been accepted for examination by the competent authority shall maintain the rights and obligations laid down in Chapter III, except where the project has been removed from the Union list for the reasons set out in paragraph 8 of this Article.

10. This Article shall be without prejudice to any Union financial assistance granted to any project on the Union list prior to its removal from the Union list.

Article 6

European coordinators

1. Where a project of common interest encounters significant implementation difficulties, the Commission may designate, in agreement with the Member States concerned, a European coordinator for a period of up to one year, renewable twice.

2. The European coordinator shall:

(a) promote the projects, for which he or she has been designated as a European coordinator and the cross-border dialogue between the project promoters and all stakeholders concerned;

(b) assist all parties as necessary in consulting the stakeholders concerned, discussing alternative routing, where appropriate, and obtaining necessary permits for the projects;

(c) where appropriate, advise project promoters on the financing of the project;

(d) ensure that appropriate support and strategic direction by the Member States concerned are provided for the preparation and implementation of the projects;

(e) submit every year, and, where appropriate, upon completion of their mandate, a report to the Commission on the progress of the projects and on any difficulties and obstacles which are likely to significantly delay the commissioning date of the projects.

The Commission shall transmit the report of the European coordinator referred to in point (e) to the European Parliament and the Groups concerned.

3. The European coordinator shall be chosen following an open, non-discriminatory and transparent process and on the basis of a candidate's experience with regard to the specific tasks assigned to him or her for the projects concerned.

4. The decision designating the European coordinator shall specify the terms of reference, detailing the duration of the mandate, the specific tasks and corresponding deadlines, and the methodology to be followed. The coordination effort shall be proportionate to the complexity and estimated costs of the projects.

5. The Member States concerned shall fully cooperate with the European coordinator in the execution of the tasks referred to in paragraphs 2 and 4.

CHAPTER III

Permit granting and public participation

Article 7

Priority status of projects on the Union list

1. The adoption of the Union list shall establish, for the purposes of any decisions issued in the permit granting process, the necessity of projects on the Union list from an energy policy and climate perspective, without prejudice to the exact location, routing or technology of the project.

This paragraph shall not apply to competing projects or to projects that have not reached a sufficient degree of maturity to provide a project specific cost-benefit analysis as referred to in Section 2, point (1)(d), of Annex III.

2. For the purpose of ensuring efficient administrative processing of the application files related to projects on the Union list, project promoters and all authorities concerned shall ensure that those files are treated in the most rapid way possible in accordance with Union and national law.

3. Without prejudice to obligations provided for in Union law, projects on the Union list shall be granted the status of the highest national significance possible, where such a status exists in national law, and be appropriately treated in the permit granting processes and, if national law so provides, in spatial planning, including those processes relating to environmental assessments, in the manner such treatment is provided for in national law applicable to the corresponding type of energy infrastructure.

4. All dispute resolution procedures, litigation, appeals and judicial remedies related to projects on the Union list in front of any national courts, tribunals, panels, including mediation or arbitration, where they exist in national law, shall be treated as urgent, if and to the extent to which national law provides for such urgency procedures.

5. Member States shall assess, taking due account of the existing guidance issued by the Commission on streamlining the environmental assessment procedures for projects on the Union list, which legislative and non-legislative measures are necessary to streamline the environmental assessment procedures and to ensure their coherent application and shall inform the Commission of the result of that assessment.

6. By 24 March 2023, Member States shall take the non-legislative measures that they have identified under paragraph 5.

7. By 24 June 2023, Member States shall take the legislative measures that they have identified under paragraph 5. Those legislative measures shall be without prejudice to obligations provided for in Union law.

8. With regard to the environmental impacts addressed in Article 6(4) of Directive 92/43/EEC and Article 4(7) of Directive 2000/60/EC, provided that all the conditions set out in those Directives are fulfilled, projects on the Union list shall be considered as being of public interest from an energy policy perspective, and may be considered as having an overriding public interest.

Where the opinion of the Commission is required in accordance with Directive 92/43/EEC, the Commission and the national competent authority referred to in Article 9 of this Regulation shall ensure that the decision with regard to the overriding public interest of a project is taken within the time limits set in Article 10(1) and (2) of this Regulation.

This paragraph shall not apply to competing projects or to projects that have not reached a sufficient degree of maturity to provide a project specific cost-benefit analysis as referred to in Section 2, point (1)(d), of Annex III.

Article 8

Organisation of the permit granting process

1. By 23 June 2022, each Member State shall update, where necessary, the designation of one national competent authority which shall be responsible for facilitating and coordinating the permit granting process for projects on the Union list.

2. The responsibilities of the national competent authority referred to in paragraph 1 or the tasks related to it may be delegated to, or carried out by, another authority, per project on the Union list or per particular category of projects on the Union list, provided that:

(a) the national competent authority notifies the Commission of that delegation and the information therein is published by either the national competent authority or the project promoter on the website referred to in Article 9(7);

(b) only one authority is responsible per project on the Union list, and it is the sole point of contact for the project promoter in the process leading to the comprehensive decision for a given project on the Union list, and coordinates the submission of all relevant documents and information.

The national competent authority may retain the responsibility to establish time limits, without prejudice to the time limits set in Article 10(1) and (2).

3. Without prejudice to relevant requirements under Union and international law and, to the extent it does not contradict them, national law, the national competent authority shall facilitate the issuing of the comprehensive decision. The comprehensive decision shall be issued within the time limits set in Article 10(1) and (2) and in accordance with one of the following schemes:

(a) integrated scheme:

the comprehensive decision shall be issued by the national competent authority and shall be the sole legally binding decision arising from the statutory permit granting procedure. Where other authorities are concerned by the project, they may, in accordance with national law, give their opinion as input to the procedure, which shall be taken into account by the national competent authority;

(b) coordinated scheme:

the comprehensive decision comprises multiple individual legally binding decisions issued by several authorities concerned, which shall be coordinated by the national competent authority. The national competent authority may establish a working group where all concerned authorities are represented in order to draw up a detailed schedule for the permit granting process in accordance with Article 10(6), point (b), and to monitor and coordinate its implementation. The national competent authority shall, after consulting the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in Article 10(1) and (2), establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. The national competent authority may take an individual decision on behalf of another national authority concerned, where the

decision by that authority is not delivered within the time limit and where the delay cannot be adequately justified; or, where provided under national law, and to the extent that this is compatible with Union law, the national competent authority may consider that another national authority concerned has either given its approval or refusal for the project where the decision by that authority is not delivered within the time limit. Where provided under national law, the national competent authority may disregard an individual decision of another national authority concerned if it considers that the decision is not sufficiently substantiated with regard to the underlying evidence presented by the national authority concerned; in doing so, the national competent authority shall ensure that the relevant requirements under Union and international law are respected and shall provide reasons for its decision;

(c) collaborative scheme:

the comprehensive decision shall be coordinated by the national competent authority. The national competent authority shall, after consulting the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in Article 10(1) and (2), establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. It shall monitor compliance with the time limits by the authorities concerned.

Member States shall implement the schemes in a manner which, according to national law, contributes to the most efficient and timely issuing of the comprehensive decision.

The competence of the authorities concerned can either be incorporated into the competence of the national competent authority designated in accordance with paragraph 1 or the authorities concerned can maintain, to a certain extent, their independent competence in line with the respective permitting scheme chosen by the Member State in accordance with this paragraph to facilitate the issuing of the comprehensive decision and cooperate with the national competent authority accordingly.

Where an authority concerned does not expect to deliver an individual decision within the set time limit, that authority shall immediately inform the national competent authority, providing reasons for the delay. Subsequently, the national competent authority shall set another time limit within which that individual decision shall be issued, in compliance with the overall time limits set in Article 10(1) and (2).

Member States shall choose among the three schemes referred to in points (a), (b) and (c) of the first subparagraph to facilitate and coordinate their procedures and shall implement the scheme which is most effective for them in light of national specificities in their planning and permit granting processes. Where a Member State chooses the collaborative scheme, it shall inform the Commission of its reasons.

4. Member States may apply the schemes set out in paragraph 3 to onshore and offshore projects on the Union list.

5. Where a project on the Union list requires decisions to be taken in two or more Member States, the relevant national competent authorities shall take all necessary steps for efficient and effective cooperation and communication among themselves, including the steps referred to in Article 10(6). Member States shall endeavour to provide joint procedures, particularly with regard to the assessment of environmental impacts.

6. The relevant national competent authorities of the Member States involved in a project on the Union list belonging to one of the priority offshore grid corridors set out in Section 2 of Annex I shall jointly designate among themselves a unique point of contact for project promoters per project, which shall be responsible for facilitating the exchange of information between the national competent authorities on the permit granting process of the project, with the aim of facilitating that process as well as the issuance of decisions by the relevant national competent authorities. The unique points of contact may act as a repository aggregating the existing documents pertaining to the projects.

Article 9

Transparency and public participation

1. By 24 October 2023, the Member State or national competent authority shall, where applicable, in collaboration with other authorities concerned, publish an updated manual of procedures for the permit granting process applicable to projects on the Union list to include at least the information specified in point (1) of Annex VI. The manual shall not be legally binding, but it shall refer to or quote relevant legal provisions. The national competent authorities shall, where relevant, cooperate and find synergies with the authorities of neighbouring countries with a view to exchanging good practices and facilitating the permit granting process, in particular for the development of the manual of procedures.

2. Without prejudice to environmental law and any requirements under the Aarhus Convention, the Espoo Convention and relevant Union law, all parties involved in the permit granting process shall follow the principles for public participation set out in point (3) of Annex VI.

3. The project promoter shall, within an indicative period of three months following the start of the permit granting process pursuant to Article 10(3), draw up and submit a concept for public participation to the national competent authority, following the process outlined in the manual referred to in paragraph 1 of this Article and in line with the guidelines set out in Annex VI. The national competent authority shall request modifications or approve the concept for public participation within three months of receipt of the concept, taking into consideration any form of public participation and consultation that took place before the start of the permit granting process, to the extent that such public participation and consultation has fulfilled the requirements of this Article.

Where the project promoter intends to make significant changes to an approved concept for public participation, it shall inform the national competent authority thereof. In that case the national competent authority may request modifications.

4. Where it is not already required under national law at the same or higher standards, the project promoter or, where required by national law, the national competent authority shall carry out at least one public consultation, before the project promoter submits the final and complete application file to the national competent authority pursuant to Article 10(7). That public consultation shall be without prejudice to any public consultation to be carried out after submission of the request for development consent pursuant to Article 6(2) of Directive 2011/92/EU. The public consultation shall inform the stakeholders referred to in point (3)(a) of Annex VI about the project at an early stage and shall help to identify the most suitable location, trajectory or technology, including, where relevant, in view of adequate climate adaptation considerations for the project, all impacts relevant under Union and national law, and the relevant issues to be addressed in the application file. The public consultation shall comply with the minimum requirements set out in point (5) of Annex VI. Without prejudice to the procedural and transparency rules in Member States, the project promoter shall publish on the website referred to in paragraph 7 of this Article a report explaining how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project, or by providing reasons why such opinions have not been taken into account.

The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of the permit granting process.

The project promoter shall submit the reports referred to in the first and second subparagraphs together with the application file to the national competent authority. The comprehensive decision shall take due account of the results of these reports.

5. For cross-border projects involving two or more Member States, the public consultations carried out pursuant to paragraph 4 in each of the Member States concerned shall take place within a period of no more than two months from the date on which the first public consultation started.

6. For projects likely to have a significant transboundary impact in one or more neighbouring Member States, to which Article 7 of Directive 2011/92/EU and the Espoo Convention are applicable, the relevant information shall be made available to the national competent authorities of the neighbouring Member States concerned. The national competent authorities of the neighbouring Member States concerned shall indicate, in the notification process where appropriate, whether they, or any other authority concerned, wishes to participate in the relevant public consultation procedures.

7. The project promoter shall establish and regularly update a dedicated project website with relevant information about the project of common interest, which shall be linked to the Commission website and the transparency platform referred to in Article 23 and which shall meet the requirements specified in point (6) of Annex VI. Commercially sensitive information shall be kept confidential.

Project promoters shall also publish relevant information by other appropriate information means open to the public.

Article 10

Duration and implementation of the permit granting process

1. The permit granting process shall consist of two procedures:

(a) the pre-application procedure, covering the period between the start of the permit granting process and the acceptance of the submitted application file by the national competent authority, which shall take place within an indicative period of 24 months; and

(b) the statutory permit granting procedure, covering the period from the date of acceptance of the submitted application file until the taking of the comprehensive decision, which shall not exceed 18 months.

With regard to point (b) of the first subparagraph, where appropriate, Member States may provide for a statutory permit granting procedure that is shorter than 18 months.

2. The national competent authority shall ensure that the combined duration of the two procedures referred to in paragraph 1 does not exceed a period of 42 months.

However, where the national competent authority considers that one or both of the procedures will not be completed within the time limits set in paragraph 1, it may extend one or both of those time limits before their expiry and on a case-by-case basis. The national competent authority shall not extend the combined duration of the two procedures for more than nine months other than in exceptional circumstances.

Where the national competent authority extends the time limits, it shall inform the Group concerned and present it with the measures taken, or to be taken, for the conclusion of the permit granting process, with the least possible delay. The Group may request that the national competent authority reports regularly on progress achieved in that regard and reasons for any delays.

3. For the purpose of establishing the start of the permit granting process, the project promoters shall notify the project to the national competent authority of each Member State concerned in written form and shall include a reasonably detailed outline of the project.

Within three months of receipt of the notification, the national competent authority shall acknowledge or, if it considers the project not to be mature enough to enter the permit granting process, reject the notification, in writing, including on behalf of other authorities concerned. In the event of a rejection, the national competent authority shall provide reasons for its decision, including on behalf of other authorities concerned. The date of signature of the acknowledgement of the notification by the national competent authority shall mark the start of the permit granting process. Where two or more Member States are concerned, the date of the acceptance of the last notification by the national competent authority concerned shall mark the start of the permit granting process.

The national competent authorities shall ensure that the permit granting process is accelerated in line with this Chapter for each category of projects of common interest. To that end, the national competent authorities shall adapt their requirements for the start of the permit granting process and for the acceptance of the submitted application file, to make them fit for projects that due to their nature, dimension or lack of requirement for environmental assessment under national law, may require less authorisations and approvals for reaching the ready-to-build phase. Member States may decide that the pre-application procedure referred to in paragraphs 1 and 6 of this Article is not required for the projects referred to in this subparagraph.

4. The national competent authorities shall take into consideration in the permit granting process any valid studies conducted and permits or authorisations issued for a given project on the Union list before the project entered the permit granting process in accordance with this Article, and shall not require duplicate studies and permits or authorisations.

5. In Member States where the determination of a route or location undertaken solely for the specific purpose of a planned project, including the planning of specific corridors for grid infrastructures, cannot be included in the process leading to the comprehensive decision, the corresponding decision shall be taken within a separate period of six months, starting on the date of submission of the final and complete application documents by the promoter.

In the circumstances described in the first subparagraph of this paragraph, the extension referred to in paragraph 2, second subparagraph, shall be reduced to six months, other than in exceptional circumstances, including for the procedure referred to in this paragraph.

6. The pre-application procedure shall comprise the following steps:

(a) as soon as possible and no later than 6 months of the notification pursuant to first subparagraph of paragraph 3, the national competent authority shall determine, on the basis of the checklist referred to in point (1)(e) of Annex VI, and in close cooperation with the other authorities concerned, and where appropriate on the basis of a proposal by the project promoter, the scope of the reports and documents and the level of detail of information to be submitted by the project promoter, as part of the application file, to apply for the comprehensive decision;

(b) the national competent authority shall draw up, in close cooperation with the project promoter and other authorities concerned and taking into account the results of the activities carried out under point (a) of this paragraph, a detailed schedule for the permit granting process in line with the guidelines set out in point (2) of Annex VI;

(c) upon receipt of the draft application file, the national competent authority shall, where necessary, on its own behalf or on behalf of other authorities concerned, request the project promoter to submit missing information relating to the requested elements referred to in point (a).

The pre-application procedure shall include the preparation of any environmental reports by the project promoters, as necessary, including the climate adaptation documentation.

Within three months of submission of the missing information referred to in point (c) of the first subparagraph, the competent authority shall accept for examination the application in written form or on digital platforms, starting the statutory permit granting procedure referred to in paragraph 1, point (b). Requests for additional information may be made, but only where they are justified by new circumstances.

7. The project promoter shall ensure that the application file is complete and adequate and seek the national competent authority's opinion on that matter as early as possible during the permit granting process. The project promoter shall cooperate fully with the national competent authority in order to comply with the time limits set in this Regulation.

8. Member States shall endeavour to ensure that any amendments to the national law do not lead to prolonging any permit granting process started before the entry into force of those amendments. With a view of maintaining an accelerated permit granting process for projects on the Union list, national competent authorities shall adequately adapt the schedule established in line with paragraph 6, point (b), of this Article to ensure, to the extent possible, that the time limits for the permit granting process set in this Article are not exceeded.

9. The time limits set in this Article shall be without prejudice to obligations arising from Union and international law, and without prejudice to administrative appeal procedures and judicial remedies before a court or tribunal.

The time limits set in this Article for any of the permit granting procedures shall be without prejudice to any shorter time limits set by Member States.

CHAPTER IV

Cross-sectoral infrastructure planning

Article 11

Energy system wide cost-benefit analysis

1. The ENTSO for Electricity and the ENTSO for Gas shall draft consistent single sector draft methodologies, including the energy network and market model referred to in paragraph 10 of this Article, for a harmonised energy system-wide cost-benefit analysis at Union level for projects on the Union list falling under the energy infrastructure categories set out in point (1)(a), (b), (d) and (f) and point (3) of Annex II.

The methodologies referred to in the first subparagraph of this paragraph shall be drawn up in line with the principles laid down in Annex V, be based on common assumptions allowing for project comparison, and be consistent with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, as well as with the rules and indicators set out in Annex IV.

The methodologies referred to in the first subparagraph of this paragraph shall be applied for the preparation of each subsequent Union-wide ten-year network development plans developed by the ENTSO for Electricity pursuant to Article 30 of Regulation (EU) 2019/943 or the ENTSO for Gas pursuant to Article 8 of Regulation (EC) No 715/2009.

By 24 April 2023, the ENTSO for Electricity and the ENTSO for Gas shall publish and submit to Member States, the Commission and the Agency their respective consistent single sector draft methodologies after having gathered input from the relevant stakeholders during the consultation process referred to in paragraph 2.

2. Prior to submitting their respective draft methodologies to the Member States, the Commission and the Agency in accordance with paragraph 1, the ENTSO for Electricity and the ENTSO for Gas shall publish preliminary draft methodologies and conduct an extensive consultation process and seek recommendations from Member States and, at least, the organisations representing all relevant stakeholders, including the entity of distribution system operators in the Union established pursuant to Article 52 of Regulation (EU) 2019/943 (EU DSO entity), associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives and, where it is deemed appropriate the national regulatory authorities and other national authorities.

Within three months of publication of the preliminary draft methodologies under the first subparagraph, any stakeholder referred to in that subparagraph may submit a recommendation.

The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 of the European Parliament and of the Council ([31]) may, on its own initiative, submit an opinion to the draft methodologies.

Where applicable, Member States, and stakeholders referred to in the first subparagraph shall submit and make publicly available their recommendations and the European Scientific Advisory Board on Climate Change shall submit and make publicly available its opinion to the Agency and, as applicable, to the ENTSO for Electricity or the ENTSO for Gas.

The consultation process shall be open, timely and transparent. The ENTSO for Electricity and the ENTSO for Gas shall prepare and make public a report on the consultation process.

([31]) Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (OJ L 126, 21.5.2009, p. 13).

The ENTSO for Electricity and the ENTSO for Gas shall provide reasons where they have not, or have only partly, taken into account the recommendations from Member States or the stakeholders, as well as from national authorities, or the opinion of the European Scientific Advisory Board on Climate Change.

3. Within three months of receipt of the draft methodologies together with the input received in the consultation process and the report on the consultation, the Agency shall provide an opinion to the ENTSO for Electricity and the ENTSO for Gas. The Agency shall notify its opinion to the ENTSO for Electricity, the ENTSO for Gas, the Member States, and the Commission and publish it on its website.

4. Within three months of receipt of the draft methodologies, Member States may deliver their opinions to the ENTSO for Electricity and the ENTSO for Gas and the Commission. To facilitate the consultation, the Commission may organise specific meetings of the Groups to discuss the draft methodologies.

5. Within three months of receipt of the opinions of the Agency and Member States, as referred to in paragraphs 3 and 4, the ENTSO for Electricity and the ENTSO for Gas shall amend their respective methodologies to fully take into account the opinions of the Agency and the Member States and submit them together with the opinion of the Agency to the Commission for its approval. The Commission shall issue its decision within three months of submission of the methodologies by the ENTSO for Electricity and the ENTSO for Gas, respectively.

6. Within two weeks of the approval by the Commission in accordance with paragraph 5, the ENTSO for Electricity and the ENTSO for Gas shall publish their respective methodologies on their websites. They shall publish the corresponding input data and other relevant network, load flow and market data in a sufficiently accurate form subject to restrictions under national law and relevant confidentiality agreements. The Commission and the Agency shall ensure the confidential treatment of the data received by them and by any party that carries out analytical work on the basis of those data on their behalf.

7. The methodologies shall be updated and improved regularly following the procedure described in paragraphs 1 to 6. In particular, they shall be amended after submission of the energy network and market model referred to in paragraph 10. The Agency, on its own initiative, or upon a duly reasoned request by national regulatory authorities or stakeholders, and after formally consulting the organisations representing all relevant stakeholders referred to in paragraph 2, first subparagraph, and the Commission, may request such updates and improvements, providing reasons and a timetable. The Agency shall publish the requests by national regulatory authorities or stakeholders and all relevant non-commercially sensitive documents leading to a request from the Agency for an update or improvement.

8. For projects falling under the energy infrastructure categories set out in point (1)(c) and (e) and in points (2), (4) and (5) of Annex II, the Commission shall ensure the development of methodologies for a harmonised energy system-wide cost-benefit analysis at Union level. Those methodologies shall be compatible in terms of benefits and costs with the methodologies developed by the ENTSO for Electricity and the ENTSO for Gas. The Agency, with the support of national regulatory authorities, shall promote the consistency of those methodologies with the methodologies elaborated by ENTSO for Electricity and the ENTSO for Gas. The methodologies shall be developed in a transparent manner, including extensive consultation of Member States and of all relevant stakeholders.

9. Every three years, the Agency shall establish and publish a set of indicators and corresponding reference values for the comparison of unit investment costs for comparable projects of the energy infrastructure categories included in Annex II. Project promoters shall provide the requested data to the national regulatory authorities and to the Agency.

The Agency shall publish the first indicators for the infrastructure categories set out in points (1), (2) and (3) of Annex II by 24 April 2023, to the extent that data is available to calculate robust indicators and reference values. Those reference values may be used by the ENTSO for Electricity and the ENTSO for Gas for the cost-benefit analyses carried out for subsequent Union-wide ten-year network development plans.

The Agency shall publish the first indicators for the energy infrastructure categories set out in points (4) and (5) of Annex II, by 24 April 2025.

10. By 24 June 2025, following an extensive consultation process of stakeholders referred to in paragraph 2, first subparagraph, the ENTSO for Electricity and the ENTSO for Gas shall jointly submit to the Commission and the Agency a consistent and progressively integrated model that will provide consistency between single sector methodologies based on common assumptions including electricity, gas and hydrogen transmission infrastructure as well as storage facilities, liquefied natural gas and electrolysers, covering the energy infrastructure priority corridors and areas set out in Annex I drawn up in line with the principles laid down in Annex V.

11. The model referred to in paragraph 10, shall cover at least the relevant sectors' interlinkages at all stages of infrastructure planning, specifically scenarios, technologies and spatial resolution, infrastructure gaps identification in particular with respect to cross-border capacities, and projects assessment.

12. After approval of the model referred to in paragraph 10 by the Commission in accordance with the procedure set out in paragraphs 1 to 5, it shall be included in the methodologies referred to in paragraph 1, that shall be amended accordingly.

13. At least every five years, starting from its approval in accordance with paragraph 10, and more frequently where necessary, the model and the consistent single sector cost-benefit methodologies shall be updated in accordance with the procedure referred to in paragraph 7.

Article 12

Scenarios for the ten-year network development plans

1. By 24 January 2023, the Agency, after having conducted an extensive consultation process involving the Commission, the Member States, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO entity and at least the organisations representing associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations and civil society representatives, shall publish the framework guidelines for the joint scenarios to be developed by ENTSO for Electricity and ENTSO for Gas. Those guidelines shall be regularly updated as found necessary.

The guidelines shall establish criteria for a transparent, non-discriminatory and robust development of scenarios taking into account best practices in the field of infrastructures assessment and network development planning. The guidelines shall also aim to ensure that the underlying ENTSO for Electricity and ENTSO for Gas scenarios are fully in line with the energy efficiency first principle and with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and shall take into account the latest available Commission scenarios, as well as, when relevant, the national energy and climate plans.

The European Scientific Advisory Board on Climate Change may, on its own initiative, provide input on how to ensure compliance of scenarios with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective. The Agency shall take duly into account that input in the framework guidelines referred in the first subparagraph.

The Agency shall provide reasons where it has not, or has only partly, taken into account the recommendations from Member States, stakeholders and the European Scientific Advisory Board on Climate Change.

2. The ENTSO for Electricity and ENTSO for Gas shall follow the Agency's framework guidelines when developing the joint scenarios to be used for the Union-wide ten-year network development plans.

The joint scenarios shall also include a long-term perspective until 2050 and include intermediary steps as appropriate.

3. The ENTSO for Electricity and ENTSO for Gas shall invite the organisations representing all relevant stakeholders, including the EU DSO entity, associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives, to participate in the scenarios development process, in particular on key elements such as assumptions and how they are reflected in the scenarios data.

4. The ENTSO for Electricity and the ENTSO for Gas shall publish and submit the draft joint scenarios report to the Agency, the Member States and the Commission for their opinion.

The European Scientific Advisory Board on Climate Change may, on its own initiative, provide an opinion on the joint scenarios report.

5. Within three months of receipt of the draft joint scenarios report together with the input received in the consultation process and a report on how it was taken into account, the Agency shall submit its opinion on compliance of the scenarios with the framework guidelines referred to in paragraph 1, first subparagraph, including possible recommendations for amendments, to the ENTSO for Electricity, ENTSO for gas, Member States and the Commission.

Within the same time limit, the European Scientific Advisory Board on Climate Change may, on its own initiative, provide an opinion on the compatibility of scenarios with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective.

6. Within three months of receipt of the opinion referred to in paragraph 5, the Commission taking into account the opinions of the Agency and Member States shall approve the draft joint scenarios report or request the ENTSO for Electricity and the ENTSO for Gas to amend it.

The ENTSO for Electricity and the ENTSO for Gas shall provide reasons explaining how any request for amendments from the Commission has been addressed.

In the event the Commission does not approve the joint scenarios report, it shall provide a reasoned opinion to the ENTSO for Electricity and the ENTSO for Gas.

7. Within two weeks of the approval of the joint scenarios report in accordance with paragraph 6, the ENTSO for Electricity and the ENTSO for Gas shall publish it on their websites. They shall also publish the corresponding input and output data in a sufficiently clear and accurate form for a third party to reproduce the results, taking due account of the national law and relevant confidentiality agreements and sensitive information.

Article 13

Infrastructure Gaps Identification

1. Within six months of approval of the joint scenarios report pursuant to Article 12(6) and every two years thereafter, the ENTSO for Electricity and the ENTSO for Gas shall publish the infrastructure gaps reports developed within the framework of the Union-wide ten-year network development plans.

When assessing the infrastructure gaps the ENTSO for Electricity and the ENTSO for Gas shall base their analysis on the scenarios established under Article 12, implement the energy efficiency first principle and consider with priority all relevant alternatives to new infrastructure. When considering new infrastructures solutions, the infrastructures gaps assessment shall take into account all relevant costs, including network reinforcements.

The infrastructures gaps assessment shall, in particular, focus on those infrastructure gaps potentially affecting the fulfilment of the Union's 2030 climate and energy targets and its 2050 climate neutrality objective.

Prior to publishing their respective reports, the ENTSO for Electricity and the ENTSO for Gas shall conduct an extensive consultation process involving all relevant stakeholders, including the EU DSO entity, associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions and, energy consumer associations, civil society representatives, the Agency and all the Member States' representatives that are part of the relevant energy infrastructure priority corridors that are set out in Annex I.

2. The ENTSO for Electricity and the ENTSO for Gas shall submit their respective draft infrastructure gaps report to the Agency and the Commission and Member States for their opinion.

3. Within three months of receipt of the infrastructure gaps report together with the input received in the consultation process and a report on how it was taken into account, the Agency shall submit its opinion to the ENTSO for Electricity or ENTSO for Gas, the Commission and Member States and make it publicly available.

4. Within three months of receipt of the Agency's opinion referred to in paragraph 3, the Commission shall, taking the Agency's opinion into account and with input from the Member States, draft its opinion and submit it to the ENTSO for Electricity or the ENTSO for Gas.

5. The ENTSO for Electricity and the ENTSO for Gas shall adapt their infrastructure gaps reports taking due account of the Agency's opinion and in line with the Commission's and the Member States' opinions and make them publicly available.

CHAPTER V

Offshore grids for renewable integration

Article 14

Offshore grid planning

1. By 24 January 2023, Member States, with the support of the Commission, within their specific priority offshore grid corridors, set out in Section 2 of Annex I, taking into account the specificities and development in each region, shall conclude a non-binding agreement to cooperate on goals for offshore renewable generation to be deployed within each sea basin by 2050, with intermediate steps in 2030 and 2040, in line with their national energy and climate plans, and the offshore renewable potential of each sea basin.

That non-binding agreement shall be made in writing as regards each sea basin linked to the territory of the Member States, and shall be without prejudice to the right of Member States to develop projects on their territorial sea and exclusive economic zone. The Commission shall provide guidance for the work in the Groups.

2. By 24 January 2024, and as part of each ten-year network development plan thereafter, the ENTSO for Electricity, with the involvement of the relevant TSOs, the national regulatory authorities, the Member States and the Commission, and in line with the non-binding agreement referred to in paragraph 1 of this Article, shall develop and publish, as a separate report which is part of the Union-wide ten-year network development plan, high-level strategic integrated offshore network development plans for each sea-basin, in line with the priority offshore grid corridors referred to in Annex I, taking into account environmental protection and other uses of the sea.

In the development of the high-level strategic integrated offshore network development plans within the timeline provided for in paragraph 1, the ENTSO for Electricity shall consider the non-binding agreements referred to in paragraph 1 for the development of the Union-wide ten-year network development plan scenarios.

The high-level strategic integrated offshore network development plans shall provide a high-level outlook on offshore generation capacities potential and resulting offshore grid needs, including the potential needs for interconnectors, hybrid projects, radial connections, reinforcements, and hydrogen infrastructure.

3. The high-level strategic integrated offshore network development plans shall be consistent with regional investment plans published pursuant to Article 34(1) of Regulation (EU) 2019/943 and integrated within the Union-wide ten-year network development plans in order to ensure coherent development of onshore and offshore grid planning and the necessary reinforcements.

4. By 24 December 2024 and every two years thereafter, the Member States, shall update their non-binding agreements referred to in paragraph 1 of this Article, including in view of the results of the application of the cost-benefit and cost-sharing to the priority offshore grid corridors, when those results become available.

5. After each update of the non-binding agreements in accordance with paragraph 4, for each sea basin, the ENTSO for Electricity shall update the high level strategic integrated offshore network development plans within the next Union-wide ten-year network development plan as referred to in paragraph 2.

Article 15

Offshore grids for renewable energy cross-border cost sharing

1. By 24 June 2024, the Commission shall, with the involvement of the Member States, relevant TSOs, the Agency and the national regulatory authorities, develop guidance for a specific cost-benefit and cost-sharing for the deployment of the sea-basin integrated offshore network development plans referred to in Article 14(2) in accordance with the non-binding agreements referred to in Article 14(1). This guidance shall be compatible with Article 16(1). The Commission shall update its guidance when appropriate, taking into account the results of its implementation.

2. By 24 June 2025, the ENTSO for Electricity, with the involvement of the relevant TSOs, the Agency, the national regulatory authorities and the Commission, shall present the results of the application of the cost-benefit and cost-sharing to the priority offshore grid corridors.

CHAPTER VI

Regulatory framework

Article 16

Enabling investments with a cross-border impact

1. The efficiently incurred investment costs, which exclude maintenance costs, related to a project of common interest falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II, and projects of common interest falling under the energy infrastructure category set out in point (3) of Annex II, where they fall under the competence of national regulatory authorities in each Member State concerned, shall be borne by the relevant TSO or the project promoters of the transmission infrastructure of the Member States to which the project provides a net positive impact, and, to the extent not covered by congestion rents or other charges, be paid for by network users through tariffs for network access in that or those Member States.

2. The provisions of this Article shall apply to a project of common interest falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d), (f) and point (3) of Annex II, where at least one project promoter requests the relevant national authorities their application for the costs of the project.

Projects falling under the energy infrastructure category set out in point (1)(e) and point (2) of Annex II may benefit from the provisions of this Article where at least one project promoter requests its application from the relevant national authorities.

Where a project has several project promoters, the relevant national regulatory authorities shall without delay request all project promoters to submit the investment request jointly in accordance with paragraph 4.

3. For a project of common interest to which paragraph 1 applies, the project promoters shall keep all relevant national regulatory authorities regularly informed, at least once per year, and until the project is commissioned, of the progress of that project and the identification of costs and the impact associated with it.

4. As soon as such a project of common interest has reached sufficient maturity, and is estimated to be ready to start the construction phase within the next 36 months, the project promoters, after having consulted the TSOs from the Member States which receive a significant net positive impact from it, shall submit an investment request. That investment request shall include a request for a cross-border cost allocation and shall be submitted to all the relevant national regulatory authorities concerned, accompanied by all of the following:

(a) up-to-date project-specific cost-benefit analysis consistent with the methodology drawn up pursuant to Article 11 and taking into account benefits beyond the borders of the Member States on the territory of which the project is located by considering at least the joint scenarios established for network development planning referred to in Article 12. Where additional scenarios are used, those shall be consistent with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and be subject to the same level of consultation and scrutiny as the process provided for in Article 12. The Agency shall be responsible for assessing any additional scenarios and ensuring their compliance with this paragraph;

(b) a business plan evaluating the financial viability of the project, including the chosen financing solution, and, for a project of common interest falling under the energy infrastructure category referred to in point (3) of Annex II, the results of market testing;

(c) where the project promoters agree, a substantiated proposal for a cross-border cost allocation.

Where a project is promoted by several project promoters, they shall submit their investment request jointly.

The relevant national regulatory authorities shall, upon receipt, transmit to the Agency, without delay, a copy of each investment request, for information purposes.

The relevant national regulatory authorities and the Agency shall preserve the confidentiality of commercially sensitive information.

5. Within six months of the date on which the investment request is received by the last of the relevant national regulatory authorities, those authorities shall, after consulting the project promoters concerned, take joint coordinated decisions on the allocation of efficiently incurred investment costs to be borne by each system operator for the project, as well as their inclusion in tariffs, or on the rejection of the investment request, in whole or in part, if the common analysis of the relevant national regulatory authorities concludes that the project or a part of it fails to provide a significant net benefit in any of the Member States of the relevant national regulatory authorities. The relevant national regulatory authorities shall include the relevant efficiently incurred investment costs in tariffs, as defined in the recommendation referred to in paragraph 11, in line with the allocation of investment costs to be borne by each system operator for the project. For projects in the territories of their respective Member State, the relevant national regulatory authorities, shall thereafter assess, where appropriate, whether any affordability issues might arise due to the inclusion of the investment costs in tariffs.

In allocating the costs, the relevant national regulatory authorities shall take into account actual or estimated:

(a) congestion rents or other charges;

(b) revenues stemming from the inter-transmission system operator compensation mechanism established under Article 49 of Regulation (EU) 2019/943.

The allocation of costs across borders shall take into account, the economic, social and environmental costs and benefits of the projects in the Member States concerned and the need to ensure a stable financing framework for the development of projects of common interest while minimising the need for financial support.

In allocating costs across borders, the relevant national regulatory authorities, after consulting the TSOs concerned, shall seek a mutual agreement based on, but not limited to, the information specified in paragraphs 4, first subparagraph, points (a) and (b), of this Article. Their assessment shall consider all the relevant scenarios referred to in Article 12 and other scenarios for network development planning, allowing a robust analysis of the contribution of the project of common interest to the Union energy policy of decarbonisation, market integration, competition, sustainability and security of supply. Where additional scenarios are used, they shall be consistent with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and be subject to the same level of consultation and scrutiny as the process provided for in Article 12.

Where a project of common interest mitigates negative externalities, such as loop flows, and that project of common interest is implemented in the Member State at the origin of the negative externality, such mitigation shall not be regarded as a cross-border benefit and shall therefore not constitute a basis for allocating costs to the TSO of the Member States affected by those negative externalities.

6. The relevant national regulatory authorities shall, on the basis of the cross-border cost allocation referred to in paragraph 5 of this Article, take into account actual costs incurred by a TSO or other project promoter as a result of the investments when fixing or approving tariffs in accordance with Article 41(1), point (a), of Directive 2009/73/EC and Article 59(1), point (a), of Directive (EU) 2019/944, insofar as those costs correspond to those of an efficient and structurally comparable operator.

The relevant national regulatory authorities shall notify the cost allocation decision to the Agency, without delay, together with all the relevant information with respect to that decision. In particular, the cost allocation decision shall set out detailed reasons for the allocation of costs among Member States, including the following:

(a) an evaluation of the identified impact on each of the concerned Member States, including those concerning network tariffs;

(b) an evaluation of the business plan referred to in paragraph 4, first subparagraph, point (b);

(c) regional or Union-wide positive externalities, such as security of supply, system flexibility, solidarity or innovation, which the project would generate;

(d) the result of the consultation of the project promoters concerned.

The cost allocation decision shall be published.

7. Where the relevant national regulatory authorities have not reached an agreement on the investment request within six months of the date on which the request was received by the last of the relevant national regulatory authorities, they shall inform the Agency without delay.

In that case, or upon a joint request from the relevant national regulatory authorities, the decision on the investment request including cross-border cost allocation referred to in paragraph 5 shall be taken by the Agency within three months of the date of referral to the Agency.

Before taking such a decision, the Agency shall consult the relevant national regulatory authorities and the project promoters. The three-month period referred to in the second subparagraph may be extended by an additional period of two months where further information is sought by the Agency. That additional period shall begin on the day following receipt of the complete information.

The assessment of the Agency shall consider all relevant scenarios established under Article 12 and other scenarios for network development planning, allowing a robust analysis of the contribution of the project of common interest to the Union energy policy targets of decarbonisation, market integration, competition, sustainability and security of supply. Where additional scenarios are used, they shall be consistent with the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and be subject to the same level of consultation and scrutiny as the process provided for in Article 12.

The Agency, in its decision on the investment request including cross-border cost allocation, shall leave the determination of the way the investment costs are included in the tariffs in line with the cross-border cost allocation prescribed, to the relevant national authorities at the time of the implementation of that decision in accordance with national law.

The decision on the investment request including cross-border cost allocation shall be published. Article 25(3) and Articles 28 and 29 of Regulation (EU) 2019/942 shall apply.

8. A copy of all cost allocation decisions, together with all the relevant information with respect to each decision, shall be notified, without delay, by the Agency to the Commission. That information may be submitted in aggregate form. The Commission shall preserve the confidentiality of commercially sensitive information.

9. Cost allocation decisions shall not affect the right of TSOs to apply and of national regulatory authorities to approve charges for access to networks in accordance with Article 13 of Regulation (EC) No 715/2009, Article 18(1) and Article 18(3) to (6) of Regulation (EU) 2019/943, Article 32 of Directive 2009/73/EC and Article 6 of Directive (EU) 2019/944.

10. This Article shall not apply to projects of common interest which have received an exemption from:

(a) Articles 32, 33 and 34 and Article 41(6), (8) and (10) of Directive 2009/73/EC, pursuant to Article 36 of that Directive;

(b) Article 19(2) and (3) of Regulation (EU) 2019/943 or Article 6, Article 59(7) and Article 60(1) of Directive (EU) 2019/944, pursuant to Article 63 of Regulation (EU) 2019/943;

(c) unbundling or third party access rules, pursuant to Article 17 of Regulation (EC) No 714/2009 of the European Parliament and of the Council ([32]) or to Article 64 of Regulation (EU) 2019/943 and Article 66 of Directive (EU) 2019/944.

11. By 24 June 2023, the Agency shall adopt a recommendation for identifying good practices for the treatment of investment requests for projects of common interest. That recommendation shall be regularly updated as necessary, in particular to ensure consistency with the principles on the offshore grids for renewable energy cross-border cost sharing as referred to in Article 15(1). In adopting or amending the recommendation, the Agency shall carry out an extensive consultation process, involving all relevant stakeholders.

12. This Article shall apply mutatis mutandis to projects of mutual interest.

Article 17

Regulatory incentives

1. Where a project promoter incurs higher risks for the development, construction, operation or maintenance of a project of common interest falling under the competence of national regulatory authorities, when compared to the risks normally incurred by a comparable infrastructure project, Member States and national regulatory authorities may grant appropriate incentives to that project in accordance with Article 13 of Regulation (EC) No 715/2009, Article 18(1) and Article 18(3) to (6) of Regulation (EU) 2019/943, Article 41(8) of Directive 2009/73/EC and Article 58, point (f), of Directive (EU) 2019/944.

The first subparagraph shall not apply where the project of common interest has received an exemption:

(a) from Articles 32, 33, and 34 and from Article 41(6), (8) and (10) of Directive 2009/73/EC, pursuant to Article 36 of that Directive;

(b) from Article 19(2) and (3) of Regulation (EU) 2019/943 or from Article 6, Article 59(7) and Article 60(1) of Directive (EU) 2019/944 pursuant to Article 63 of Regulation (EU) 2019/943;

(c) pursuant to Article 36 of Directive 2009/73/EC;

(d) pursuant to Article 17 of Regulation (EC) No 714/2009.

2. In the case of a decision to grant the incentives referred to in paragraph 1 of this Article, national regulatory authorities shall consider the results of the cost-benefit analysis consistent with the methodology drawn up pursuant to Article 11 and in particular the regional or Union-wide positive externalities generated by the project. The national regulatory authorities shall further analyse the specific risks incurred by the project promoters, the risk mitigation measures taken and the reasons for the risk profile in view of the net positive impact provided by the project, when compared to a lower-risk alternative. Eligible risks shall in particular include risks related to new transmission technologies, both onshore and offshore, risks related to under-recovery of costs and development risks.

3. The decision to grant the incentives shall take into account the specific nature of the risk incurred and may grant incentives covering, inter alia, one or more of the following measures:

(a) the rules for anticipatory investment;

(b) the rules for recognition of efficiently incurred costs before commissioning of the project;

([32]) Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (OJ L 211, 14.8.2009, p. 15).

(c) the rules for providing additional return on the capital invested for the project;

(d) any other measure deemed necessary and appropriate.

4. By 24 January 2023, each national regulatory authority shall submit to the Agency its methodology and the criteria used to evaluate investments in energy infrastructure projects and the higher risks incurred by those projects, updated in view of latest legislative, policy, technological and market developments. Such methodology and criteria shall also expressly address the specific risks incurred by offshore grids for renewable energy referred to in point (1)(f) of Annex II and by projects, which, while having low capital expenditure, incur significant operating expenditure.

5. By 24 June 2023, taking due account of the information received pursuant to paragraph 4 of this Article, the Agency shall facilitate the sharing of good practices and make recommendations in accordance with Article 6(2) of Regulation (EU) 2019/942 regarding both of the following:

(a) the incentives referred to in paragraph 1 on the basis of a benchmarking of best practice by national regulatory authorities;

(b) a common methodology to evaluate the incurred higher risks of investments in energy infrastructure projects.

6. By 24 September 2023, each national regulatory authority shall publish its methodology and the criteria used to evaluate investments in energy infrastructure projects and the higher risks incurred by them.

7. Where the measures referred to in paragraphs 5 and 6 are not sufficient to ensure the timely implementation of projects of common interest, the Commission may issue guidelines regarding the incentives laid down in this Article.

CHAPTER VII

Financing

Article 18

Eligibility of projects for Union financial assistance under Regulation (EU) 2021/1153

1. Projects of common interest falling under the energy infrastructure categories set out in Article 24 and Annex II shall be eligible for Union financial assistance in the form of grants for studies and financial instruments.

2. Projects of common interest falling under the energy infrastructure categories set out in Article 24 and in point (1)(a), (b), (c), (d) and (f) of Annex II and point (3) of Annex II shall also be eligible for Union financial assistance in the form of grants for works where they fulfil all of the following criteria:

(a) the project specific cost-benefit analysis drawn up pursuant to Article 16(4), point (a), provides evidence concerning the existence of significant positive externalities, such as security of supply, system flexibility, solidarity or innovation;

(b) the project has received a cross-border cost allocation decision pursuant to Article 16 or, as regards projects of common interest falling under the energy infrastructure category set out in point (3) of Annex II, where they do not fall under the competence of national regulatory authorities and therefore they do not receive a cross-border cost allocation decision, the project aims to provide services across borders, brings technological innovation and ensures the safety of cross-border grid operation;

(c) the project cannot be financed by the market or through the regulatory framework in accordance with the business plan and other assessments, in particular those carried out by potential investors, creditors or the national regulatory authority, taking into account any decision on incentives and reasons referred to in Article 17(2) when assessing the project's need for Union financial assistance.

3. Projects of common interest carried out in accordance with the procedure referred to in Article 5(7), point (d), shall also be eligible for Union financial assistance in the form of grants for works where they fulfil the criteria set out in paragraph 2 of this Article.

4. Projects of common interest falling under the energy infrastructure categories set out in point (1)(e) and points (2) and (5) of Annex II shall also be eligible for Union financial assistance in the form of grants for works, where the concerned project promoters, in an evaluation carried out by the relevant national authority or, where applicable, the national regulatory authority, can clearly demonstrate significant positive externalities, such as security of supply, system flexibility, solidarity or innovation, generated by the projects and provide clear evidence of their lack of commercial viability, in accordance with the cost-benefit analysis, the business plan and assessments carried out, in particular by potential investors or creditors or, where applicable, a national regulatory authority.

5. This Article shall apply mutatis mutandis to projects of mutual interest.

Projects of mutual interest shall be eligible for Union financial assistance under conditions set out in Article 5(2) of Regulation (EU) 2021/1153. With regard to grants for works, projects of mutual interest shall be eligible for Union financial assistance provided that they fulfil the criteria set out in paragraph 2 of this Article and where the project contributes to the Union's overall energy and climate policy objectives.

Article 19

Guidance for the award criteria of Union financial assistance

The specific criteria set out in Article 4(3) of this Regulation and the parameters set out in Article 4(5) of this Regulation shall apply for the purpose of establishing award criteria for Union financial assistance in Regulation (EU) 2021/1153. For projects of common interest falling under Article 24 of this Regulation, the criteria of market integration, security of supply, competition and sustainability shall apply.

CHAPTER VIII

Final provisions

Article 20

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(4) shall be conferred on the Commission for a period of seven years from 23 June 2022. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 3(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 3(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 21

Reporting and evaluation

By 30 June 2027, the Commission shall publish a report on the implementation of projects on the Union list, and submit it to the European Parliament and the Council. That report shall provide an evaluation of:

(a) the progress achieved in the planning, development, construction and commissioning of projects on the Union list, and, where relevant, delays in implementation and other difficulties encountered;

(b) the funds engaged and disbursed by the Union for projects on the Union list, compared to the total value of funded projects on the Union list;

(c) the progress achieved in terms of integration of renewable energy sources, including offshore renewable energy sources, and reduced greenhouse gas emissions through the planning, development, construction and commissioning of projects on the Union list;

(d) for the electricity and renewable or low-carbon gases including hydrogen sectors, the evolution of the interconnection level between Member States, the corresponding evolution of energy prices, as well as the number of network system failure events, their causes and related economic cost;

(e) the permit granting process and public participation, in particular:

  (i) the average and maximum total duration of the permit granting process for projects on the Union list, including the duration of each step of the pre-application procedure, compared to the timing foreseen by the initial major milestones referred to in Article 10(6);

  (ii) the level of opposition faced by projects on the Union list, in particular the number of written objections during the public consultation process and the number of legal recourse actions;

  (iii) best and innovative practices with regard to stakeholder involvement;

  (iv) best and innovative practices with regard to mitigation of environmental impacts, including climate adaptation, during permit granting processes and project implementation;

  (v) the effectiveness of the schemes provided for in Article 8(3) regarding compliance with the time limits set in Article 10(1) and (2);

(f) regulatory treatment, in particular:

  (i) the number of projects of common interest having been granted a cross-border cost allocation decision pursuant to Article 16;

  (ii) the number and type of projects of common interest which received specific incentives pursuant to Article 17;

(g) the effectiveness of this Regulation in contributing to the Union's 2030 targets for energy and climate and the achievement of climate neutrality by 2050 at the latest.

Article 22

Review

By 30 June 2027, the Commission shall carry out a review of this Regulation, on the basis of the results of the reporting and evaluation provided for in Article 21 of this Regulation, as well as the monitoring, reporting and evaluation carried out pursuant to Articles 22 and 23 of Regulation (EU) 2021/1153.

Article 23

Information and publicity

The Commission shall establish and maintain a transparency platform easily accessible to the general public through the internet. The platform shall be regularly updated with information from the reports referred to in Article 5(4) and the website referred to in Article 9(7). The platform shall contain the following information:

(a) general, updated information, including geographic information, for each project on the Union list;

(b) the implementation plan as set out in Article 5(1) for each project on the Union list, presented in a manner that allows the assessment of the progress in implementation at any time;

(c) the main expected benefits and contribution to the objectives referred to in Article 1(1) and the costs of the projects except for any commercially sensitive information;

(d) the Union list;

(e) the funds allocated and disbursed by the Union for each project on the Union list;

(f) the links to the national manual of procedures referred to in Article 9;

(g) existing sea basin studies and plans for each priority offshore grid corridor, without infringing any intellectual property rights.

Article 24

Derogation for interconnections for Cyprus and Malta

1. In the case of Cyprus and Malta, which are not interconnected to the trans-European gas network, a derogation from Article 3, Article 4(1), points (a) and (b), Article 4(5), Article 16(4), point (a), and Annexes I, II and III shall apply, without prejudice to Article 32(2). One interconnection for each of those Member States shall maintain its status of project of common interest under this Regulation with all relevant rights and obligations, where that interconnection:

(a) is under development or planning on 23 June 2022;

(b) has been granted the status of project of common interest under Regulation (EU) No 347/2013; and

(c) is necessary to secure permanent interconnection of those Member States to the trans-European gas network.

Those projects shall ensure the future ability to access new energy markets, including hydrogen.

2. The project promoters shall provide sufficient evidence of how the interconnections referred to in paragraph 1 will allow access to new energy markets, including hydrogen, in line with the Union's overall energy and climate policy objectives. Such evidence shall include an assessment of the supply and demand for renewable or low-carbon hydrogen as well as a calculation of the greenhouse gas emissions reduction enabled by the project.

The Commission shall regularly verify that assessment and that calculation, as well as the timely implementation of the project.

3. In addition to the specific criteria set out in Article 19 for Union financial assistance, the interconnections referred to in paragraph 1 of this Article shall be designed in view of ensuring access to future energy markets, including hydrogen, shall not lead to a prolongation of the lifetime of natural gas assets and shall ensure the interoperability of neighbouring networks across borders. Any eligibility for Union financial assistance under Article 18 shall end on 31 December 2027.

4. Any request for Union financial assistance for works shall clearly demonstrate the aim to convert the asset into a dedicated hydrogen asset by 2036 if market conditions allow, by means of a roadmap with a precise timeline.

5. The derogation set out in paragraph 1 shall apply until Cyprus or Malta, respectively, is directly interconnected to the trans-European gas network or until 31 December 2029, whichever is the earlier.

Article 25

Amendment to Regulation (EC) No 715/2009

In Article 8(10) of Regulation (EC) No 715/2009, the first subparagraph is replaced by the following:

'10. The ENTSO for Gas shall adopt and publish a Community-wide network development plan referred to in paragraph 3, point (b), every two years. The Community-wide network development plan shall include the modelling of the integrated network, including hydrogen networks, scenario development, a European supply adequacy outlook and an assessment of the resilience of the system.'.

Article 26

Amendment to Regulation (EU) 2019/942

In Article 11 of Regulation (EU) 2019/942, points (c) and (d) are replaced by the following:

'(c) carry out the obligations laid out in Article 5, Article 11(3), Article 11(6) to (9), Articles 12, 13 and 17 and in Section 2, point (12), of Annex III to Regulation (EU) 2022/869 of the European Parliament and the Council (*);

(d) take decisions on investment requests including cross-border cost allocation pursuant to Article 16(7) of Regulation (EU) 2022/869.

(*) Regulation (EU) 2022/869 of the European Parliament and the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022, p. 45).'.

Article 27

Amendment to Regulation (EU) 2019/943

In Article 48(1) of Regulation (EU) 2019/943, the first subparagraph is replaced by the following:

'1. The Union-wide network development plan referred to under Article 30(1), point (b), shall include the modelling of the integrated network, including scenario development and an assessment of the resilience of the system. Relevant input parameters for the modelling such as assumptions on fuel and carbon prices or installation of renewables shall be fully consistent with the European resource adequacy assessment developed pursuant to Article 23.'.

Article 28

Amendment to Directive 2009/73/EC

In Article 41(1) of Directive 2009/73/EC, the following point is added:

'(v) carrying out the obligations laid out in Article 3, Article 5(7) and Articles 14 to 17 of Regulation (EU) 2022/869 of the European Parliament and the Council (*).

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(*) Regulation (EU) 2022/869 of the European Parliament and the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022, p. 45).'.

Article 29

Amendment to Directive (EU) 2019/944

In Article 59(1) of Directive (EU) 2019/944, the following point is added:

'(aa) carrying out the obligations laid out in Article 3, Article 5(7) and Articles 14 to 17 of Regulation (EU) 2022/869 of the European Parliament and the Council (*).

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(*) Regulation (EU) 2022/869 of the European Parliament and the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022, p. 45).'.

Article 30

Transitional provisions

This Regulation shall not affect the granting, continuation or modification of financial assistance awarded by the Commission pursuant to Regulation (EU) No 1316/2013 of the European Parliament and of the Council ([33]).

Chapter III shall not apply to projects of common interest that have entered in the permit granting process and for which a project promoter has submitted an application file before 16 November 2013.

Article 31

Transitional period

1. During a transitional period ending on 31 December 2029, dedicated hydrogen assets converted from natural gas assets falling under the energy infrastructure category set out in point (3) of Annex II may be used for transport or storage of a predefined blend of hydrogen with natural gas or biomethane.

2. During the transitional period referred to in paragraph 1, the project promoters shall closely cooperate on project design and implementation in order to ensure interoperability of neighbouring networks.

3. The project promoter shall provide sufficient evidence, including through commercial contracts, how, by the end of the transitional period, the assets referred to in paragraph 1 of this Article will cease to be natural gas assets and become dedicated hydrogen assets, as set out in point (3) of Annex II, and how the increased use of hydrogen will be enabled during the transitional period. Such evidence shall include an assessment of the supply and demand for renewable or low-carbon hydrogen as well as a calculation of the greenhouse gas emissions reduction enabled by the project. In the context of the monitoring of progress achieved in implementing the projects of common interest, the Agency shall verify the timely transition of the project to a dedicated hydrogen asset as set out in point (3) of Annex II.

([33]) Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

4. Eligibility of projects referred to in paragraph 1 of this Article for Union financial assistance under Article 18 shall end on 31 December 2027.

Article 32

Repeal

1. Regulation (EU) No 347/2013 is repealed from 23 June 2022. No rights shall arise under this Regulation for projects listed in the Annexes to Regulation (EU) No 347/2013.

2. Notwithstanding paragraph 1 of this Article, Annex VII to Regulation (EU) No 347/2013, as amended by Commission Delegated Regulation (EU) 2022/564 ([34]), containing the fifth Union list of projects of common interest as well as Articles 2 to 10, Articles 12, 13 and 14, and Annexes I to IV and Annex VI to Regulation (EU) No 347/2013, shall remain in force and produce effects as regards the projects of common interest included on the fifth Union list until the entry into force of the first Union list of projects of common interest and projects of mutual interest established pursuant to this Regulation.

3. Notwithstanding paragraph 2 of this Article, projects that were included in the fifth Union list of projects of common interest established pursuant to Regulation (EU) No 347/2013 and for which an application file has been accepted for examination by the competent authority shall benefit from the rights and obligations arising from Chapter III of this Regulation for a period of four years from the entry into force of this Regulation.

Article 33

Entry into force

This Regulation shall enter into force on the twentieth 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, 30 May 2022.

For the European Parliament	*For the Council*
The President	*The President*
R. METSOLA	B. LE MAIRE

([34]) Commission Delegated Regulation (EU) 2022/564 of 19 November 2021 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest (OJ L 109, 8.4.2022, p. 14).

ANNEX I

ENERGY INFRASTRUCTURE PRIORITY CORRIDORS AND AREAS

(as referred to in Article 1(1))

This Regulation shall apply to the following trans-European energy infrastructure priority corridors and areas:

1. PRIORITY ELECTRICITY CORRIDORS

(1) North-South electricity interconnections in Western Europe (NSI West Electricity): interconnections between Member States of the region and with the Mediterranean area including the Iberian peninsula, in particular to integrate electricity from renewable energy sources, reinforce internal grid infrastructures to foster market integration in the region and to end isolation of Ireland, and to ensure the necessary onshore prolongations of offshore grids for renewable energy and the domestic grid reinforcements necessary to ensure an adequate and reliable transmission grid and to supply electricity generated offshore to landlocked Member States.

Member States concerned: Belgium, Denmark, Germany, Ireland, Spain, France, Italy, Luxembourg, Malta, Netherlands, Austria and Portugal.

(2) North-South electricity interconnections in Central Eastern and South Eastern Europe (NSI East Electricity): interconnections and internal lines in North-South and East-West directions to complete the internal market, integrate generation from renewable energy sources to end the isolation of Cyprus, and to ensure the necessary onshore prolongations of offshore grids for renewable energy and the domestic grid reinforcements necessary to ensure an adequate and reliable transmission grid and to supply electricity generated offshore to landlocked Member States.

Member States concerned: Bulgaria, Czechia, Germany, Croatia, Greece, Cyprus, Italy, Hungary, Austria, Poland, Romania, Slovenia and Slovakia.

(3) Baltic Energy Market Interconnection Plan in electricity (BEMIP Electricity): interconnections between Member States and internal lines in the Baltic region, to foster market integration while integrating growing shares of renewable energy in the region.

Member States concerned: Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden.

2. PRIORITY OFFSHORE GRID CORRIDORS

(4) Northern Seas offshore grids (NSOG): offshore electricity grid development, integrated offshore electricity, as well as, where appropriate, hydrogen grid development and the related interconnectors in the North Sea, the Irish Sea, the Celtic Sea, the English Channel and neighbouring waters to transport electricity or, where appropriate, hydrogen from renewable offshore energy sources to centres of consumption and storage or to increase cross-border renewable energy exchange.

Member States concerned: Belgium, Denmark, Germany, Ireland, France, Luxembourg, Netherlands and Sweden.

(5) Baltic Energy Market Interconnection Plan offshore grids (BEMIP offshore): offshore electricity grid development, integrated offshore electricity, as well as, where appropriate, hydrogen grid development and the related interconnectors in the Baltic Sea and neighbouring waters to transport electricity or, where appropriate, hydrogen from renewable offshore energy sources to centres of consumption and storage or to increase cross-border renewable energy exchange.

Member States concerned: Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden.

(6) South and West offshore grids (SW offshore): offshore electricity grid development, integrated offshore electricity, as well as, where appropriate, hydrogen grid development and the related interconnectors in the Mediterranean Sea, including the Cadiz Gulf, and neighbouring waters to transport electricity or, where appropriate, hydrogen from renewable offshore energy sources to centres of consumption and storage or to increase cross-border renewable energy exchange.

Member States concerned: Greece, Spain, France, Italy, Malta and Portugal.

(7) South and East offshore grids (SE offshore): offshore electricity grid development, integrated offshore electricity, as well as, where appropriate, hydrogen grid development and the related interconnectors in the Mediterranean Sea, Black Sea and neighbouring waters to transport electricity or, where appropriate, hydrogen from renewable offshore energy sources to centres of consumption and storage or to increase cross-border renewable energy exchange.

Member States concerned: Bulgaria, Croatia, Greece, Italy, Cyprus, Romania and Slovenia.

(8) Atlantic offshore grids: offshore electricity grid development, integrated offshore electricity grid development and the related interconnectors in the North Atlantic Ocean waters to transport electricity from renewable offshore energy sources to centres of consumption and storage and to increase cross-border electricity exchange.

Member States concerned: Ireland, Spain, France and Portugal.

3. PRIORITY CORRIDORS FOR HYDROGEN AND ELECTROLYSERS

(9) Hydrogen interconnections in Western Europe (HI West): hydrogen infrastructure and the repurposing of gas infrastructure, enabling the emergence of an integrated hydrogen backbone, directly or indirectly (via interconnection with a third country), connecting the countries of the region and addressing their specific infrastructure needs for hydrogen supporting the emergence of an Union-wide network for hydrogen transport, and, in addition, as regards islands and island systems, decreasing energy isolation, supporting innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the Union.

Electrolysers: supporting the deployment of power-to-gas applications aiming to enable greenhouse gas reductions and contributing to secure, efficient and reliable system operation and smart energy system integration and, in addition, as regards islands and island systems, supporting innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the Union.

Member States concerned: Belgium, Czechia, Denmark, Germany, Ireland. Spain, France, Italy, Luxembourg, Malta, Netherlands, Austria and Portugal.

(10) Hydrogen interconnections in Central Eastern and South Eastern Europe (HI East): hydrogen infrastructure and the repurposing of gas infrastructure, enabling the emergence of an integrated hydrogen backbone, directly or indirectly (via interconnection with a third country), connecting the countries of the region and addressing their specific infrastructure needs for hydrogen supporting the emergence of an Union-wide network for hydrogen transport and, in addition, as regards islands and island systems, decreasing energy isolation, supporting innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the Union.

Electrolysers: supporting the deployment of power-to-gas applications aiming to enable greenhouse gas reductions and contributing to secure, efficient and reliable system operation and smart energy system integration and, in addition, as regards islands and island systems, supporting innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the Union.

Member States concerned: Bulgaria, Czechia, Germany, Greece, Croatia, Italy, Cyprus, Hungary, Austria, Poland, Romania, Slovenia and Slovakia.

(11) Baltic Energy Market Interconnection Plan in hydrogen (BEMIP Hydrogen): hydrogen infrastructure and the repurposing of gas infrastructure, enabling the emergence of an integrated hydrogen backbone, directly or indirectly (via interconnection with a third country), connecting the countries of the region and addressing their specific infrastructure needs for hydrogen supporting the emergence of an Union-wide network for hydrogen transport and, in addition, as regards islands and island systems, decreasing energy isolation, supporting innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the Union.

Electrolysers: supporting the deployment of power-to-gas applications aiming to enable greenhouse gas reductions and contributing to secure, efficient and reliable system operation and smart energy system integration and, in addition, as regards islands and island systems, supporting innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the Union.

Member States concerned: Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden.

4. PRIORITY THEMATIC AREAS

(12) Smart electricity grids deployment: adopting smart grid technologies across the Union to efficiently integrate the behaviour and actions of all users connected to the electricity network, in particular the generation of large amounts of electricity from renewable or distributed energy sources and demand response by consumers, energy storage, electric vehicles and other flexibility sources and, in addition, as regards islands and island systems, decreasing energy isolation, supporting innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributing significantly to the sustainability of the island energy system and that of the Union.

Member States concerned: all.

(13) Cross-border carbon dioxide network: development of infrastructure for transport and storage of carbon dioxide between Member States and with neighbouring third countries of carbon dioxide capture and storage captured from industrial installations for the purpose of permanent geological storage as well as carbon dioxide utilisation for synthetic fuel gases leading to the permanent neutralization of carbon dioxide.

Member States concerned: all.

(14) Smart gas grids: adoption of smart gas grid technologies across the Union to efficiently integrate a plurality of low-carbon and particularly renewable gas sources into the gas network, support the uptake of innovative and digital solutions for network management and facilitating smart energy sector integration and demand response, including the related physical upgrades if indispensable to the functioning of the equipment and installations for integration of low-carbon and particularly renewable gases.

Member States concerned: all.

ANNEX II

ENERGY INFRASTRUCTURE CATEGORIES

The energy infrastructure categories to be developed in order to implement the energy infrastructure priorities set out in Annex I shall be the following:

(1) concerning electricity:

(a) high and extra-high voltage overhead transmission lines, crossing a border or within a Member State territory including the exclusive economic zone, if they have been designed for a voltage of 220 kV or more, and underground and submarine transmission cables, if they have been designed for a voltage of 150 kV or more. For Member States and small isolated systems with a lower voltage overall transmission system, those voltage thresholds are equal to the highest voltage level in their respective electricity systems;

(b) any equipment or installation falling under energy infrastructure category referred to in point (a) enabling transmission of offshore renewable electricity from the offshore generation sites (energy infrastructure for offshore renewable electricity);

(c) energy storage facilities, in individual or aggregated form, used for storing energy on a permanent or temporary basis in above-ground or underground infrastructure or geological sites, provided they are directly connected to high-voltage transmission lines and distribution lines designed for a voltage of 110 kV or more. For Member States and small isolated systems with a lower voltage overall transmission system, those voltage thresholds are equal to the highest voltage level in their respective electricity systems;

(d) any equipment or installation essential for the systems referred to in points (a), (b) and (c) to operate safely, securely and efficiently, including protection, monitoring and control systems at all voltage levels and substations;

(e) smart electricity grids: any equipment or installation, digital systems and components integrating information and communication technologies (ICT), through operational digital platforms, control systems and sensor technologies both at transmission and medium and high voltage distribution level, aiming to ensure a more efficient and intelligent electricity transmission and distribution network, increased capacity to integrate new forms of generation, energy storage and consumption and facilitating new business models and market structures, including investments in islands and island systems to decrease energy isolation, to support innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and to contribute significantly to the sustainability of the island energy system and that of the Union;

(f) any equipment or installation falling under energy infrastructure category referred to in point (a) having dual functionality: interconnection and offshore grid connection system from the offshore renewable generation sites to two or more Member States and third countries participating in projects on the Union list, including the onshore prolongation of this equipment up to the first substation in the onshore transmission system, as well as any offshore adjacent equipment or installation essential to operate safely, securely and efficiently, including protection, monitoring and control systems, and necessary substations if they also ensure technology interoperability, inter alia, interface compatibility between various technologies (offshore grids for renewable energy);

(2) concerning smart gas grids: any of the following equipment or installation aiming to enable and facilitate the integration of a plurality of low-carbon and particularly renewable gases, including biomethane or hydrogen, into the gas network: digital systems and components integrating ICT, control systems and sensor technologies to enable the interactive and intelligent monitoring, metering, quality control and management of gas production, transmission, distribution, storage and consumption within a gas network. Furthermore, such projects may also include equipment to enable reverse flows from the distribution to the transmission level, including the related physical upgrades if indispensable to the functioning of the equipment and installations for integration of low-carbon and particularly renewable gases;

(3) concerning hydrogen:

(a) pipelines for the transport, mainly at high pressure, of hydrogen, including repurposed natural gas infrastructure, giving access to multiple network users on a transparent and non-discriminatory basis;

(b) storage facilities connected to the high-pressure hydrogen pipelines referred to in point (a);

(c) reception, storage and regasification or decompression facilities for liquefied hydrogen or hydrogen embedded in other chemical substances with the objective of injecting the hydrogen, where applicable, into the grid;

(d) any equipment or installation essential for the hydrogen system to operate safely, securely and efficiently or to enable bi-directional capacity, including compressor stations;

(e) any equipment or installation allowing for hydrogen or hydrogen-derived fuels use in the transport sector within the TEN-T core network identified in accordance with Chapter III of Regulation (EU) No 1315/2013 of the European Parliament and of the Council [1].

Any of the assets listed in points (a) to (d) may be newly constructed or repurposed from natural gas to hydrogen, or a combination of the two;

(4) concerning electrolyser facilities:

(a) electrolysers that:

(i) have at least 50 MW capacity, provided by a single electrolyser or by a set of electrolysers that form a single, coordinated project;

(ii) the production complies with the life cycle greenhouse gas emissions savings requirement of 70 % relative to a fossil fuel comparator of 94 g CO_2eq/MJ as set out in Article 25(2) and Annex V to Directive (EU) 2018/2001. Life cycle greenhouse gas emissions savings are calculated using the methodology referred to in Article 28(5) of Directive (EU) 2018/2001 or, alternatively, using ISO 14067 or ISO 14064-1. The life-cycle greenhouse gas emissions must include indirect emissions. Quantified life-cycle greenhouse gas emission savings are verified in line with Article 30 of Directive (EU) 2018/2001 where applicable, or by an independent third party; and

(iii) have a network-related function, particularly with a view to overall system flexibility and overall system efficiency of electricity and hydrogen networks;

(b) related equipment, including pipeline connection to the network;

(5) concerning carbon dioxide:

(a) dedicated pipelines, other than upstream pipeline network, used to transport carbon dioxide from more than one source, for the purpose of permanent geological storage of carbon dioxide pursuant to Directive 2009/31/EC;

(b) fixed facilities for liquefaction, buffer storage and converters of carbon dioxide in view of its further transportation through pipelines and in dedicated modes of transport such as ship, barge, truck, and train;

(c) without prejudice to any prohibition of geological storage of carbon dioxide in a Member State, surface and injection facilities associated with infrastructure within a geological formation that is used, in accordance with Directive 2009/31/EC, for the permanent geological storage of carbon dioxide, where they do not involve the use of carbon dioxide for the enhanced recovery of hydrocarbons and are necessary to allow the cross-border transport and storage of carbon dioxide;

(d) any equipment or installation essential for the system in question to operate properly, securely and efficiently, including protection, monitoring and control systems.

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[1] Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

ANNEX III

REGIONAL LISTS OF PROJECTS

1. RULES FOR GROUPS

(1) With regard to energy infrastructure falling under the competence of national regulatory authorities, each Group shall be composed of representatives of the Member States, national regulatory authorities, TSOs, as well as the Commission, the Agency, the EU DSO entity and either the ENTSO for Electricity or the ENTSO for Gas.

For the other energy infrastructure categories, each Group shall be composed of the Commission and the representatives of the Member States, project promoters concerned by each of the relevant priorities set out in Annex I.

(2) Depending on the number of candidate projects for the Union list, regional infrastructure gaps and market developments, the Groups and the decision-making bodies of the Groups may split, merge or meet in different configurations, as necessary, to discuss matters common to all Groups or pertaining solely to particular regions. Such matters may include issues relevant to cross-regional consistency or the number of proposed projects included on the draft regional lists at risk of becoming unmanageable.

(3) Each Group shall organise its work in line with regional cooperation efforts pursuant to Article 12 of Regulation (EC) No 715/2009, Article 34 of Regulation (EU) 2019/943, Article 7 of Directive 2009/73/EC and Article 61 of Directive (EU) 2019/944, and other existing regional cooperation structures.

(4) Each Group shall invite, as appropriate for the purpose of implementing the relevant energy infrastructure priority corridors and areas designated in Annex I, promoters of a project potentially eligible for selection as a project of common interest as well as representatives of national administrations, of regulatory authorities, of civil society and TSOs from third countries. The decision to invite third-country representatives shall be made by consensus.

(5) For the energy infrastructure priority corridors set out in Section 2 of Annex I, each Group shall invite, as appropriate, representatives of the landlocked Member States, competent authorities, national regulatory authorities and TSOs.

(6) Each Group shall invite, as appropriate, the organisations representing relevant stakeholders, including representatives from third countries, and, where deemed to be appropriate, directly the stakeholders, including producers, DSOs, suppliers, consumers, local populations and Union-based organisations for environmental protection, to express their specific expertise. Each Group shall organise hearings or consultations where relevant for the accomplishments of its tasks.

(7) As regards the meetings of the Groups, the Commission shall publish, on a platform accessible to stakeholders, the internal rules, an updated list of member organisations, regularly updated information on the progress of work, meeting agendas, as well as meeting minutes, where available. The deliberations of the decision-making bodies of the Groups and the project ranking in accordance with Article 4(5) shall be confidential. All decisions concerning to the functioning and work of the regional groups shall be made by consensus between the Member States and the Commission.

(8) The Commission, the Agency and the Groups shall strive for consistency between the Groups. For that purpose, the Commission and the Agency shall ensure, when relevant, the exchange of information on all work representing an interregional interest between the Groups concerned.

(9) The participation of national regulatory authorities and the Agency in the Groups shall not jeopardise the fulfilment of their objectives and duties under this Regulation or under Regulation (EU) 2019/942, Articles 40 and 41 of Directive 2009/73/EC and Articles 58, 59 and 60 of Directive (EU) 2019/944.

2. PROCESS FOR ESTABLISHING REGIONAL LISTS

(1) Promoters of a project potentially eligible for selection as a project on the Union list wanting to obtain that status shall submit an application for selection as a project on the Union list to the Group that includes:

(a) an assessment of their projects with regard to their contribution to implementing the priorities set out in Annex I;

(b) an indication of the relevant project category set out in Annex II;

(c) an analysis of the fulfilment of the relevant criteria laid down in Article 4;

(d) for projects having reached a sufficient degree of maturity, a project-specific cost-benefit analysis consistent with the methodologies drawn up pursuant to Article 11;

(e) for projects of mutual interest, the letters of support from the governments of the directly affected countries expressing their support for the project or other non-binding agreements;

(f) any other relevant information for the evaluation of the project.

(2) All recipients shall ensure the confidentiality of commercially sensitive information.

(3) The proposed electricity transmission and storage projects of common interest falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II to this Regulation shall be part of the latest available Union-wide ten-year network development plan for electricity, developed by the ENTSO for Electricity pursuant Article 30 of Regulation (EU) 2019/943. The proposed electricity transmission projects of common interest falling under the energy infrastructure categories set out in point (1)(b) and (f) of Annex II to this Regulation shall derive from and be consistent with the integrated offshore network development and grid reinforcements referred to in Article 14(2) of this Regulation.

(4) From 1 January 2024, the proposed hydrogen projects of common interest falling under the energy infrastructure categories set out in point (3) of Annex II to this Regulation are projects that are part of the latest available Community-wide ten-year network development plan for gas, developed by the ENTSO for Gas pursuant Article 8 of Regulation (EC) No 715/2009.

(5) By 30 June 2022 and subsequently for every Union-wide ten-year network development plan, the ENTSO for Electricity and ENTSO for Gas shall issue updated guidelines for inclusion of projects in their respective Union-wide ten-year network development plan, as referred to in points (3) and (4), in order to ensure equal treatment and the transparency of the process. For all the projects on the Union list in force at the time, the guidelines shall establish a simplified process of inclusion in the Union-wide ten-year network development plans taking into account the documentation and data already submitted during the previous Union-wide ten-year network development plan processes, provided that the documentation and data already submitted remains valid.

The ENTSO for Electricity and ENTSO for Gas shall consult the Commission and the Agency about their respective draft guidelines for inclusion of projects in the Union-wide ten-year network development plans and take due account of the Commission's and the Agency's recommendations before the publication of the final guidelines.

(6) Proposed carbon dioxide transport and storage projects falling under the energy infrastructure category set out in point (5) of Annex II shall be presented as part of a plan, developed by at least two Member States, for the development of cross-border carbon dioxide transport and storage infrastructure, to be presented by the Member States concerned or entities designated by those Member States to the Commission.

(7) The ENTSO for Electricity and the ENTSO for Gas shall provide information to the Groups as to how they applied the guidelines to evaluate inclusion in the Union-wide ten-year network development plans.

(8) For projects falling under their competence, the national regulatory authorities and, where necessary, the Agency shall, where possible in the context of regional cooperation pursuant to Article 7 of Directive 2009/73/EC and Article 61 of Directive (EU) 2019/944, check the consistent application of the criteria and of the cost-benefit analysis methodology and evaluate their cross-border relevance. They shall present their assessment to the Group. The Commission shall ensure that criteria and methodologies referred to in Article 4 of this Regulation and Annex IV are applied in a harmonised way to ensure consistency across the regional groups.

(9) For all projects not covered in point (8) of this Annex, the Commission shall evaluate the application of the criteria set out in Article 4 of this Regulation. The Commission shall also take into account the potential for future extension to include additional Member States. The Commission shall present its assessment to the Group. For projects applying for the status of project of mutual interest, third-country representatives and regulatory authorities shall be invited to the presentation of the assessment.

(10) Each Member State to whose territory a proposed project does not relate, but on which the proposed project may have a potential net positive impact or a potential significant effect, such as on the environment or on the operation of the energy infrastructure on its territory, may present an opinion to the Group specifying its concerns.

(11) The Group shall examine, at the request of a Member State of the Group, the substantiated reasons presented by a Member State pursuant to Article 3(3) for not approving a project related to its territory.

(12) The Group shall consider whether the energy efficiency first principle is applied as regards the establishment of the regional infrastructure needs and as regards each of the candidate projects. The Group shall, in particular, consider solutions such as demand-side management, market arrangement solutions, implementation of digital solutions, and renovation of buildings as priority solutions where they are judged more cost-efficient on a system wide perspective than the construction of new supply side infrastructure.

(13) The Group shall meet to examine and rank the proposed projects based on a transparent assessment of the projects and using the criteria set out in Article 4 taking into account the assessment of the regulators, or the assessment of the Commission for projects not falling within the competence of national regulatory authorities.

(14) The draft regional lists of proposed projects falling under the competence of national regulatory authorities drawn up by the Groups, together with any opinions as specified in point (10) of this Section, shall be submitted to the Agency six months before the adoption date of the Union list. The draft regional lists and the accompanying opinions shall be assessed by the Agency within three months of the date of receipt. The Agency shall provide an opinion on the draft regional lists, in particular on the consistent application of the criteria and the cost-benefit analysis across regions. The opinion of the Agency shall be adopted in accordance with the procedure referred to in Article 22(5) of Regulation (EU) 2019/942.

(15) Within one month of the date of receipt of the Agency's opinion, the decision-making body of each Group shall adopt its final regional list of proposed projects, respecting the provisions set out in Article 3(3), on the basis of the Groups' proposal and taking into account the opinion of the Agency and the assessment of the national regulatory authorities submitted in accordance with point (8), or the assessment of the Commission for projects not falling within the competence of national regulatory authorities proposed in accordance with point (9), and the advice from the Commission that aims to ensure a manageable total number of projects on the Union list, especially at borders related to competing or potentially competing projects. The decision-making bodies of the Groups shall submit the final regional lists to the Commission, together with any opinions as specified in point (10).

(16) Where, on the basis of the draft regional lists, and after having taken into account the Agency opinion, the total number of proposed projects on the Union list would exceed a manageable number, the Commission shall advise each Group concerned, not to include in the regional list projects that were ranked lowest by the Group concerned in accordance with the ranking established pursuant to Article 4(5).

ANNEX IV

RULES AND INDICATORS CONCERNING CRITERIA FOR PROJECTS

(1) A project of common interest with a significant cross-border impact shall be a project on the territory of a Member State and shall fulfil the following conditions:

(a) for electricity transmission, the project increases the grid transfer capacity, or the capacity available for commercial flows, at the border of that Member State with one or several other Member States, having the effect of increasing the cross-border grid transfer capacity at the border of that Member State with one or several other Member States, by at least 500 Megawatts (MW) compared to the situation without commissioning of the project, or the project decreases energy isolation of non-interconnected systems in one or more Member States and increases the cross-border grid transfer capacity at the border between two Member States by at least 200 MW;

(b) for electricity storage, the project provides at least 225 MW installed capacity and has a storage capacity that allows a net annual electricity generation of 250 GW-hours/year;

(c) for smart electricity grids, the project is designed for equipment and installations at high-voltage and medium-voltage level, and involves TSOs, TSOs and DSOs, or DSOs from at least two Member States. The project may involve only DSOs provided that they are from at least two Member States and provided that interoperability is ensured. The project shall satisfy at least two of the following criteria: it involves 50 000 users, generators, consumers or prosumers of electricity, it captures a consumption area of at least 300 GW hours/year, at least 20 % of the electricity consumption linked to the project originates from variable renewable resources, or it decreases energy isolation of non-interconnected systems in one or more Member States. The project does not need to involve a physical common border. For projects related to small isolated systems as defined in Article 2, point (42), of Directive (EU) 2019/944, including islands, those voltage levels shall be equal to the highest voltage level in the relevant electricity system;

(d) for hydrogen transmission, the project enables the transmission of hydrogen across the borders of the Member States concerned, or increases existing cross-border hydrogen transport capacity at a border between two Member States by at least 10 % compared to the situation prior to the commissioning of the project, and the project sufficiently demonstrates that it is an essential part of a planned cross-border hydrogen network and provides sufficient proof of existing plans and cooperation with neighbouring countries and network operators or, for projects decreasing energy isolation of non-interconnected systems in one or more Member States, the project aims to supply, directly or indirectly, at least two Member States;

(e) for hydrogen storage or hydrogen reception facilities referred to in point (3) of Annex II, the project aims to supply, directly or indirectly, at least two Member States;

(f) for electrolysers, the project provides at least 50 MW installed capacity provided by a single electrolyser or by a set of electrolysers that form a single, coordinated project and brings benefits directly or indirectly to at least two Member States, and, specifically, as regards projects on islands and island systems, supports innovative and other solutions involving at least two Member States with a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective, and contributes significantly to the sustainability of the island energy system and that of the Union;

(g) for smart gas grids, a project involves TSOs, TSOs and DOS or DSOs from at least two Member States. DSOs may be involved, but only with the support of the TSOs of at least two Member States that are closely associated to the project and ensure interoperability;

(h) for offshore renewable electricity transmission, the project is designed to transfer electricity from offshore generation sites with capacity of at least 500 MW and allows for electricity transmission to onshore grid of a specific Member State, increasing the volume of renewable electricity available on the internal market. The project shall be developed in the areas with low penetration of offshore renewable electricity and shall demonstrate a significant positive impact on the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and shall contribute significantly to the sustainability of the energy system and market integration while not hindering the cross-border capacities and flows;

(i) for carbon dioxide projects, the project is used to transport and, where applicable, store anthropogenic carbon dioxide originating from at least two Member States.

(2) A project of mutual interest with significant cross-border impact shall be a project and shall fulfil the following conditions:

(a) for projects of mutual interest in the category set out in point (1)(a) and (f) of Annex II, the project increases the grid transfer capacity, or the capacity available for commercial flows, at the border of that Member State with one or more third countries and brings significant benefits, either directly or indirectly (via interconnection with a third country), under the specific criteria listed in in Article 4(3), at Union level. The calculation of the benefits for the Member States shall be performed and published by the ENTSO for Electricity in the frame of Union-wide ten-year network development plan;

(b) for projects of mutual interest in the category set out in point (3) of Annex II, the hydrogen project enables the transmission of hydrogen across at the border of a Member State with one or more third countries and proves bringing significant benefits, either directly or indirectly (via interconnection with a third country) under the specific criteria listed in Article 4(3), at Union level. The calculation of the benefits for the Member States shall be performed and published by the ENTSO for Gas in the frame of Union-wide ten-year network development plan;

(c) for projects of mutual interest in the category set out in point (5) of Annex II, the project can be used to transport and store anthropogenic carbon dioxide by at least two Member States and a third country.

(3) Concerning projects falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:

(a) transmission of renewable energy generation to major consumption centres and storage sites, measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by:

(i) for electricity transmission, estimating the amount of generation capacity from renewable energy sources (by technology, in MW), which is connected and transmitted due to the project, compared to the amount of planned total generation capacity from those types of renewable energy sources in the Member State concerned in 2030 according to the National Energy and Climate Plans submitted by Member States in accordance with Regulation (EU) 2018/1999;

(ii) or energy storage, comparing new capacity provided by the project with total existing capacity for the same storage technology in the area of analysis as set out in Annex V;

(b) market integration, competition and system flexibility, measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by:

(i) calculating, for cross-border projects, including reinvestment projects, the impact on the grid transfer capability in both power flow directions, measured in terms of amount of power (in MW), and their contribution to reaching the minimum 15 % interconnection target, and for projects with significant cross-border impact, the impact on grid transfer capability at borders between relevant Member States, between relevant Member States and third countries or within relevant Member States and on demand-supply balancing and network operations in relevant Member States;

(ii) assessing the impact, for the area of analysis as set out in Annex V, in terms of energy system-wide generation and transmission costs and evolution and convergence of market prices provided by a project under various planning scenarios, in particular taking into account the variations induced on the merit order;

(c) security of supply, interoperability and secure system operation, measured in line with the analysis made in the latest available Union-wide ten-year network development plan in electricity, in particular by assessing the impact of the project on the loss of load expectation for the area of analysis as set out in Annex V in terms of generation and transmission adequacy for a set of characteristic load periods, taking into account expected changes in climate-related extreme weather events and their impact on infrastructure resilience. Where applicable, the impact of the project on independent and reliable control of system operation and services shall be measured.

(4) Concerning projects falling under the energy infrastructure category set out in point (1)(e) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:

(a) the level of sustainability, measured by assessing the extent of the ability of the grids to connect and transport variable renewable energy;

(b) security of supply, measured by assessing the level of losses in distribution, transmission networks, or both, the percentage utilisation (i.e. average loading) of electricity network components, the availability of network components (related to planned and unplanned maintenance) and its impact on network performances, and on the duration and frequency of interruptions, including climate related disruptions;

(c) market integration, measured by assessing the innovative uptake in system operation, the decrease of energy isolation and interconnection, as well as the level of integrating other sectors and facilitating new business models and market structures;

(d) network security, flexibility and quality of supply, measured by assessing the innovative approach to system flexibility, cybersecurity, efficient operability between TSO and DSO level, the capacity to include demand response, storage, energy efficiency measures, the cost-efficient use of digital tools and ICT for monitoring and control purposes, the stability of the electricity system and the voltage quality performance.

(5) Concerning hydrogen falling under the energy infrastructure category set out in point (3) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:

(a) sustainability, measured as the contribution of a project to greenhouse gas emission reductions in various end-use applications in hard-to-abate sectors, such as industry or transport; flexibility and seasonal storage options for renewable electricity generation; or the integration of renewable and low-carbon hydrogen with a view to consider market needs and promote renewable hydrogen;

(b) market integration and interoperability, measured by calculating the additional value of the project to the integration of market areas and price convergence to the overall flexibility of the system;

(c) security of supply and flexibility, measured by calculating the additional value of the project to the resilience, diversity and flexibility of hydrogen supply;

(d) competition, measured by assessing the project's contribution to supply diversification, including the facilitation of access to indigenous sources of hydrogen supply.

(6) Concerning smart gas grid projects falling under the energy infrastructure category set out in point (2) of Annex II, the criteria listed in Article 4 shall be evaluated as follows:

(a) level of sustainability, measured by assessing the share of renewable and low-carbon gases integrated into the gas network, the related greenhouse gas emission savings towards total system decarbonisation and the adequate detection of leakage;

(b) quality and security of supply, measured by assessing the ratio of reliably available gas supply and peak demand, the share of imports replaced by local renewable and low-carbon gases, the stability of system operation, the duration and frequency of interruptions per customer;

(c) enabling flexibility services such as demand response and storage by facilitation of smart energy sector integration through the creation of links to other energy carriers and sectors, measured by assessing the cost savings enabled in connected energy sectors and systems, such as the heat and power system, transport and industry.

(7) Concerning electrolyser projects falling under the energy infrastructure category set out in point (4) of Annex II the criteria listed in Article 4 shall be evaluated as follows:

(a) sustainability, measured by assessing the share of renewable hydrogen or low-carbon hydrogen, in particular from renewable sources meeting the criteria defined in point (4)(a)(ii) of Annex II integrated into the network or estimating the amount of deployment of synthetic fuels of those origins and the related greenhouse gas emission savings;

(b) security of supply, measured by assessing its contribution to the safety, stability and efficiency of network operation, including through the assessment of avoided curtailment of renewable electricity generation;

(c) enabling flexibility services such as demand response and storage by the facilitation of smart energy sector integration through the creation of links to other energy carriers and sectors, measured by assessing the cost savings enabled in connected energy sectors and systems, such as the gas, hydrogen, power and heat networks, the transport and industry sectors.

(8) Concerning carbon dioxide infrastructure falling under the energy infrastructure categories set out in point (5) of Annex II the criteria listed in Article 4 shall be evaluated as follows:

(a) sustainability, measured by assessing the total expected project life-cycle greenhouse gas reductions and the absence of alternative technological solutions such as, but not limited to, energy efficiency, electrification integrating renewable sources, to achieve the same level of greenhouse gas reductions as the amount of carbon dioxide to be captured at connected industrial installations at a comparable cost within a comparable timeline taking into account the greenhouse gas emissions from the energy necessary to capture, transport and store the carbon dioxide, as applicable, considering the infrastructure including, where applicable, other potential future uses;

(b) resilience and security, measured by assessing the security of the infrastructure;

(c) the mitigation of environmental burden and risk via the permanent neutralisation of carbon dioxide.

ANNEX V

ENERGY SYSTEM-WIDE COST-BENEFIT ANALYSIS

The methodologies for cost-benefit analyses developed by the ENTSO for Electricity and the ENTSO for Gas shall be consistent with each other, taking into account sectorial specificities. The methodologies for a harmonised and transparent energy system-wide cost-benefit analysis for projects on the Union list shall be uniform for all infrastructure categories, unless specific divergences are justified. They shall address costs in the broader sense, including externalities, in view of the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and shall comply with the following principles:

(1) the area for the analysis of an individual project shall cover all Member States and third countries, on whose territory the project is located, all directly neighbouring Member States and all other Member States in which the project has a significant impact. For this purpose, ENTSO for Electricity and ENTSO for Gas shall cooperate with all the relevant system operators in the relevant third countries. In the case of projects falling under the energy infrastructure category set out at point (3) of Annex II, the ENTSO for Electricity and the ENTSO for Gas shall cooperate with the project promoter, including where it is not a system operator;

(2) each cost-benefit analysis shall include sensitivity analyses concerning the input data set, including the cost of generation and greenhouse gases as well as the expected development of demand and supply, including with regard to renewable energy sources, and including the flexibility of both, and the availability of storage, the commissioning date of various projects in the same area of analysis, climate impacts and other relevant parameters;

(3) they shall establish the analysis to be carried out, based on the relevant multi-sectorial input data set by determining the impact with and without each project and shall include the relevant interdependencies with other projects;

(4) they shall give guidance for the development and use of energy network and market modelling necessary for the cost-benefit analysis. The modelling shall allow for a full assessment of economic benefits, including market integration, security of supply and competition, as well as lifting energy isolation, social and environmental and climate impacts, including the cross-sectorial impacts. The methodology shall be fully transparent including details on why, what and how each of the benefits and costs are calculated;

(5) they shall include an explanation on how the energy efficiency first principle is implemented in all the steps of the Union-wide ten-year network development plans;

(6) they shall explain that the development and deployment of renewable energy will not be hampered by the project;

(7) they shall ensure that the Member States on which the project has a net positive impact, the beneficiaries, the Member States on which the project has a net negative impact, and the cost bearers, which may be Members States other than those on which territory the infrastructure is constructed, are identified;

(8) they shall take into account, at least, the capital expenditure, operational and maintenance expenditure costs, as well as the costs induced for the related system over the technical lifecycle of the project as a whole, such as decommissioning and waste management costs, including external costs. The methodologies shall give guidance on discount rates, technical lifetime and residual value to be used for the cost- benefit calculations. They shall furthermore include a mandatory methodology to calculate benefit-to-cost ratio and the net present value, as well as a differentiation of benefits in accordance with the level of reliability of their estimation methods. Methods to calculate the climate and environmental impacts of the projects and the contribution to Union energy targets, such as renewable penetrations, energy efficiency and interconnection targets shall also be taken into account;

(9) they shall ensure that the climate adaptation measures taken for each project are assessed and reflect the cost of greenhouse gas emissions and that the assessment is robust and consistent with other Union policies in order to enable comparison with other solutions which do not require new infrastructures.

ANNEX VI

GUIDELINES FOR TRANSPARENCY AND PUBLIC PARTICIPATION

(1) The manual of procedures referred to in Article 9(1) shall contain at least:

(a) specifications of the relevant pieces of legislation upon which decisions and opinions are based for the various types of relevant projects of common interest, including environmental law;

(b) the list of relevant decisions and opinions to be obtained;

(c) the names and contact details of the competent authority, other authorities concerned and major stakeholders concerned;

(d) the work flow, outlining each stage in the process, including an indicative timeline and a concise overview of the decision-making process for the various types of relevant projects of common interest;

(e) information about the scope, structure and level of detail of documents to be submitted with the application for decisions, including a checklist;

(f) the stages and means for the general public to participate in the process;

(g) the manner in which the competent authority, other authorities concerned and the project promoter shall demonstrate that the opinions expressed in the public consultation were taken into account, for example by showing what amendments were done in the location and design of the project or by providing reasons why such opinions have not been taken into account;

(h) to the extent possible, translations of its content in all languages of the neighbouring Member States to be realised in coordination with the relevant neighbouring Member States.

(2) The detailed schedule referred to in Article 10(6), point (b), shall at least specify the following:

(a) the decisions and opinions to be obtained;

(b) the authorities, stakeholders, and the public likely to be concerned;

(c) the individual stages of the procedure and their duration;

(d) major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken;

(e) the resources planned by the authorities and possible additional resource needs.

(3) Without prejudice to the requirements for public consultations under environmental law, to increase public participation in the permit granting process and ensure in advance information and dialogue with the public, the following principles shall be applied:

(a) the stakeholders affected by a project of common interest, including relevant national, regional and local authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage, in an inclusive manner, when potential concerns by the public can still be taken into account and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter;

(b) competent authorities shall ensure that public consultation procedures for projects of common interest are grouped together where possible including public consultations already required under national law. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation;

(c) comments and objections shall be admissible only from the beginning of the public consultation until the expiry of the deadline;

(d) the project promoters shall ensure that consultations take place during a period that allows for open and inclusive public participation.

(4) The concept for public participation shall at least include information about:

(a) the stakeholders concerned and addressed;

(b) the measures envisaged, including proposed general locations and dates of dedicated meetings;

(c) the timeline;

(d) the human resources allocated to various tasks.

(5) In the context of the public consultation to be carried out before submission of the application file, the relevant parties shall at least:

(a) publish in electronic and, where relevant, printed form, an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the description, purpose and preliminary timetable of the development steps of the project, the national grid development plan, alternative routes considered, types and characteristics of the potential impact, including of cross-border or transboundary nature, and possible mitigation measures, such information leaflet is to be published prior to the start of the consultation and to list the web addresses of the website of the project of common interest referred to in Article 9(7), the transparency platform referred to in Article 23 and the manual of procedures referred to in point (1) of this Annex;

(b) publish the information on the consultation on the website of the project of common interest referred to in Article 9(7), on the bulletin boards of the offices of local administrations, and, at least, in one or, if applicable, two local media outlets;

(c) invite, in written or electronic form, the relevant affected stakeholders, associations, organisations and groups to dedicated meetings, during which concerns shall be discussed.

(6) The project website referred to in Article 9(7) shall at least publish the following information:

(a) the date when the project website was last updated;

(b) translations of its content in all languages of the Member States concerned by the project or on which the project has a significant cross-border impact in accordance with point (1) of Annex IV;

(c) the information leaflet referred to in point (5) updated with the latest data on the project;

(d) a non-technical and regularly updated summary reflecting the current status of the project, including geographic information, and clearly indicating, in case of updates, changes to previous versions;

(e) the implementation plan as set out in Article 5(1) updated with the latest data on the project;

(f) the funds allocated and disbursed by the Union for the project;

(g) the project and public consultation planning, clearly indicating dates and locations for public consultations and hearings and the envisaged subject matters relevant for those hearings;

(h) contact details in view of obtaining additional information or documents;

(i) contact details in view of conveying comments and objections during public consultations.

REGULATION(EU) 2022/870 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 30 May 2022

on temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

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 207(2) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure ([1]),

Whereas:

(1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ([2]) (the 'Association Agreement') constitutes the basis of the relationship between the Union and Ukraine. In accordance with Council Decision 2014/668/EU ([3]), Title IV of the Association Agreement, which relates to trade and trade-related matters, has been applied provisionally since 1 January 2016, and entered into force on 1 September 2017, following ratification by all Member States.

(2) The Association Agreement expresses the desire of the Parties to the Association Agreement (the 'Parties') to strengthen and widen relations in an ambitious and innovative way, to facilitate and achieve gradual economic integration, and to do so in compliance with the rights and obligations arising out of the World Trade Organization membership of the Parties.

(3) Article 2 of the Association Agreement establishes, among other things, respect for democratic principles, human rights and fundamental freedoms, as well as the promotion of respect for the principles of sovereignty and territorial integrity, inviolability of borders, and independence as essential elements of the Association Agreement.

(4) Article 25 of the Association Agreement provides for the progressive establishment of a free trade area between the Parties in accordance with Article XXIV of the General Agreement on Tariffs and Trade 1994 ('GATT 1994'). To that end, Article 29 of the Association Agreement provides for the progressive elimination of customs duties in accordance with the Schedules included therein and for the possibility of accelerating and broadening the scope of such elimination. Article 48 of the Association Agreement provides that the public interest is to be considered before applying anti-dumping measures between the Parties.

(5) Russia's unprovoked and unjustified war of aggression against Ukraine since 24 February 2022 has had a profoundly negative impact on the ability of Ukraine to trade with the rest of the world, both because of the destruction of production capacity and the unavailability of a significant proportion of means of transport due to the closure of access to the Black Sea. Under such exceptional circumstances and to mitigate the negative economic impact of Russia's war of aggression against Ukraine, it is necessary to accelerate the development of closer economic

([1]) Position of the European Parliament of 19 May 2022 (not yet published in the Official Journal) and decision of the Council of 24 May 2022.

([2]) OJ L 161, 29.5.2014, p. 3.

([3]) Council Decision 2014/668/EU of 23 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols (OJ L 278, 20.9.2014, p. 1).

relations between the Union and Ukraine in order to provide quick support to the Ukrainian authorities and population. It is therefore necessary and appropriate to stimulate trade flows and to grant concessions in the form of trade-liberalisation measures for all products, in line with the acceleration of the elimination of customs duties on trade between the Union and Ukraine.

(6) In accordance with Article 21(3) of the Treaty on European Union (TEU), the Union is to ensure consistency between the different areas of its external action. Pursuant to Article 207(1) of the Treaty on the Functioning of the European Union (TFEU), the common commercial policy is to be conducted in the context of the principles and objectives of the Union's external action.

(7) The trade-liberalisation measures established by this Regulation should take the following form: (i) the full removal of import duties (preferential customs duties) on the importation of industrial products from Ukraine; (ii) the suspension of the application of the entry price system to fruit and vegetables; (iii) the suspension of tariff-rate quotas and the full removal of import duties; (iv) by way of derogation from Article 14(1), subparagraph 1, of Regulation (EU) 2016/1036 of the European Parliament and of the Council ([4]), anti-dumping duties on imports originating in Ukraine made during the application of this Regulation should not be collected at any point in time, including after the expiry of this Regulation; and (v) the temporary suspension of the application of Regulation (EU) 2015/478 of the European Parliament and of the Council ([5]). Through those measures, the Union will, in effect, temporarily provide appropriate economic and financial support to the benefit of Ukraine and the economic operators that are affected.

(8) In order to prevent fraud, the preferential arrangements established by this Regulation should be conditional upon Ukraine complying with all the relevant conditions for obtaining benefits under the Association Agreement, including the rules of origin of products concerned and the procedures related thereto, as well as Ukraine's involvement in close administrative cooperation with the Union, as provided for by the Association Agreement.

(9) Ukraine should abstain from introducing new duties or charges having equivalent effect and new quantitative restrictions or measures having equivalent effect, from increasing existing levels of duties or charges or from introducing any other restrictions on trade with the Union, unless clearly justified in the war context. In the event that Ukraine fails to comply with any of those conditions, the Commission should be empowered to suspend temporarily all or part of the preferential arrangements established by this Regulation.

(10) Article 2 of the Association Agreement provides that, among other things, respect for democratic principles, human rights and fundamental freedoms as well as countering the proliferation of weapons of mass destruction, related materials and their means of delivery constitute essential elements of the Association Agreement. Furthermore, Article 3 of the Association Agreement states that the rule of law, good governance, the fight against corruption, the fight against the different forms of trans-national organised crime and terrorism, the promotion of sustainable development and effective multilateralism are central to enhancing the relationship between the Parties. It is appropriate to introduce the possibility of temporarily suspending the preferential arrangements established by this Regulation if Ukraine fails to respect the general principles of the Association Agreement, as is the case under other association agreements concluded by the Union.

(11) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to temporarily suspend the preferential arrangements and to introduce corrective measures, as referred to in Articles 3 and 4 of this Regulation, in cases where Union producers of like or directly competing products are or might be seriously affected by imports under this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([6]).

([4]) Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 21).

([5]) Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (OJ L 83, 27.3.2015, p. 16).

([6]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(12) Subject to an investigation by the Commission, it is necessary to provide for the possibility to reintroduce the customs duties otherwise applicable under the Association Agreement for imports of any products falling under the scope of this Regulation which cause, or threaten to cause, serious difficulties to Union producers of like or directly competing products.

(13) The Commission's annual report on the implementation of the Deep and Comprehensive Free Trade Area, which is an integral part of the Association Agreement, should include a detailed assessment of the implementation of the trade-liberalisation measures established by this Regulation.

(14) In view of the urgency of the matter related to the situation caused by Russia's war of aggression against Ukraine, it is considered to be appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the TFEU and to the Treaty establishing the European Atomic Energy Community.

(15) In light of the emergency situation in Ukraine, this Regulation should provide for an appropriate transitory provision and enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

Trade-liberalisation measures

1. The following preferential arrangements are introduced:

(a) the preferential customs duties on importation into the Union of certain industrial products originating in Ukraine that are subject to a seven-year phase-out in accordance with Annex I-A to the Association Agreement shall be set to zero;

(b) the application of the entry price system shall be suspended for those products to which it applies as specified in Annex I-A to the Association Agreement. No customs duties shall apply to imports of those products;

(c) all the tariff-rate quotas established under Annex I-A to the Association Agreement shall be suspended and the products covered by those quotas shall be admitted for importation into the Union from Ukraine without any customs duties.

2. By way of derogation from Article 14(1), first subparagraph, of Regulation (EU) 2016/1036, anti-dumping duties on imports originating in Ukraine made during the application of this Regulation shall not be collected at any point in time, including after the expiry of this Regulation.

3. The application of Regulation (EU) 2015/478 shall be temporarily suspended with regard to imports originating in Ukraine.

Article 2

Conditions for entitlement to the preferential arrangements

The preferential arrangements provided for in Article 1(1), points (a), (b) and (c), shall be subject to the following conditions:

(a) compliance with the rules of origin of products and the procedures related thereto as provided for in the Association Agreement;

(b) Ukraine's abstention from introducing new duties or charges having equivalent effect and new quantitative restrictions or measures having equivalent effect for imports originating in the Union, from increasing existing levels of duties or charges or from introducing any other restrictions, including discriminatory internal administrative measures, unless clearly justified in the war context; and

(c) Ukraine's respect for democratic principles, human rights and fundamental freedoms and respect for the principle of the rule of law as well as continued and sustained efforts with regard to the fight against corruption and illegal activities provided for in Articles 2, 3 and 22 of the Association Agreement.

Article 3

Temporary suspension

1. Where the Commission finds that there is sufficient evidence of Ukraine's failure to comply with the conditions set out in Article 2, it may, by means of an implementing act, suspend in whole or in part the preferential arrangements provided for in Article 1(1), points (a), (b) and (c). That implementing act shall be adopted in accordance with the examination procedure referred to in Article 5(2).

2. Where a Member State requests that the Commission suspends any of the preferential arrangements on the basis of Ukraine's failure to comply with the conditions set out in Article 2, point (b), the Commission shall provide a reasoned opinion within four months of the request on whether the claim of Ukraine's failure to comply is substantiated. If the Commission concludes that the claim is substantiated, it shall initiate the procedure referred to in paragraph 1 of this Article.

Article 4

Safeguard clause

1. Where a product originating in Ukraine is imported on terms which cause, or threaten to cause, serious difficulties to Union producers of like or directly competing products, the customs duties otherwise applicable under the Association Agreement on imports of that product may be reintroduced at any time.

2. The Commission shall closely monitor the impact of this Regulation, including with regard to the prices on the Union market, taking into account the information on exports, imports and Union production of the products subject to the trade-liberalisation measures established by this Regulation.

3. The Commission shall take a decision to initiate an investigation within a reasonable period of time:

(a) at the request of a Member State;

(b) at the request of a legal person or an association that does not have legal personality, acting on behalf of the Union industry, meaning all or a major proportion of Union producers of like or directly competing products; or

(c) on its own initiative if it is apparent to the Commission that there is sufficient *prima facie* evidence of serious difficulties to Union producers of like or directly competing products as referred to in paragraph 1.

For the purposes of this paragraph, 'major proportion of Union producers of like or directly competing products' means Union producers whose collective output constitutes more than 50 % of the total Union production of the like or directly competing products produced by that portion of the Union industry which have expressed either support for or opposition to the request and which represent no less than 25 % of total production of the like or directly competing products produced by the Union industry.

4. Where the Commission decides to initiate an investigation, it shall publish a notice in the *Official Journal of the European Union* announcing the initiation of the investigation. The notice shall provide a summary of the information received and state that any relevant information should be sent to the Commission. It shall specify the period within which interested parties may submit their views in writing. Such period shall not exceed four months from the date of publication of the notice.

5. The Commission shall seek all information it deems necessary and may verify the information received with Ukraine or any other relevant source. It may be assisted by officials of the Member State on whose territory verification might be sought, if that Member State requests such assistance by those officials.

6. In examining whether serious difficulties to Union producers of like or directly competing products as referred to in paragraph 1 exist, the Commission shall take account, among other things, of the following factors concerning Union producers, where relevant information is available:

— market share,

— production,

— stocks,

— production capacity,

— capacity utilisation,

— employment,

— imports,

— prices.

7. The investigation shall be completed within six months of the publication of the notice referred to in paragraph 4 of this Article. In exceptional circumstances, the Commission may extend that period by means of an implementing act adopted in accordance with the examination procedure referred to in Article 5(2).

8. Within three months of the completion of the investigation, the Commission shall decide whether to reintroduce the customs duties otherwise applicable under the Association Agreement by means of an implementing act adopted in accordance with the examination procedure referred to in Article 5(2) of this Regulation. That implementing act shall enter into force within one month of its publication.

The customs duties otherwise applicable under the Association Agreement may be reintroduced for as long as necessary to counteract the deterioration in the economic or financial situation of Union producers, or for as long as the threat of such deterioration persists. Where the facts as finally established show that the conditions set out in paragraph 1 of this Article are not met, the Commission shall adopt an implementing act terminating the investigation and proceedings. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 5(2) of this Regulation.

9. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may, after informing the Customs Code Committee referred to in Article 5(1), take any preventive measure which is necessary.

Article 5

Committee procedure

1. The Commission shall be assisted by the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ([7]). That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

([7]) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

Article 6

Assessment of the implementation of the trade-liberalisation measures

The Commission's annual report on the implementation of the Deep and Comprehensive Free Trade Area shall include a detailed assessment of the implementation of the trade-liberalisation measures provided for in this Regulation and shall include, insofar as appropriate, an assessment of the social impact of those measures in Ukraine and in the Union. Information on imports of products under Article 1(1), point (c), shall be made available via the website of the Commission.

Article 7

Transitory provision

The preferential arrangements referred to in Article 1(1), points (a), (b) and (c), shall apply to products which, on 4 June 2022, are either in transit from Ukraine to the Union or under customs control in the Union, subject to the making of a claim to that effect to the responsible customs authorities of the Union within six months of that date.

Article 8

Entry into force and application

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

2. This Regulation shall apply until 5 June 2023.

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

Done at Brussels, 30 May 2022.

For the European Parliament	*For the Council*
The President	*The President*
R. METSOLA	B. LE MAIRE

DECISIONS

DECISION (EU) 2022/871 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 30 May 2022

amending Council Decision 2003/17/EC as regards its period of application and as regards the equivalence of field inspections carried out in Bolivia on cereal seed-producing crops and oil and fibre plant seed-producing crops and the equivalence of cereal seed and oil and fibre plant seed produced in Bolivia

(Text with EEA relevance)

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 43(2) 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 Committee ([1]),

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) Council Decision 2003/17/EC ([3]) provides that, under certain conditions, field inspections carried out on certain seed-producing crops in the third countries listed in Annex I to that Decision are to be considered equivalent to field inspections carried out in accordance with Union law. It also provides that, under certain conditions, seed of certain species produced in those third countries is to be considered equivalent to seed produced in accordance with Union law.

(2) Equivalence has been granted to those third countries by relying on the multilateral framework for international trade of seeds, namely the Organisation for Economic Cooperation and Development (OECD) Seed Schemes for the Varietal Certification of Seed moving in International Trade and the methods of the International Seed Testing Association (ISTA) or, where appropriate, the rules of the Association of Official Seed Analysts that are equivalent to the ISTA methods. The Commission has also carried out legislative assessments and audits in some of those third countries in order to verify whether they meet the requirements under Union law before granting equivalence for the first time. Annual testing and reporting within the OECD framework, periodical re-auditing of laboratories for ISTA accreditation, as well as official inspections in the context of Union law, indicate that field inspections carried out in those third countries continue to afford the same guarantees as field inspections carried out by Member States and that seed produced and certified in those third countries continues to afford the same guarantees as seed produced and certified in Member States. Those field inspections and seed should therefore continue to be considered equivalent to Union field inspections and seed.

(3) In 2016 Bolivia submitted a request to the Commission for the granting of equivalence to its system of field inspections of seed-producing crops and to seed of *Sorghum* spp. (sorghum), *Zea mays* (maize) and *Helianthus annuus* (sunflower) produced and certified in Bolivia.

([1]) Opinion of 23 March 2022 (not yet published in the Official Journal).

([2]) Position of the European Parliament of 5 April 2022 (not yet published in the Official Journal) and decision of the Council of 16 May 2022.

([3]) Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ L 8, 14.1.2003, p. 10).

(4) The Commission assessed the relevant legislation of Bolivia, carried out an audit in 2018 concerning the system of official controls of seed production and seed certification of sorghum, maize and sunflower in Bolivia, and their equivalence with Union requirements, and published the audit's findings in a report entitled 'Final report of an audit carried out in the Plurinational State of Bolivia from 14 March 2018 to 22 March 2018 in order to evaluate the system of official controls and certification of seed and their equivalence with European Union requirements'.

(5) That audit showed that there is a well-organised system for seed production and certification in Bolivia. The Commission identified some shortcomings and provided recommendations to Bolivia. Since Bolivia addressed those shortcomings by 30 November 2018, it satisfies the conditions set out in Annex II to Decision 2003/17/EC and the respective requirements set out in Council Directives 66/402/EEC ([4]) and 2002/57/EC ([5]).

(6) Therefore, it is appropriate to grant equivalence as regards field inspections carried out in respect of seed-producing crops of sorghum, maize and sunflower in Bolivia and as regards seed of sorghum, maize and sunflower produced in Bolivia and officially certified by its authorities.

(7) As Decision 2003/17/EC will expire on 31 December 2022, the period for which equivalence is recognised under that Decision should be extended, in order to avoid any risk of disruption of imports of seed into the Union. Taking into consideration the investment and the time needed for the production of seed certified in accordance with Union law, it is appropriate to extend that period by seven years.

(8) Decision 2003/17/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Amendments to Decision 2003/17/EC

Decision 2003/17/EC is amended as follows:

(1) in Article 6, the date '31 December 2022' is replaced by the date '31 December 2029';

(2) the table in Annex I is amended as follows:

(a) the following row is inserted between the rows 'AU' and 'BR':

'BO	Ministry of Rural Development and Land Bolivia Av. Camacho entre calles Loaya y Bueno No 1471, LA PAZ	66/402/EEC – only in respect of *Zea mays* and *Sorghum* spp.; 2002/57/EC – only in respect of *Helianthus annuus*';

(b) in footnote (**[1]**), the following terms are inserted between 'AU – Australia,' and 'BR – Brazil,':

'BO – Bolivia,';

Article 2

Entry into force

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

([4]) Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ P 125, 11.7.1966, p. 2309).
([5]) Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 30 May 2022.

For the European Parliament	*For the Council*
The President	*The President*
R. METSOLA	B. LE MAIRE

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information relating to the entry into force of the Agreement between the European Union and the Republic of Cabo Verde amending the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union

The Agreement between the European Union and the Republic of Cabo Verde amending the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union will enter into force on 1 July 2022, the procedure provided for in Article 2(2) of the Agreement having been completed on 3 May 2022.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/872

of 1 June 2022

amending Implementing Regulation (EU) No 288/2014 as regards changes to the model for operational programmes under the Investment for growth and jobs goal and the model for cooperation programmes under the European territorial cooperation goal with regard to Cohesion's actions for refugees in Europe (CARE)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ([1]), and in particular Article 96(9) thereof,

Having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal ([2]), and in particular Article 8(11) thereof,

After consulting the Coordination Committee for the European Structural and Investment Funds,

Whereas:

(1) Commission Implementing Regulation (EU) No 288/2014 ([3]) sets out the model for operational programmes under the Investment for growth and jobs goal and the model for cooperation programmes under the European territorial cooperation goal.

(2) Due to the exceptional extension of the possibility to temporarily apply a co-financing rate of 100 % also to expenditure declared in payment applications during the accounting year starting on 1 July 2021 and ending on 30 June 2022, for one or more priority axes in a programme supported by the European Regional Development Fund (ERDF), the European Social Fund (ESF) or the Cohesion Fund in accordance with Article 25a(1a) of Regulation (EU) No 1303/2013, introduced by Regulation (EU) 2022/562 of the European Parliament and of the Council ([4]), the model for operational programmes under the Investment for growth and jobs goal set out in Annex I to Implementing Regulation (EU) No 288/2014 and the model for cooperation programmes under the European territorial cooperation goal set out in Annex II to Implementing Regulation (EU) No 288/2014 should be amended accordingly.

([1]) OJ L 347, 20.12.2013, p. 320.

([2]) OJ L 347, 20.12.2013, p. 259.

([3]) Commission Implementing Regulation (EU) No 288/2014 of 25 February 2014 laying down rules pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund with regard to the model for operational programmes under the Investment for growth and jobs goal and pursuant to Regulation (EU) No 1299/2013 of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal with regard to the model for cooperation programmes under the European territorial cooperation goal (OJ L 87, 22.3.2014, p. 1).

([4]) Regulation (EU) 2022/562 of the European Parliament and of the Council of 6 April 2022 amending Regulations (EU) No 1303/2013 and (EU) No 223/2014 as regards Cohesion's Action for Refugees in Europe (CARE) (OJ L 109, 8.4.2022, p. 1).

(3) Regulation (EU) 2022/562 also introduced the possibility that operations addressing the migratory challenges as a result of the military aggression by Russia could be financed either by the ERDF or the ESF on the basis of the rules applicable to the other Fund in accordance with Article 98(4) of Regulation (EU) No 1303/2013 where such operations are part of a dedicated priority axis. This new possibility should therefore be reflected in the model for operational programmes under the Investment for growth and jobs goal set out in Annex I to Implementing Regulation (EU) No 288/2014. In particular, the choice of the Fund supporting such operations contributing to the investment priorities of the other Fund should be clear, irrespective of whether the dedicated priority axis relates to the ERDF, the ESF or both.

(4) Implementing Regulation (EU) No 288/2014 should therefore be amended accordingly.

(5) In order to allow for prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. Annex I to Implementing Regulation (EU) No 288/2014 is replaced by the text set out in Annex I to this Regulation.

2. Annex II to Implementing Regulation (EU) No 288/2014 is replaced by the text set out in Annex II to this Regulation.

Article 2

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, 1 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

"ANNEX I

Model for operational programmes under the Investment for growth and jobs goal

CCI	*<0.1 type="S" maxlength="15" input="S" "SME">* [1]
Title	*<0.2 type="S" maxlength="255" input="M""SME >*
Version	*<0.3 type="N" input="G""SME >*
First year	*<0.4 type="N" maxlength="4" input="M""SME >*
Last year	*<0.5 type="N" maxlength="4" input="M""SME >*
Eligible from	*<0.6 type="D" input="G""SME >*
Eligible until	*<0.7 type="D" input="G""SME >*
EC decision number	*<0.8 type="S" input="G""SME >*
EC decision date	*<0.9 type="D" input="G""SME >*
MS amending decision number	*<0.10 type="S" maxlength="20" input="M""SME >*
MS amending decision date	*<0.11 type="D" input="M""SME >*
MS amending decision entry into force date	*<0.12 type="D" input="M""SME >*
NUTS regions covered by the operational programme	*<0.12 type="S" input="S"SME >*

[1] Legend for the characteristics of fields:
type: N = Number, D = Date, S = String, C = Checkbox, P = Percentage, B = Boolean
decision: N = Not part of the Commission decision approving the operational programme
input: M = Manual, S = Selection, G = Generated by system
"maxlength"= Maximum number of characters including spaces
PA – Y = Element can be covered solely by the Partnership Agreement
TA – NA = not applicable in the case of operational programmes dedicated exclusively to technical assistance
YEI – NA = not applicable in the case of operational programmes dedicated exclusively to the Youth Employment Initiative
SME = applicable also to programmes dedicated to joint uncapped guarantee and securitisation financial instruments for SMEs, implemented by the EIB.

SECTION 1

STRATEGY FOR THE OPERATIONAL PROGRAMME'S CONTRIBUTION TO THE UNION STRATEGY FOR SMART, SUSTAINABLE AND INCLUSIVE GROWTH AND THE ACHIEVEMENT OF ECONOMIC, SOCIAL AND TERRITORIAL COHESION ([1])

(Reference: Article 27(1) and point (a) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council and, for operational programmes dedicated to the thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", second paragraph of Article 92b(9) and (10)) ([2])

1.1. **Strategy for the operational programme's contribution to the Union strategy for smart, sustainable and inclusive growth and to the achievement of economic, social and territorial cohesion**

1.1.1. *Description of the programme's strategy for contributing to the delivery of the Union strategy for smart, sustainable and inclusive growth and for achieving economic, social and territorial cohesion* ([3]).

<1.1.1 type="S" maxlength="70 000" input="M">

For the addition of new priority axes to an existing operational programme, in order to allocate the additional resources to the thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", the description of the expected impact on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy needs to be presented in a dedicated text box as indicated below.

For a new operational programme dedicated to the thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", only the description and the textbox below need to be presented.

1.1.1.a *Description of the expected impact of the operational programme on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy.*

<1.1.1 type="S" maxlength="10 000" input="M">

1.1.2. *A justification for the choice of thematic objectives and corresponding investment priorities having regard to the Partnership Agreement, based on an identification of regional and, where appropriate, national needs including the need to address the challenges identified in relevant country-specific recommendations adopted in accordance with Article 121(2) TFEU and the relevant Council recommendations adopted in accordance with Article 148(4) TFEU, taking into account the ex ante evaluation* ([4]).

([1]) Tables in this Annex provide for the split of the REACT-EU resources (Article 92a of Regulation (EU) No1303/2013) where necessary, i.e. ERDF REACT-EU, ESF REACT-EU and YEI REACT-EU).

([2]) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

([3]) This section is not applicable in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([4]) This section is not applicable in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

For the addition of new priority axes to an existing operational programme in order to allocate the additional resources to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", description 1.1.2.a needs to be added.

For a new operational programme dedicated to the thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", only description 1.1.2a needs to be provided.

1.1.2.a *Justification setting out the expected impact of the operational programme on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy.*

Table 1

Justification for the selection of thematic objectives and investment priorities

Selected thematic objective	Selected investment priority	Justification for selection or impact on fostering crisis repair (where applicable)
<1.1.2 type="S" input="S" PA=Y TA="NA">	*<1.1.3 type="S" input="S" PA=Y TA="NA">*	*<1.1.4 type="S" maxlength="1000" input="M" PA=Y TA="NA">*

1.2. **Justification for the financial allocation**

Justification for the financial allocation (Union support) to each thematic objective and, where appropriate, investment priority, in accordance with the thematic concentration requirements, taking into account the ex-ante evaluation.

<1.2.1 type="S" maxlength="7000" input="M" PA=Y TA="NA">

For the addition of new priority axes to an existing operational programme in order to allocate the additional resources to the thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", description 1.2a needs to be added.

For a new operational programme dedicated to the thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", only the following description needs to be provided:

1.2.a **Justification for the financial allocation of the additional resources to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy" to the ERDF or the ESF and how these resources target the geographic areas where they are most needed, taking into account the different regional needs and development levels in order to ensure that support is balanced between the needs of the regions and cities most affected by the impact of the COVID-19 pandemic and the need to maintain focus on less developed regions, in accordance with the objectives of economic, social and territorial cohesion set out in Article 174 TFEU.**

<1.2.1 type="S" maxlength="3000" input="M" PA=Y TA="NA">

Table 2

Overview of the investment strategy of the operational programme

Priority axis	Fund (ERDF [1], Cohesion Fund, ESF [2], YEI [3], ERDF REACT-EU, ESF REACT-EU or YEI REACT-EU)	Union support [4] (EUR)	Proportion of total Union support for the operational programme [5]	Thematic objective [6]	Investment priorities [7]	Specific objectives corresponding to the investment priority	Common and programme-specific result indicators for which a target has been set
<1.2.1 type="S" input="G">	*<1.2.2 type="S" input="G">*	*<1.2.3 type="N' " input="G">*	*<1.2.4 type="P' input="G">*	*<1.2.5 type="S" input="G">*	*<1.2.6 type="S" input="G">*	*<1.2.7 type="S" input="G">*	*<1.2.8 type="S" input="G">*

[1] European Regional Development Fund.
[2] European Social Fund.
[3] Youth Employment Initiative.
[4] Total Union support (including the main allocation and the performance reserve).
[5] Information by Fund and by priority axis.
[6] Title of thematic objective (not applicable to technical assistance)
[7] Title of investment priority (not applicable to technical assistance)

SECTION 2

PRIORITY AXES

(Reference: points (b) and (c) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013, second subparagraph of Article 98(4) of Regulation (EU) No 1303/2013)

The tables referring to specific Funds will be accessible to the other Fund for priorities implemented making use of the second subparagraph of Article 98(4) of Regulation (EU) No 1303/2013.

2.A **A description of the priority axes other than technical assistance**

(Reference: point (b) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

2.A.1 **Priority axis** (repeated for each priority axis)

ID of the priority axis	*<2A.1 type="N" input="G""SME» >*
Title of the priority axis	*<2A.2 type="S" maxlength="500" input="M""SME" >*

☐	The entire priority axis will be implemented solely through financial instruments	*<2A.3 type="C" input="M">*
☐	The entire priority axis will be implemented solely though financial instruments set up at Union level	*<2A.4 type="C" input="M""SME" >*
☐	The entire priority axis will be implemented through community-led local development	*<2A.5 type="C" input="M">*
☐	For the ESF: The entire priority axis is dedicated to social innovation or to transnational cooperation, or both	*<2A.6 type="C" input="M">*
☐	The entire priority axis is dedicated to REACT-EU	*<2A.7 type="C" input="M">*
☐	The entire priority axis will address migratory challenges resulting from the Russian military aggression, including in accordance with Article 98(4) of Regulation (EU) No 1303/2013	*<2A.8 type="C" input="M">*
☐	The entire priority axis will use REACT-EU resources to address migratory challenges resulting from the Russian military aggression in accordance with Article 98(4) of Regulation (EU) No 1303/2013	*<2A.9 type="C" input="M">*

2.A.2 **Justification for the establishment of a priority axis covering more than one category of region, thematic objective or Fund** (where applicable) ([5])

(Reference: Article 96(1) and second subparagraph of Article 98(4) of Regulation (EU) No 1303/2013)

<2A.0 type="S" maxlength="3500" input="M">

2.A.3 **Fund, category of region and calculation basis for Union support**

(Repeated for each combination under a priority axis)

Fund	*<2A.7 type="S" input="S""SME" >*

([5]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

Category of region ([1])	*<2A.8 type="S" input="S""SME ">*
Calculation basis (total eligible expenditure or eligible public expenditure)	*<2A.9 type="S" input="S""SME" >*
Category of region for outermost regions and northern sparsely populated regions (where applicable) ([2])	*<2A.9 type="S" input="S" >*

([1]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([2]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

2.A.4 **Investment priority**

(Repeated for each investment priority under the priority axis)

Investment priority	*<2A.10 type="S" input="S""SME" >*

2.A.5 **Specific objectives corresponding to the investment priority and expected results**

(Repeated for each specific objective under the investment priority)

(Reference: points (b)(i) and (ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

ID	*<2A.1.1 type="N" input="G""SME >*
Specific objective	*<2A.1.2 type="S" maxlength="500" input="M""SME >*
The results that the Member State seeks to achieve with Union support	*<2A.1.3 type="S" maxlength="3500" input="M"SME ">*

Table 3

Programme-specific result indicators, by specific objective

(for the ERDF, the Cohesion Fund and ERDF REACT-EU)

(Reference: point (b)(ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013

ID	Indicator	Measurement unit	Category of region (where relevant)	Baseline value	Baseline year	Target value (1) (2023)	Source of data	Frequency of reporting
<2A.1.4 type="S" maxlength="5" input="M" "SME" >	*<2A.1.5 type="S" maxlength="255" input="M""SME" >*	*<2A.1.6 type="S" input="M"" SME">*	*<2A.1.7 type="S" input="S" "SME" >*	*Quantitative <2A.1.8 type="N" input="M""SME" >* *Qualitative <2A.1.8 type="S" maxlength="100" input="M" "SME"*	*<2A.1.9 type="N' input="M""SME">*	*Quantitative <2A.1.10 type="N" input="M">* *Qualitative <2A.1.10 type="S" maxlength="100" input="M" "SME" >*	*<2A.1.11 type="S" maxlength="200" input="M""SME">*	*<2A.1.12 type="S" maxlength="100" input="M" "SME" >*

(1) For ERDF, the Cohesion Fund and ERDF REACT-EU, the target values may be qualitative or quantitative.

Table 4

Common result indicators for which a target value has been set and programme specific result indicators corresponding to the specific objective (by investment priority and category of region) (for the ESF and the ESF REACT-EU)

(Reference: point (b)(ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

ID	Indicator	Category of region (where relevant)	Measurement unit for indicator	Common output indicator used as basis for target setting	Baseline value			Measurement unit for baseline and target	Baseline year	Target value (1) (2023)			Source of data	Frequency of reporting
					M	W	T			M	W	T		
Programme-specific <2A.1.13 type="S" maxlength="5" input="M"> *Common <2A.1.13 type="S" input="S">*	*Programme-specific <2A.1.14 type="S" maxlength="255" input="M">* *Common <2A.1.14 type="S" input="S">*	*<2A.1.15 type="S" input="S">*	*Programme-specific <2A.1.16 type="S" input="M">* *Common <2A.1.16 type="S" input="S">*	*Programme-specific <2A.1.17 type="S" input="M">* *Common <2A.1.17 type="S" input="S">*	*Common Output Indicators <2A.1.18 type="S" input="S">*			*Quantitative <2A.1.19 type="S" input="M">* *Common <2A.1.19 type="S" input="G">*	*<2A.1.20 type="N' input="M">*	*Quantitative <2A.1.21 type="N" input="M">* *Qualitative <2A.1.21 type="S" maxlength="100" input="M">*			*<2A.1.22 type="S" max-length="200" input="M">*	*<2A.1.23 type="S" maxlength="100" input="M">*

(1) This list includes common result indicators for which a target value has been set and all programme-specific result indicators. Target values for common result indicators must be quantified; for programme-specific result indicators, they may be qualitative or quantitative. Target values may be presented as a total (men+women) or broken down by gender, the baseline values can be adjusted accordingly. "M" = men, "W"=women, "T"= total.

Table 4a

YEI and YEI REACT-EU result indicators and programme-specific result indicators corresponding to the specific objective

(by priority axis or by part of a priority axis)

(Reference: Article 19(3) of Regulation (EU) No 1304/2013 of the European Parliament and of the Council ([6]))

ID	Indicator	Measurement unit for indicator	Common output indicator used as basis for target setting	Baseline value			Measurement unit for baseline and target	Baseline year	Target value ([1]) (2023)			Source of data	Frequency of reporting
				M	W	T			M	W	T		
Programme-specific <2A.1.24 type="S" maxlength="5" input="M"> *Common <2A.1.24 type="S" input="S">*	*Programme-specific <2A.1.25 type="S" maxlength="255" input="M">* *Common <2A.1.25 type="S" input="S">*	*Programme-specific <2A.1.26 type="S" input="M">* *Common <2A.1.26 type="S" input="S">*	*Programme-specific <2A.1.27 type="S" input="M">* *Common <2A.1.27 type="S" input="S">*	*Common Output Indicators <2A.1.28 type="S" input="S">*			*Quantitative <2A.1.29 type="S" input="M">* *Common <2A.1.29 type="S" input="G">*	*<2A.1.30 type="N' input="M">*	*Quantitative <2A.1.31 type="N" input="M">* *Qualitative <2A.1.31 type="S" maxlength="100" input="M">*			*<2A.1.32 type="S" maxlength="200" input="M">*	*<2A.1.33 type="S" maxlength="100" input="M">*

([1]) This list includes common result indicators for which a target value has been set and all programme-specific result indicators. Target values for common result indicators must be quantified; for programme-specific result indicators they may be qualitative or quantitative. All result indicators in Annex II to Regulation (EU) No 1304/2013 used to monitor YEI implementation must be linked to a quantified target value. Target values may be presented as a total (men +women) or broken down by gender, the baseline values may be adjusted accordingly. "M" = men, "W"=women, "T"= total.

([6]) Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (OJ L 347, 20.12.2013, p. 470).

2.A.6 **Action to be supported under the investment priority**

(by investment priority)

2.A.6.1 ***Description of the type and examples of actions to be supported and their expected contribution to the specific objectives including, where appropriate, the identification of main target groups, specific territories targeted and types of beneficiaries***

(Reference: point (b)(iii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Investment priority	*<2A.2.1.1 type="S" input="S">*

<2A.2.1.2 type="S" maxlength="17500" input="M">

2.A.6.2 ***Guiding principles for selection of operations***

(Reference: point (b)(iii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Investment Priority	*<2A.2.2.1 type="S" input="S">*

<2A.2.2.2 type="S" maxlength="5000" input="M">

2.A.6.3 ***Planned use of financial instruments*** *(where appropriate)*

(Reference: point (b)(iii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Investment Priority	*<2A.2.3.1 type="S" input="S">*
Planned use of financial instruments	*<2A.2.3.2 type="C" input="M">*

<2A.2.3.3 type="S" maxlength="7000" input="M">

2.A.6.4 ***Planned use of major projects*** *(where appropriate)*

(Reference: point (b)(iii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Investment Priority	*<2A.2.4.1 type="S" input="S">*

<2A.2.4.2 type="S" maxlength="3500" input="M">

2.A.6.5 ***Output indicators by investment priority and, where appropriate by category of region***

(Reference: point (b)(iv) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Table 5

Common and programme-specific output indicators

(by investment priority, broken down by category of region for the ESF, and where relevant, for the ERDF ([7]))

ID	Indicator	Measurement unit	Fund	Category of region (where relevant)	Target value (2023) ([1])			Source of data	Frequency of reporting
					M	W	T		
<2A.2.5.1 type="S" input="S" SME >	*<2A.2.5.2 type="S" input="S" SME >*	*<2A.2.5.3 type="S" input="S" SME >*	*<2A.2.5.4 type="S" input="S" SME >*	*<2A.2.5.5 type="S" input="S" SME >*	*<2A.2.5.6 type="N' input="M" SME >*			*<2A.2.5.7 type="S" maxlength="200" input="M" SME >*	*<2A.2.5.8 type="S" maxlength="100" input="M" SME >*

([1]) For the ESF, this list includes common output indicators for which a target value has been set. Target values may be presented as a total (men+women) or broken down by gender. For the ERDF REACT-EU, gender breakdown is in most cases not relevant. "M" = men, "W"=women, "T"= total.

2.A.7 **Social innovation, transnational cooperation and contribution to thematic objectives 1-7 and 13**

Specific provisions for ESF and ESF REACT-EU ([8]), where applicable (by priority axis and, where relevant, category of region): social innovation, transnational cooperation and ESF contribution to thematic objectives 1 to 7 and 13.

Description of the contribution of the planned actions of the priority axis to:

— social innovation (if not covered by a dedicated priority axis);

— transnational cooperation (if not covered by a dedicated priority axis);

— thematic objectives referred to in points (1) to (7) of the first paragraph of Article 9 and in Article 92b(9) of Regulation (EU) No 1303/2013.

Priority axis	*<2A.3.1 type="S" input="S">*
<2A.3.2 type="S" maxlength="7000" input="M">	

([7]) Breakdown per category of regions is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([8]) For the ESF and ESF REACT-EU, this list includes common output indicators for which a target value has been set and all programme-specific output indicators.

2.A.8 **Performance framework** ([9])

(Reference: point (b)(v) of the first subparagraph of Article 96(2) and Annex II to Regulation (EU) No 1303/2013)

Table 6

Performance framework of the priority axis

(by fund and, for the ERDF and ESF, category of region) ([10])

Priority axis	Indicator type (Key implementation step, financial, output or, where appropriate, result indicator)	ID	Indicator or key implementation step	Measurement unit, where appropriate	Fund	Category of region	Milestone for 2018 ([1])			Final target (2023) ([2])			Source of data	Explanation of relevance of indicator, where appropriate
							M	W	T	M	W	T		
<2A.4.1 type="S" input="S">	*<2A.4.2 type="S" input="S">*	*Implementation Step or Financial indicator <2A.4.3 type="S" maxlength="5" input="M">* *Output or result<2A.4.3 type="S" input="S">*	*Implementation Step or Financial indicator <2A.4.4 type="S" max-length="255" input="M">* *Output or Result <2A.4.4 type="S" input="G" or "M">*	*Implementation Step or Financial indicator <2A.4.5 type="S" input="M">* *Output or Result <2A.4.5 type="S" input="G" or "M">*	*<2A.4.6 type="S" input="S">*	*<2A.4.7 type="S" input="S">*	*<2A.4.8 type="S" maxlength="255" input="M">*			*Implementation Step or Financial <2A.4.9 type="S" input="M">* *Output or Result <2A.4.8 type="S" input="M">*			*Implementation Step or Financial indicator <2A.4.10 type="S" max-length="200" input="M">* *Output or Result <2A.4.10 type="S" input="M">*	*<2A.4.11 type="S" max-length="500" input="M">*

([9]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([10]) Where YEI is implemented as part of a priority axis, YEI milestones and targets must be distinguished from other milestones and targets for the priority axis in accordance with implementing acts referred to in the fifth subparagraph of Article 22(7) of Regulation (EU) No 1303/2013, as YEI resources (specific allocation and matching ESF support) are excluded from the performance reserve.

([1]) Milestones may be presented as a total (men+women) or broken down by gender. “M” = men, “W”=women, “T”= total.
([2]) Target values may be presented as a total (men+women) or broken down by gender. “M” = men, “W”=women, “T”= total.

Additional qualitative information on the establishment of the performance framework (optional)

<2A.4.12 type=”S” maxlength=”7000” input=”M”>

2.A.9 **Categories of intervention**

(Reference: point (b)(vi) of Article 96(2) of Regulation (EU) No 1303/2013)

Categories of intervention corresponding to the content of the priority axis based on a nomenclature adopted by the Commission, and indicative breakdown of Union support.

Tables 7-11

Categories of intervention ([11])

(by Fund and category of region, if the priority axis covers more than one)

Table 7: Dimension 1 – Intervention field

Fund	*<2A.5.1.1 type="S" input="S" Decision=N >*	
Category of region ([1])	*<2A.5.1.2 type="S" input="S" Decision=N >*	
Priority axis	**Code**	**Amount (EUR)**
<2A.5.1.3 type="S" input="S" Decision=N>	*<2A.5.1.4 type="S" input="S" Decision=N >*	*<2A.5.1.5 type="N" input="M" Decision=N >*

([1]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

Table 8: Dimension 2 – Form of finance

Fund	*<2A.5.2.1 type="S" input="S" Decision=N >*	
Category of region ([1])	*<2A.5.2.2 type="S" input="S" Decision=N >*	
Priority axis	**Code**	**Amount (EUR)**
<2A.5.2.3 type="S" input="S" Decision=N>	*<2A.5.2.4 type="S" input="S" Decision=N >*	*<2A.5.2.5 type="N" input="M" Decision=N >*

([1]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

Table 9: Dimension 3 – Territory type

Fund	*<2A.5.3.1 type="S" input="S" Decision=N >*
Category of region ([1])	*<2A.5.3.2 type="S" input="S" Decision=N >*

([11]) Amounts include total Union support (the main allocation and the allocation from the performance reserve).

Priority axis	Code	Amount (EUR)
<2A.5.3.3 type="S" input="S" Decision=N>	*<2A.5.3.4 type="S" input="S" Decision=N >*	*<2A.5.3.5 type="N" input="M" Decision=N >*

([1]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

Table 10: Dimension 4 – Territorial delivery mechanisms

Fund	*<2A.5.4.1 type="S" input="S" Decision=N >*
Category of region ([1])	*<2A.5.4.2 type="S" input="S" Decision=N >*

Priority axis	Code	Amount (EUR)
<2A.5.4.2 type="S" input="S" Decision=N>	*<2A.5.4.4 type="S" input="S" Decision=N >*	*<2A.5.4.5 type="N" input="M" Decision=N >*

([1]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

Table 11: Dimension 6 – ESF and ESF REACT-EU secondary theme ([1]) **(ESF only)**

Fund	*<2A.5.5.1 type="S" input="S" Decision=N >*
Category of region ([2])	*<2A.5.5.2 type="S" input="S" Decision=N >*

Priority axis	Code	Amount (EUR)
<2A.5.5.3 type="S" input="S" Decision=N>	*<2A.5.5.4 type="S" input="S" Decision=N >*	*<2A.5.5.5 type="N" input="M" Decision=N >*

([1]) Include, where appropriate, quantified information on the ESF's contribution to the thematic objectives referred to in points (1) to (7) of the first paragraph of Article 9 and in Article 92b(9) of Regulation (EU) No 1303/2013.

([2]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

2.A.10 **Summary of the planned use of technical assistance including, where necessary, actions to reinforce the administrative capacity of authorities involved in the management and control of the programmes and beneficiaries** (where appropriate) ([12])

(by priority axis)

(Reference: point (b)(vii) of Article 96(2) of Regulation (EU) No 1303/2013)

Priority axis	*<3A.6.1 type="S" input="S">*
<2A.6.2 type="S" maxlength="2000" input="M">	

2.B **Description of the priority axes for technical assistance**

(Reference: point (c) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

2.B.1 **Priority axis** (repeated for each Technical Assistance priority axis)

ID of the priority axis	*<2B.0.2 type="N" maxlength="5" input="G">*
Title of the priority axis	*<2B.0.3 type="S" maxlength="255" input="M">*

☐ The entire priority axis is dedicated to technical assistance referred to in Article 92b(6) of Regulation (EU) No 1303/2013	*<2B.0.1 type="C" input="M">*

2.B.2 **Justification for establishing a priority axis covering more than one category of region** (where applicable)

(Reference: Article 96(1) and Article 98(4) of Regulation (EU) No 1303/2013)

<2B.0.1 type="S" maxlength="3500" input="M">

2.B.3 **Fund and category of region (repeated for each combination under the priority axis)**

Fund	*<2B.0.4 type="S" input="S">*
Category of region ([1])	*<2B.0.5 type="S" input="S">*
Calculation basis (total eligible expenditure or eligible public expenditure)	*<2B.0.6 type="S" input="S">*

([1]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

2.B.4 **Specific objectives and expected results**

(repeated for each specific objective under the priority axis)

(Reference: points (c)(i) and (ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

([12]) This section is not required in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

ID	*<2B.1.1 type="N" maxlength="5" input="G">*
Specific objective	*<2B.1.2 type="S" maxlength="500" input="M">*
Results that the Member State seeks to achieve with Union support ([1])	*<2B.1.3 type="S" maxlength="3500" input="M">*

([1]) Required where Union support for technical assistance in the programme exceeds EUR 15 million.

2.B.5 **Result indicators** ([13])

Table 12

Programme-specific result indicators (by specific objective)

(for ERDF/ESF/Cohesion Fund/ERDF REACT-EU/ESF REACT-EU)

(Reference: point (c)(ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

ID	Indicator	Measure-ment unit	Baseline value			Baseline year	Target value ([1]) (2023)			Source of data	Frequency of reporting
			M	W	T		M	W	T		
<2.B.2.1 type="S" maxlength="5" input="M">	*<2.B.2.2 type="S" max-length="255" input="M">*	*<2.B.2.3 type="S" input="M">*	*Quantitative <2. B.2.4 type="N" input="M">*			*<2.B.2.5 type="N' input="M">*	*Quantitative <2. B.2.6 type="N" input="M">* *Qualitative <2. B.2.6 type="S" maxlength="100" input="M">*			*<2.B.2.7 type="S" max-length="200" input="M">*	*<2.B.2.8 type="S" max-length="100" input="M">*

([1]) Target values may be qualitative or quantitative. Target values may be presented as a total (men+women) or broken down by gender, the baseline values may be adjusted accordingly. "M" = men, "W"=women, "T"= total.

2.B.6 **Actions to be supported and their expected contribution to the specific objectives** (by priority axis)

(Reference: points (c)(i) and (iii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

2.B.6.1 ***A description of actions to be supported and their expected contribution to the specific objectives***

(Reference: points (c)(i) and (iii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Priority axis	*<2.B.3.1.1 type="S" input="S">*
<2.B.3.1.2 type="S" maxlength="7000" input="M">	

([13]) Required where objectively justified given the content of the action and where Union support for technical assistance in the programme exceeds EUR 15 million.

2.B.6.2 ***Output indicators expected to contribute to results (by priority axis)***

(Reference: point (c)(iv) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Table 13

Output indicators (by priority axis)

(for ERDF/ESF/Cohesion Fund/ERDF REACT-EU/ESF REACT-EU)

ID	Indicator	Measurement unit	Target value (2023) ([1]) (optional)			Source of data
			M	W	T	
<2.B.3.2.1 type="S" maxlength="5" input="M">	*<2.B.2.2.2 type="S" maxlength="255" input="M">*	*<2.B.3.2.3 type="S" input="M">*	*<2.B.3.2.4 type="N' input="M">*			*<2.B.3.2.5 type="S" maxlength="200" input="M">*

([1]) Target values for output indicators under technical assistance are optional. Target values may be presented as a total (men+women) or broken down by gender. "M" = men, "W"=women, "T"= total.

2.B.7 **Categories of intervention** (by priority axis)

(Reference: point (c)(v) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Corresponding categories of intervention based on a nomenclature adopted by the Commission, and an indicative breakdown of Union support.

Tables 14-16

Categories of intervention ([14])

Table 14: Dimension 1 – Intervention field

Category of region ([1]): *<type="S" input="S">*

Priority axis	***Code***	**Amount (EUR)**
<2B.4.1.1 type="S" input="S" > Decision=N>	*<2B.4.1.2 type="S" input="S"> Decision=N>*	*<2B.4.1.3 type="N" input="M"> Decision=N>*

([1]) This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([14]) Amounts include total Union support (the main allocation and the allocation from the performance reserve).

Table 15: Dimension 2 – Form of finance

Category of region [1]: *<type="S" input="S">*

Priority axis	***Code***	**Amount (EUR)**
<2B.4.2.1 type="S" input="S" > Decision=N>	*<2B.4.2.2 type="S" input="S"> Decision=N>*	*<2B.4.2.3 type="N" input="M"> Decision=N>*

[1] This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

Table 16: Dimension 3 – Territory type

Category of region [1]: *<type="S" input="S">*

Priority axis	***Code***	**Amount (EUR)**
<2B.4.3.1 type="S" input="S" > Decision=N>	*<2B.4.3.2 type="S" input="S"> Decision=N>*	*<2B.4.3.3 type="N" input="M"> Decision=N>*

[1] This section is not applicable in the case of an operational programme or priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

SECTION 3

FINANCING PLAN

(Reference: point (d) of the first subparagraph of Article 96(2) and the fifth subparagraph of Article 92b(9) of Regulation (EU) No 1303/2013)

3.1 **Financial appropriation from each fund and amounts for performance reserve**

(Reference: point (d)(i) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Table 17

	Fund	Category of region	2014		2015		2016		2017		2018		2019		2020		2021	2022	Total	
			Main allocation [1]	Performance reserve	Main allocation	Performance reserve	Main allocation	Performance reserve	Main allocation	Performance reserve	Main allocation	Performance reserve	Main allocation	Performance reserve	Main allocation	Performance reserve	Total allocation (Union support)	Total allocation (Union support)	Main allocation	Performance reserve
	<3.1.1 type="S" input="-G" "SME">	*<3.1.2 type="S" input="-G""SM-E" >*	*<3.1.3 type="-N" input="-M" SME" >*	*<3.1.4 type="-N" input="-M"* *TA - "NA" YEI –"NA">*	*<3.1.5 type="-N" input="-M" SME" >*	*<3.1.6 type="-N" input="-M"* *TA - "NA" YEI –"NA">*	*<3.1.7t-ype="N" input="-M" SME" >*	*<3.1.8 type="-N" input="-M "* *TA - "NA" YEI –"NA">*	*<3.1.9 type="-N" input="-M" SME" >*	*<3.1.10 type="-N" input="-M""* *TA - "NA" YEI –"NA">*	*<3.1.11 type="-N" input="-M" SME" >*	*<3.1.12 type="-N" input="-M""* *TA - "NA" YEI –"NA">*	*<3.1.13 type="-N" input="-M" SME" >*	*<3.1.14 type="-N" input="-M"* *TA - "NA" YEI –"NA">*	*<3.1.15 type="-N" input="-M" SME" >*	*<3.1.16 type="-N" input="-M"* *TA - "NA" YEI –"NA" REAC-T-EU - NA>*	*<3.1.17 type="-N" input="-M*	*<3.1.18 type="-N" input="-M*	*<3.1.19 type="-N" input="-G" SME" >*	*<3.1.20 type="N" input="-G"* *TA - "NA" YEI –"NA">*

(1)	**ERDF**	**In less developed regions**															**Not applicable**	**Not applicable**		
(2)		**In transition regions**															**Not applicable**	**Not applicable**		
(3)		**In more developed regions**															**Not applicable**	**Not applicable**		
(4)		**Total without REACT-EU**															**Not applicable**	**Not applicable**		
(5)	**ESF** [2]	**In less developed regions**															**Not applicable**	**Not applicable**		
(6)		**In transition regions**															**Not applicable**	**Not applicable**		

(7)		**In more developed regions**															**Not applicable**	**Not applicable**		
(8)		**Total without REACT-EU**															**Not applicable**	**Not applicable**		
(9)	**YEI-specific allocation**	**Not applicable**		**Not applicable**		**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**
(10)	**Cohesion Fund**	**Not applicable**															**Not applicable**	**Not applicable**		
(11)	**ERDF**	**Special allocation to outermost regions or northern sparsely populated regions**															**Not applicable**	**Not applicable**		

(12)	**ERDF REACT-EU**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**				**Not applicable**
(13)	**ESF REACT-EU** [2]	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**				**Not applicable**
(14)	**YEI REACT-EU specific allocation**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**				**Not applicable**
(15)	**REACT-EU**	**Total**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**	**Not applicable**				**Not applicable**
(16)	**Grand total**	**Total**																		

[1] Total allocation (Union support) less allocation to performance reserve.
[2] Total allocation from the ESF, including matching ESF support for YEI. The columns for the performance reserve do not include matching ESF support for YEI, as this is excluded from the performance reserve.

3.2 Total financial appropriation by fund and national co-financing (EUR)

(Reference: point (d)(ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

1. *The table sets out the financial plan by priority axis.*
2. *Where a priority axis covers more than one fund, the Union support and national counterpart is broken down by fund with a separate co-financing rate within the priority axis for each fund.*
3. *Where the priority axis covers more than one category of region, the Union support and national counterpart is broken down by category of region with a separate co-financing rate within the priority axis for each category of region.*
4. *The EIB contribution is presented at priority axis level.*

Table 18a

Financing plan

Priority axis	Fund	Category of region	Basis for calculation of Union support (Total eligible cost or public eligible cost)	Union support	National counterpart	Indicative breakdown of national counterpart		Total funding	Co-financing rate (1)	100% co-financing rate for accounting year 2020-20-21 (*)	100% co-financing rate for accounting year 2021-20-22 (**)	For information EIB contributions	Main allocation (total funding less performance reserve)		Performance reserve		Performance reserve amount as proportion of total Union support
						National public funding	National private funding (1)						Union support	National counterpart	Union support	National counterpart (2)	
				(a)	(b) = (c) + (d))	(c)	(d)	(e) = (a) + (b)	(f) = (a)/(e) (2)			(g)	(h)=(a)-(j)	(i) = (b) – (k)	(j)	(k)= (b) * ((j)/(a))	(l) =(j)/(a) *100
<3.2.A.1 type="S" input="G" "SME" >	*<3.2.A.2 type="S" input="-G""SME" >*	*<3.2.A.3 type="S" input="G" "SME" >*	*<3.2.A.4 type="S" input="-G""SME" >*	*<3.2.A.5 type="N" input="-M""SME" >*	*<3.2.A.6 type="-N"SME" " input="G">*	*<3.2.A.7 type="N" input="-M""SME" >*	*<3.2.A.8 type="N" input="-M""SME" >*	*<3.2.A.9 type="N" input="G"-SME" ">*	*<3.2.A.10 type="P" input="-G""SME" >*	*See footnote (*) for details (examples below)*	*See footnote (**) for details (examples below)*	*<3.2.A.11 type="N" input="-M""SME" >*	*<3.2.A.12 type="N" input="M" TA - "NA" YEI –"NA">*	*<3.2.A.13 type="N" input="M" TA - "NA" YEI –"NA">>*	*<3.2.A.14 type="N" input="M" TA - "NA" YEI –"NA" REACT-EU „NA">*	*<3.2.A.15 type="N" input="M"" TA - "NA" YEI –"NA" REACT-EU „NA">>*	*<3.2.A.16 type="N" input="G" TA - "NA" YEI –"NA" REACT-EU "NA">*
Priority axis 1	ERDF									□	□						
Priority axis 2	ESF									□	□						
Priority axis 3	YEI (3)	NA								□	□				NA	NA	NA

Priority axis 4	ESF									□	□						
	YEI ([4])	NA								□	□				NA	NA	NA
Priority Axis 5	Cohesion Fund	NA								□	□						
Priority Axis 6	ERDF REACT-EU	NA								□	□	NA			NA	NA	NA
Priority Axis 7	ESF REACT-EU	NA								□	□	NA			NA	NA	NA
Priority axis 8	YEI REAC-T-EU ([5])	NA								□	□	NA			NA	NA	NA
Priority axis 9	ESF REACT-EU	NA								□	□	NA			NA	NA	NA
	YEI REACT EU ([6])	NA								□	□	NA			NA	NA	NA
Total	ERDF	Less developed		Equals total (1) in Table 17													
Total	ERDF	Transition		Equals total (2) in Table 17													
Total	ERDF	More developed		Equals total (3) in Table 17													

Total	ERDF	Special allocation to outermost regions or northern sparsely populated regions		Equals total (11) in Table 17													
Total	**ERDF REAC-T-EU**	**NA**		**Equals total (12) in Table 17**								**NA**			**NA**	**NA**	**NA**
Total	ESF ([7])	Less developed		This does not equal total (5) in Table 17, which includes ESF matching support to YEI ([8])													
Total	ESF ([9])	Transition		This does not equal total (6) in Table 17, which includes ESF matching support to YEI													

Total	ESF ([10])	More developed		This does not equal total (7) in Table 17, which includes ESF matching support to YEI													
Total	**ESF REAC-T-EU**	**NA**		**Equals total (13) in Table 17**								**NA**			**NA**	**NA**	**NA**
Total	YEI ([11])	NA		This does not equal total (9) in Table 17, which only includes the YEI-specific allocation													
Total	**YEI REAC-T-EU** ([12])	**NA**		**Equals total (14) in Table 17**								**NA**			**NA**	**NA**	**NA**
Total	Cohesion Fund	NA		Equals total (10) in Table 17													
Total	REACT-EU	NA		Equals total (15) in Table 17								NA			NA	NA	NA

Grand total				Equals total (16) in Table 17													

(1) The derogation from the first and second sub-paragraphs of Article 120(3) CPR (provided for in Article 92b(11) CPR) is not applicable to the REACT-EU additional resources allocated to technical assistance. Where the technical assistance priority axis provides support for more than one category of regions, the co-financing rate for such a priority axis will be determined by proportionately reflecting, within the ceilings provided for in Article 120(3) CPR, the distribution of the REACT-EU resources amongst categories of regions within that priority axis.

(2) The national counterpart is divided pro-rata between the main allocation and the performance reserve.

(3) This priority axis comprises the specific allocation to YEI and the matching ESF support.

(4) This part of a priority axis comprises the specific allocation to YEI and the matching ESF support.

(5) This priority axis comprises the specific allocation to YEI and the matching ESF support.

(6) This part of a priority axis comprises the specific allocation to YEI REACT-EU and the matching ESF REACT-EU support.

(7) ESF allocation without the matching support for the YEI.

(8) The sum of total ESF support in less developed, transition and more developed regions and the resources allocated to the YEI in Table 18a equals the sum of total ESF support in such regions and the specific allocation to the YEI in Table 17.

(9) ESF allocation without the matching support for the YEI.

(10) ESF allocation without the matching support for the YEI.

(11) Includes the YEI special allocation and the matching support from the ESF.

(*) By ticking the box the Member State requests to apply, pursuant to Article 25a(1) of Regulation (EU) No 1303/2013, a co-financing rate of 100% to expenditure declared in payment applications during the accounting year starting on 1 July 2020 and ending on 30 June 2021 for [all priority axes] [some of the priority axes] of the operational programme.

(**) By ticking the box the Member State requests to apply, pursuant to Article 25a(1a) of Regulation (EU) No 1303/2013, a co-financing rate of 100% to expenditure declared in payment applications during the accounting year starting on 1 July 2021 and ending on 30 June 2022 for [all priority axes] [some of the priority axes] of the operational programme.

(12) Includes the YEI REACT-EU special allocation and the matching support from the ESF REACT-EU.

(1) To be completed only when priority axes are expressed in total costs.

(2) This rate may be rounded to the nearest whole number in the table. The precise rate used to reimburse payments is the ratio (f).

Table 18b

Youth Employment Initiative – ESF, ESF REACT-EU- and YEI-specific allocations ([15]) **(where appropriate)**

	Fund ([1])	Category of region	Basis for calculation of Union support (Total eligible cost or public eligible cost)	Union support (a)	National counterpart (b) = (c) + (d)	Indicative breakdown of national counterpart		Total funding (e) = (a) + (b)	Co-financing rate (f) = (a)/(e) (2)
						National public funding (c)	National private funding (d) (1)		
	<3.2.B.1 type="S" input="G">	*<3.2.B.2 type="S" input="G">*	*<3.2.B.3 type="S" input="G">*	*<3.2.B.1 type="N" input="M">*	*<3.2.B.4 type="N" input="G">*	*<3.2.B.5 type="N" input="M">*	*<3.2.B.6 type="N" input="M">*	*<3.2.B.7 type="N" input="G">*	*<3.2.B.8 type="P" input="G">*
1.	YEI-specific allocation	NA			0				100 %
2.	ESF matching support	less developed							
3.	ESF matching support	transition							
4.	ESF matching support	more developed							
5.	YEI REACT-EU specific allocation	NA							100 %
6.	ESF REACT-EU matching support	NA							

([15]) To be completed for every (part of a) priority axis which implements the YEI.

7.	TOTAL: YEI [part of] Priority axis	[Must equal [part of] Priority axis 3]		Sum (1:4)	Sum (1:4)				
8.	TOTAL: YEI REACT-EU [part of] Priority axis	[Must equal [part of] Priority axis							
9.			Ratio of ESF for less developed regions 2/sum(2:4)	*<3.2.c.11 type="P" input="G">*					
10.			Ratio of ESF for transition regions 3/sum(2:4)	*<3.2.c.13 type="P" input="G">*					
11.			Ratio of ESF for more developed regions 4/sum(2:4)	*<3.2.c.14 type="P" input="G">*					

([1]) The YEI (specific allocation and matching ESF support) is considered a Fund and appears as a separate row even if it is part of a priority axis.

(1) To be completed only when priority axes are expressed in total costs.

(2) This rate may be rounded to the nearest whole number in the table. The precise rate used to reimburse payments is the ratio (f).

Table 18c

Breakdown of the financial plan by priority axis, fund, category of region and thematic objective

(Reference: point (d)(ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

Priority axis	Fund ([1])	Category of region (where relevant)	Thematic objective	Union support	National counterpart	Total funding
<3.2.C.1 type="S" input="G">	*<3.2.C.2 type="S" input="G">*	*<3.2.C.3 type="S" input="G">*	*<3.2.C.4 type="S" input="G">*	*<3.2.C.5 type="N" input="M">*	*<3.2.C.6 type="N" input="M">*	*<3.2.C.7 type="N" input="M">*
Total						

([1]) For the purposes of this table, the YEI (specific allocation and matching ESF support) is considered as a fund.

Table 19

Indicative amount of support to be used for climate change objectives

(Reference: Article 27(6) of Regulation (EU) No 1303/2013) ([16])

Priority axis	Indicative amount of support to be used for climate change objectives (EUR)	Proportion of total allocation to the operational programme (%)
<3.2.C.8 type="S" input="G">	*<3.2.C.9 type="N" input="G"> Decision=N>*	*<3.2.C.10 type="P" input="G"> Decision=N>*
Total REACT-EU		
Total		

([16]) This table is generated automatically on the basis of tables on categories of intervention under each priority axis.

SECTION 4

INTEGRATED APPROACH TO TERRITORIAL DEVELOPMENT ([17])

(Reference: Article 96(3) of Regulation (EU) No 1303/2013)

Description of the integrated approach to territorial development taking into account the content and objectives of the operational programme having regard to the Partnership Agreement and showing how it contributes to the accomplishment of the objectives of the operational programme and expected results.

<4.0 type="S" maxlength="3500" input="M">

4.1 **Community-led local development** (where appropriate)

(Reference: point (a) of Article 96(3) of Regulation (EU) No 1303/2013)

The approach to the use of community-led local development instruments and the principles for identifying the areas where they will be implemented

<4.1 type="S" maxlength="7000" input="M" PA=Y>

4.2 **Integrated actions for sustainable urban development** (where appropriate)

(Reference: point (b) of Article 96(3) of Regulation (EU) No 1303/2013; Article 7(2) and (3) of Regulation (EU) No 1301/2013 of the European Parliament and of the Council ([18]))

Where appropriate the indicative amount of ERDF support for integrated actions for sustainable urban development to be implemented in accordance with the provisions under Article 7(2) of Regulation (EU) No 1301/2013 and the indicative allocation of ESF support for integrated action.

<4.2.1 type="S" maxlength="3500" input="M">

Table 20

Integrated actions for sustainable urban development – indicative amounts of ERDF and ESF support

Fund	ERDF and ESF support (indicative) (EUR)	Proportion of fund's total allocation to programme
<4.2.2 type="S" input="G">	*<4.2.3 type="N" input="M">*	*<4.2.3 type="P" input="G">*
Total ERDF without REACT-EU		
Total ESF without REACT-EU		
TOTAL ERDF+ESF without REACT-EU		

([17]) In the case of operational programme or of programme revision in order to establish one or more separate priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", this part is required only where corresponding support is provided.

([18]) Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (OJ L 347, 20.12.2013, p. 289).

4.3 **Integrated Territorial Investment (ITI)** (where appropriate)

(Reference: point (c) of Article 96(3) of Regulation (EU) No 1303/2013)

The approach to the use of Integrated Territorial Investments (ITIs) (as defined in Article 36 of Regulation (EU) No 1303/2013) other than in cases covered by point 4.2, and their indicative financial allocation from each priority axis.

<4.3.1 type="S" maxlength="5000" input="M PA=Y">

Table 21

Indicative financial allocation to ITI other than those mentioned under point 4.2

(aggregate amount)

Priority axis	Fund	Indicative financial allocation (Union support) (EUR)
<4.3.2 type="S" input="G" PA=Y>	*<4.3.3 type="S" input="G" PA=Y >*	*<4.3.4 type="N" input="M" PA=Y >*
Total ERDF [without REACT-EU]		
Total ESF [without REACT-EU]		
TOTAL ERDF+ESF [without REACT-EU]		
Total ERDF REACT-EU		
Total ESF REACT-EU		
TOTAL ERDF REACT-EU+ESF REACT-EU		
Grand total		

4.4 **The arrangements for interregional and transnational actions, within the operational programme, with beneficiaries located in at least one other Member State** (where appropriate)

(Reference: point (d) of Article 96(3) of Regulation (EU) No 1303/2013)

<4.4.1 type="S" maxlength="3500" input="M" PA=Y>

4.5 **Contribution of the planned actions under the programme to macro-regional and sea-basin strategies, subject to the needs of the programme area as identified by the Member State** (where appropriate)

(Where the Member State and regions participate in macro-regional strategies and sea basin strategies)

(Reference: point (e) of Article 96(3) of Regulation (EU) No 1303/2013)

<4.4.2 type="S" maxlength="3500" input="M" >

SECTION 5

SPECIFIC NEEDS OF GEOGRAPHICAL AREAS MOST AFFECTED BY POVERTY OR TARGET GROUPS AT HIGHEST RISK OF DISCRIMINATION OR SOCIAL EXCLUSION (where appropriate) ([19])

(Reference: point (a) of Article 96(4) of Regulation (EU) No 1303/2013)

5.1 **Geographical areas most affected by poverty/target groups at highest risk of discrimination or social exclusion**

<5.1.1 type="S" maxlength="7000" input="M" Decision= N PA=Y>

5.2 **Strategy to address the specific needs of geographical areas most affected by poverty/target groups at highest risk of discrimination or social exclusion, and where relevant, the contribution to the integrated approach set out in the Partnership Agreement**

<5.2.1 type="S" maxlength="7000" input="M" Decision= N PA=Y>

Table 22

Actions to address specific needs of geographical areas most affected by poverty/target groups at highest risk of discrimination or social exclusion ([20])

Target group/ geographical area	Main types of planned action as part of integrated approach	Priority axis	Fund	Category of region (where relevant)	Investment priority
<5.2.2 type="S" maxlength="255" input="M" Decision=N PA=Y >	*<5.2.3type="S" maxlength= "1500" input="M"Decision= N PA=Y >*	*<5.2.4 type="S" input="S" Decision= N PA=Y >*	*<5.2.6 type="S" input="S" Decision= N PA=Y >*	*<5.2.7 type="S" input="S" Decision= N PA=Y >*	*<5.2.5 type="S" input="S" PA=Y >*

([19]) This section is not required in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([20]) If the programme covers more than one category of region, a breakdown by category may be necessary.

SECTION 6

SPECIFIC NEEDS OF GEOGRAPHICAL AREAS WHICH SUFFER FROM SEVERE AND PERMANENT NATURAL OR DEMOGRAPHIC HANDICAPS (where appropriate) ([21])

(Reference: point (b) of Article 96(4) of Regulation (EU) No 1303/2013)

<6.1 type="S" maxlength="5000" input="M" Decisions=N PA=Y>

([21]) This section is not required in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

SECTION 7

AUTHORITIES AND BODIES RESPONSIBLE FOR MANAGEMENT, CONTROL AND AUDIT AND THE ROLE OF RELEVANT PARTNERS

(Reference: Article 92b(10) third paragraph and Article 96(5) of Regulation (EU) No 1303/2013)

7.1 Relevant authorities and bodies

(Reference: points (a) and (b) of Article 96(5) of Regulation (EU) No 1303/2013)

Table 23

Relevant authorities and bodies

Authority/body	Name of authority/body and department or unit	Head of authority/body (position or post)
<7.1.1 type="S" input="S" Decision=N "SME" >	*<7.1.2 type="S" maxlength= "255" input="M" Decision=N "SME" >*	*<7.1.3 type="S" maxlength= "255" input="M" Decision=N "SME" >*
Managing authority		
Certifying authority, where applicable		
Audit authority		
Body to which Commission will make payments		

7.2 Involvement of relevant partners

(Reference: point (c) of Article 96(5) of Regulation (EU) No 1303/2013)

7.2.1 *Actions taken to involve the relevant partners in the preparation of the operational programme, and the role of those partners in the implementation, monitoring and evaluation of the programme*

<7.2.1 type="S" maxlength="14000" input="M" Decisions=N "SME">

7.2.2 ***Global grants*** (for the ESF and ESF REACT-EU, where appropriate)

(Reference: Article 6(1) of Regulation (EU) No 1304/2013)

<7.2.2 type="S" maxlength="5000" input="M" Decisions=N>

7.2.3 ***Allocation of an amount for capacity building*** (for the ESF and ESF REACT-EU, where appropriate)

(Reference: Article 6(2) and (3) of Regulation (EU) No 1304/2013)

<7.2.3 type="S" maxlength="14000" input="M" Decisions=N>

SECTION 8

COORDINATION BETWEEN THE FUNDS, THE EAFRD, THE EMFF AND OTHER UNION AND NATIONAL FUNDING INSTRUMENTS, AND WITH THE EIB

(Reference: point (a) of Article 96(6) of Regulation (EU) No 1303/2013)

The mechanisms to ensure coordination between the Funds, the European Agricultural Fund for Rural Development (EAFRD), the European Maritime and Fisheries Fund (EMFF) and other Union and national funding instruments, and with the European Investment Bank (EIB), taking into account the relevant provisions laid down in the Common Strategic Framework.

<8.1 type="S" maxlength="14000" input="M" Decisions=N PA=Y>

SECTION 9

EX-ANTE CONDITIONALITIES ([22])

(Reference: point (b) of Article 96(6) of Regulation (EU) No 1303/2013)

9.1 **Ex-ante conditionalities**

Information on the assessment of the applicability and the fulfilment of ex-ante conditionalities (optional)

<9.0 type="S" maxlength="14000" input="M" PA=Y>

Table 24

Applicable ex-ante conditionalities and assessment of their fulfilment

Ex-ante conditionality	Priority axes to which conditionality applies	Ex-ante conditionality fulfilled (yes /no/ partially)	Criteria	Criteria fulfilled (yes/no)	Reference (reference to strategies, legal act or other relevant documents, incl. relevant sections, articles or paragraphs, accompanied by web-links or access to full text)	Explanations
<9.1.1 type="S" maxlength="500" input="S" PA=Y"SME" >	*<9.1.2 type="S" maxlength="100" input="S" PA=Y "SME" >*	*<9.1.3 type="C" input="G" PA=Y "SME" >*	*<9.1.4 type="S" maxlength="500" input="S" PA=Y "SME" >*	*<9.1.5 type="B" input="S" PA=Y "SME" >*	*<9.1.6 type="S" maxlength="500" input="M" PA=Y "SME" >*	*<9.1.7 type="S" maxlength="1000" input="M" PA=Y "SME" >*

([22]) This section is not applicable in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

9.2 **Description of actions to fulfil ex-ante conditionalities, responsible bodies and timetable** ([23])

Table 25

Actions to fulfil applicable general ex-ante conditionalities

General ex-ante conditionality	Criteria not fulfilled	Actions to be taken	Deadline (date)	Bodies responsible
<9.2.1 type="S" maxlength="500" input="G" PA=Y "SME" >	*<9.2.2 type="S" maxlength="500" input="G" PA=Y "SME" >*	*<9.2.3 type="S" maxlength="1000" input="M" PA=Y "SME" >*	*<9.2.4 type="D" input="M" PA=Y "SME" >*	*<9.2.5 type="S" maxlength="500" input="M" PA=Y "SME" >*

Table 26

Actions to fulfil applicable thematic ex-ante conditionalities

Thematic ex-ante conditionality	Criteria not fulfilled	Actions to be taken	Deadline (date)	Bodies responsible
<9.2.1 type="S" maxlength="500" input="G" PA=Y "SME" TA- "NA">	*<9.2.2 type="S" maxlength="500" input="G" PA=Y "SME" TA- "NA" >*	*<9.2.3 type="S" maxlength="1000" input="M" PA=Y "SME" TA- "NA" >*	*<9.2.4 type="D" input="M " PA=Y "SME" TA- "NA" >*	*<9.2.5 type="S" maxlength="500" input="M" PA=Y "SME" TA- "NA">*
1. X		Action 1	Deadline for action 1	
		Action 2	Deadline for action 2	

([23]) Tables 25 and 26 cover only applicable general and thematic ex-ante conditionalities which are completely unfulfilled or partially fulfilled (see Table 24) at the time of submission of the programme.

SECTION 10

REDUCTION OF ADMINISTRATIVE BURDEN FOR BENEFICIARIES ([24])

(Reference: point (c) of Article 96(6) of Regulation (EU) No 1303/2013)

Summary of the assessment of the administrative burden for beneficiaries and, where necessary, the actions planned accompanied by an indicative timeframe to reduce administrative burden

<10.0 type="S" maxlength="7000" input="M" decision=N PA=Y>

([24]) This section is not required in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

SECTION 11

HORIZONTAL PRINCIPLES ([25])

(Reference: Article 96(7) of Regulation (EU) No 1303/2013)

11.1 **Sustainable development**

Description of specific action to take into account environmental protection requirements, resource efficiency, climate change mitigation and adaptation, disaster resilience and risk prevention and management, in the selection of operations.

<13.1 type="S" maxlength="5500" input="M" decision=N>

11.2 **Equal opportunities and non-discrimination**

Description of specific action to promote equal opportunities and prevent discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, design and implementation of the operational programme and in particular in relation to access to funding, taking account of the needs of the various target groups at risk of such discrimination and in particular the requirements to ensure accessibility for persons with disabilities.

<13.2 type="S" maxlength="5500" input="M" decision=N>

11.3 **Equality between men and women**

Description of contribution of the operational programme to the promotion of equality between men and women and, where appropriate, the arrangements to ensure the integration of the gender perspective at operational programme and operation level.

<13.2 type="S" maxlength="5500" input="M" decision=N>

([25]) This section is not required in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

SECTION 12

SEPARATE ELEMENTS

12.1 Major projects to be implemented during programming period

(Reference: point (e) of Article 96(2) of Regulation (EU) No 1303/2013)

Table 27

List of major projects

Project	Planned notification/ submission date (year, quarter)	Planned start of implementation (year, quarter)	Planned completion date (year, quarter)	Priority Axes/Investment Priorities
<12.1.1 type="S" maxlength="500" input="S" decision=N>	*<12.1.2 type="D" input="M" decision=N >*	*<12.1.3 type="D" input="M" decision=N >*	*<12.1.4 type="D" input="M" decision=N >*	*<12.1.5 type="S" " input="S" decision=N >*

12.2 Performance framework of operational programme ([26])

Table 28

Performance framework by fund and category of region (summary table)

Priority axis	Fund	Category of region	Indicator or key implementation step	Measurement unit, where appropriate	Milestone for 2018	Final target (2023) ([27])		
						M	W	T
<12.2.1 type="S" input="G">	*<12.2.2 type="S" input="G">*	*<12.2.3 type="S" input="G">*	*<12.2.4 type="S" input="G">*	*<12.2.5 type="S" input="G">*	*<12.2.6 type="S" input="G">*	*<12.2.7 type="S" input="G">*		

12.3 Relevant partners involved in preparation of programme

<12.3 type="S" maxlength="10500" input="M" decision=N>

([26]) This section is not applicable in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([27]) The target value may be presented as a total (men+women) or broken down by gender.

ANNEXES (uploaded to electronic data exchange system as separate files):

— Draft report of ex-ante evaluation with executive summary (mandatory)

(Reference: Article 55(2) and Article 92b(10) of Regulation (EU) No 1303/2013) ([28])

— Documentation on assessment of applicability and fulfilment of ex-ante conditionalities (as appropriate) ([29])

— Opinion of national equality bodies on Sections 11.2 and 11.3 (as appropriate) (Reference: Article 96(7) of Regulation (EU) No 1303/2013) ([30])

— Citizens' summary of operational programme (as appropriate)"

([28]) This annex is not applicable in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([29]) This annex is not applicable in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

([30]) This annex is not required in the case of an operational programme dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

ANNEX II

"ANNEX II

Model for cooperation programmes under the European territorial cooperation goal

CCI	*<0.1 type='S' maxlength='15' input='S'>* [1]
Title	*<0.2 type='S' maxlength='255' input='M'>*
Version	*<0.3 type='N' input='G'>*
First year	*<0.4 type='N' maxlength='4' input='M'>*
Last year	*<0.5 type='N' maxlength='4' input='M'>>*
Eligible from	*<0.6 type='D' input='G'>*
Eligible until	*<0.7 type='D' input='G'>>*
EC decision number	*<0.8 type='S' input='G'>>*
EC decision date	*<0.9 type='D' input='G'>>*
MS amending decision number	*<0.10 type='S' maxlength='20' input='M'>>*
MS amending decision date	*<0.11 type='D' input='M'>>*
MS amending decision entry into force date	*<0.12 type='D' input='M'>>*
NUTS regions covered by the cooperation programme	*<0.13 type='S' input='S'>>*

[1] Legend:
type: N=Number, D=Date, S=String, C=Checkbox, P=Percentage, B=Boolean
decision: N=Not part of the Commission decision approving the cooperation programme
input: M=Manual, S=Selection, G=Generated by system
"maxlength"= Maximum number of characters including spaces.

SECTION 1

STRATEGY FOR THE COOPERATION PROGRAMME'S CONTRIBUTION TO THE UNION STRATEGY FOR SMART, SUSTAINABLE AND INCLUSIVE GROWTH AND THE ACHIEVEMENT OF ECONOMIC, SOCIAL AND TERRITORIAL COHESION ([1])

(Reference: Article 27(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council ([2]) and point (a) of Article 8(2) of Regulation (EU) No 1299/2013 of the European Parliament and of the Council ([3]))

1.1. **Strategy for the cooperation programme's contribution to the Union strategy for smart, sustainable and inclusive growth and to the achievement of economic, social and territorial cohesion**

1.1.1. *Description of the cooperation programme's strategy for contributing to the delivery of the Union strategy for smart, sustainable and inclusive growth and for achieving economic, social and territorial cohesion*

<1.1.1 type='S' maxlength='70000' input='M'>

In the case of revision of an existing cooperation programme, in order to allocate the REACT-EU additional resources, the description of the expected impact on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economic shall be presented in a dedicated text box as indicated below.

1.1.1a *Description of the expected impact of the cooperation programme on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy*

<1.1.1 type="S" maxlength="10 000" input="M">

1.1.2. *Justification for the choice of thematic objectives and corresponding investment priorities, having regard to the Common Strategic Framework, based on an analysis of the needs within the programme area as a whole and the strategy chosen in response to such needs, addressing, where appropriate, missing links in cross-border infrastructure, taking into account the results of the ex-ante evaluation*

In the case of revision of an existing cooperation programme in order to allocate the REACT-EU additional resources, the following description shall be added.

1.1.2a *Justification setting out the expected impact of the cooperation programme on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy*

(Reference: Article 92b(9) of Regulation (EU) No 1303/2013)

([1]) 'REACT-EU' resources refer to the additional resources made available for programming under ERDF to provide assistance under the thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy (REACT-EU)" and technical assistance (Articles 92a and 92b of Regulation (EU) No1303/2013. Tables in this Annex provide for the split of the REACT-EU additional resources where necessary.

([2]) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

([3]) Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (OJ L 347, 20.12.2013, p. 259).

Table 1

Justification for the selection of thematic objectives and investment priorities

Selected thematic objective	Selected investment priority	Justification for selection or impact on fostering crisis repair (where applicable)
<1.1.2 type='S' input='S' >	*<1.1.3 type='S' input='S'>*	*<1.1.4 type='S' maxlength='1000' input='M'>*

1.2. **Justification for the financial allocation**

Justification for the financial allocation (i.e. Union support) to each thematic objective and, where appropriate, investment priority, in accordance with the thematic concentration requirements, taking into account the ex-ante evaluation.

<1.2.1 type='S' maxlength='7000' input='M' >

In the case of revision of an existing cooperation programme in order to allocate the REACT-EU additional resources, the following description shall be added:

1.2a **Justification for the financial allocation of the REACT-EU additional resources to the programme and how these resources target the geographic areas where they are most needed, taking into account the different regional needs and development levels in order to ensure that focus is maintained on less developed regions, in accordance with the objectives of economic, social and territorial cohesion set out in Article 174 TFEU.**

<1.2.1 type='S' maxlength='3000' input='M' >

Table 2

Overview of the investment strategy of the cooperation programme

Priority axis	ERDF support (in EUR)	Proportion (%) of the total Union support for the cooperation programme (by Fund) (1)			Thematic objective (2)	Investment priorities (3)	Specific objectives corresponding to the investment priorities	Result indicators corresponding to the specific objective
		ERDF (4)	ENI (5) (where applicable)	IPA (6) (where applicable)				
<1.2.1 type='S' input='G'>	***<1.2.2 type='S' input='G'>***	***<1.2.3type='N' ' input='G'>***	***<1.2.4 type='S' input='G'><1.2.9 type='P' input='G'>***	***<1.2.5 type='S' input='G'><1.2.10type='P' input='G'>***	***<1.2.6 type='S' input='G'>***	***<1.2.7 type='S' input='G'>***	***<1.2.8 type='S' input='G'>***	***<1.2.9 type='S' input='G'>***
REACT-EU								

(1) Presentation of the shares corresponding to ENI and IPA amounts depends on management option chosen.
(2) Title of the thematic objective (not applicable to technical assistance).
(3) Title of the investment priority (not applicable to technical assistance).
(4) European Regional Development Fund.
(5) European Neighbourhood Instrument.
(6) Instrument for Pre-Accession Assistance.

SECTION 2

PRIORITY AXES

(Reference: points (b) and (c) of Article 8(2) of Regulation (EU) No 1299/2013)

SECTION 2.A

DESCRIPTION OF THE PRIORITY AXES OTHER THAN TECHNICAL ASSISTANCE

(Reference: point (b) of Article 8(2) of Regulation (EU) No 1299/2013)

2.A.1 **Priority axis** (repeated for each priority axis)

ID of the priority axis	*<2A.1 type='N' input='G'>*
Title of the priority axis	*<2A.2 type='S' maxlength='500' input='M'>*

☐ The entire priority axis will be implemented solely through financial instruments	*<2A.3 type='C' input='M'>*
☐ The entire priority axis will be implemented solely though financial instruments set up at Union level	*<2A.4 type='C' input='M'>*
☐ The entire priority axis will be implemented through community-led local development	*<2A.5 type='C' input='M'>*
☐ The entire priority axis is dedicated to REACT-EU	*<2A.6 type="C" input="M">*

2.A.2 **Justification for the establishment of a priority axis covering more than one thematic objective** (where applicable) ([4])

(Reference: Article 8(1) of Regulation (EU) No 1299/2013)

<2.A.0 type='S' maxlength='3 500' input='M'>

2.A.3 **Fund and calculation basis for Union support**

(repeated for each fund under the priority axis)

Fund	*<2A.6 type='S' input='S'>*
Calculation basis (total eligible expenditure or eligible public expenditure)	*<2A.8 type='S' input='S'>*

([4]) This field is not applicable in the case of priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

2.A.4 **Investment priority** (repeated for each investment priority under the priority axis)

(Reference: point (b)(i) of Article 8(2) of Regulation (EU) No 1299/2013)

Investment priority	*<2A.7 type='S' input='S'>*

2.A.5 **Specific objectives corresponding to the investment priority and expected results**

(repeated for each specific objective under the investment priority)

(Reference: points (b)(i) and (ii) of Article 8(2) of Regulation (EU) No 1299/2013)

ID	*<2A.1.1 type='N' input='G'>*
Specific objective	*<2A.1.2 type='S' maxlength='500' input='M'>*
The results that the Member States seek to achieve with Union support	*<2A.1.3 type='S' maxlength='3500' input='M'>*

Table 3

Programme specific result indicators (by specific objective)

(Reference: point (b)(ii) of Article 8(2) of Regulation (EU) No 1299/2013)

ID	Indicator	Measurement unit	Baseline value	Baseline year	Target value (2023) [1]	Source of data	Frequency of reporting
<2A.1.4 type='S' maxlength='5' input='M'>	*<2A.1.5 type='S' maxlength='255' input='M'>*	*<2A.1.6 type='S' input='M'>*	*Quantitative <2A.1.8 type='N' input='M'> Qualitative <2A.1.8 type='S' maxlength='100' input='M'*	*<2A.1.9 type='N' input='M'>*	*Quantitative <2A.1.10 type='N' input='M'> Qualitative <2A.1.10 type='S' maxlength='100' input='M'>*	*<2A.1.11 type='S' maxlength='200' input='M'>*	*<2A.1.12 type='S' maxlength='100' input='M'>*

[1] Target values may be qualitative or quantitative.

2.A.6 **Actions to be supported under the investment priority** (by investment priority)

2.A.6.1 ***A description of the type and examples of actions to be supported and their expected contribution to the specific objectives, including, where appropriate, identification of the main target groups, specific territories targeted and types of beneficiaries***

(Reference: point (b)(iii) of Article 8(2) of Regulation (EU) No 1299/2013)

Investment Priority	*<2A.2.1.1 type='S' input='S'>*
<2A.2.1.2 type='S' maxlength='14000' input='M'>	

2.A.6.2 ***Guiding principles for the selection of operations***

(Reference: point (b)(iii) of Article 8(2) of Regulation (EU) No 1299/2013)

Investment priority	*<2A.2.2.1 type='S' input='S'>*
<2A.2.2.2 type='S' maxlength='3500' input='M'>	

2.A.6.3 ***Planned use of financial instruments*** (where appropriate)

(Reference: point (b)(iii) of Article 8(2) of Regulation (EU) No 1299/2013)

Investment priority	*<2A.2.3.1 type='S' input='S'>*
Planned use of financial instruments	*<2A.2.3.2 type='C' input='M'>*
<2A.2.3.3 type='S' maxlength='7000' input='M'>	

2.A.6.4 ***Planned use of major projects*** (where appropriate)

(Reference: point (b)(iii) of Article 8(2) of Regulation (EU) No 1299/2013)

Investment priority	*<2A.2.4.1 type='S' input='S'>*
<2A.2.4.2 type='S' maxlength='3500' input='M'>	

2.A.6.5 ***Output indicators*** (by investment priority)

(Reference: point (b)(iv) of Article 8(2) of Regulation (EU) No 1299/2013)

Table 4

Common and programme specific output indicators

ID	Indicator *(name of indicator)*	Measurement unit	Target value (2023)	Source of data	Frequency of reporting
<2A.2.5.1 type='S' input='S'>	*<2A.2.5.2 type='S' input='S'>*	*<2A.2.5.3 type='S' input='S'>*	*<2A.2.5.6 type='N' input='M'>*	*<2A.2.5.7 type='S' maxlength='200' input='M'>*	*<2A.2.5.8 type='S' maxlength='100' input='M'>*

2.A.7 **Performance framework** ([5])

(Reference: point (b)(v) of Article 8(2) of Regulation (EU) No 1299/2013 and Annex II of Regulation (EU) No 1303/2013)

Table 5

Performance framework of the priority axis

Priority axis	Indicator type (Key implementation step, financial, output or, where appropriate, result indicator)	ID	*Indicator or key implementation step*	Measurement unit, where appropriate	Milestone for 2018	Final target (2023)	Source of data	Explanation of relevance of indicator, where appropriate
<2A.3.1 type='S' input='S'>	*<2A.3.2 type='S' input='S'>*	*Implementation Step or Financial <2A.3.3 type='S' maxlength='5' input='M'> Output or result<2A.3.3 type='S' input='S'>*	*Implementation Step or Financial <2A.3.4 type='S' maxlength='255' input='M'> Output or Result <2A.4.4 type='S' input='G' or 'M'>*	*Implementation Step or Financial <2A.3.5 type='S' input='M'> Output or Result <2A.3.5 type='S' input='G' or 'M'>*	*<2A.3.7 type='S' maxlength='255' input='M'>*	*<2A.3.8 type='S' input='M'> Output or Result <2A.3.8 type='S' input='M'>*	*<2A.3.9 type='S' maxlength='200' input='M'> Output or Result <2A.3.9 type='S' input='M'>*	*<2A.3.10 type='S' maxlength='500' input='M'>*

Additional qualitative information on the establishment the performance framework (optional)

<2A.3.11 type='S' maxlength='7000' input='M'>

([5]) This section is not applicable in the case of priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

2.A.8 **Categories of intervention**

(Reference: point (b)(vii) of Article 8(2) of Regulation (EU) No 1299/2013)

Categories of intervention corresponding to the content of the priority axis, based on a nomenclature adopted by the Commission, and indicative breakdown of Union support

Tables 6-9

Categories of intervention

Table 6: Dimension 1 Intervention field

Priority axis	Code	Amount (EUR)
<2A.4.1.1 type='S' input='S' Decision=N>	*<2A.4.1.1 type='S' input='S' Decision=N >*	*<2A.4.1.3 type='N' input='M' Decision=N >*

Table 7: Dimension 2 Form of finance

Priority axis	Code	Amount (EUR)
<2A.4.1.4 type='S' input='S' Decision=N>	*<2A.4.1.5 type='S' input='S' Decision=N >*	*<2A.4.1.6 type='N' input='M' Decision=N >*

Table 8: Dimension 3 Territory type

Priority axis	Code	Amount (EUR)
<2A.4.1.7 type='S' input='S' Decision=N>	*<2A.4.1.8 type='S' input='S' Decision=N >*	*<2A.4.1.9 type='N' input='M' Decision=N >*

Table 9: Dimension 6 Territorial delivery mechanisms

Priority axis	Code	Amount (EUR)
<2A.4.1.10 type='S' input='S' Decision=N>	*<2A.4.1.11 type='S' input='S' Decision=N >*	*<2A.4.1.12 type='N' input='M' Decision=N >*

2.A.9 **A summary of the planned use of technical assistance including, where necessary, actions to reinforce the administrative capacity of authorities involved in the management and control of the programmes and beneficiaries and, where necessary, actions for to enhance the administrative capacity of relevant partners to participate in the implementation of programmes** (where appropriate) ([6])

(Reference: point (b)(vi) of Article 8(2) of Regulation (EU) No 1299/2013)

Priority axis	*<3A.5.1 type='S' input='S'>*
<2A.5.2 type='S' maxlength='2000' input='M'>	

SECTION 2.B

DESCRIPTION OF THE PRIORITY AXES FOR TECHNICAL ASSISTANCE

(Reference: point (c) of Article 8(2) of Regulation (EU) No 1299/2013)

2.B.1 **Priority axis**

ID	*<2B.0.1 type='N' maxlength='5' input='G'>*
Title	*<2B.0.2 type='S' maxlength='255' input='M'>*

☐ The entire priority axis is dedicated to REACT-EU	*<2B.1 type="C" input="M">*

2.B.2 **Fund and calculation basis for Union support** (repeated for each fund under the priority axis)

Fund	*<2B.0.3 type='S' input='S'>*
Calculation basis (total eligible expenditure or eligible public expenditure)	*<2B.0.4 type='S' input='S'>*

2.B.3 **Specific objectives and expected results**

(Reference: points (c)(i) and (ii) of Article 8(2) of Regulation (EU) No 1299/2013)

Specific objective (repeated for each specific objective)

ID	*<2B.1.1 type='N' maxlength='5' input='G'>*
Specific objective	*<2B.1.2 type='S' maxlength='500' input='M'>*
Results that the Member States seek to achieve with Union support ([1])	*<2B.1.3 type='S' maxlength='3500' input='M'>*

([1]) Required where the Union support to technical assistance in the cooperation programme exceeds EUR 15 million.

([6]) This field is not required in the case of priority axes dedicated to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

2.B.4 **Result indicators** ([7])

Table 10

Programme-specific result indicators (by specific objective)

(Reference: point (c)(ii) of Article 8(2) of Regulation (EU) No 1299/2013)

ID	Indicator	Measurement unit	Baseline value	Baseline year	Target value ([1]) (2023)	Source of data	Frequency of reporting
<2.B.2.1 type='S' maxlength='5' input='M'>	*<2.B.2.2 type='S' maxlength='255' input='M'>*	*<2.B.2.3 type='S' input='M'>*	*Quantitative <2.B.2.4 type='N' input='M'>*	*<2.B.2.5 type='N' input='M'>*	*Quantitative <2.B.2.6 type='N' input='M'> Qualitative <2A.1.10 type='S' maxlength='100' input='M'>*	*<2.B.2.7 type='S' maxlength='100' input='M'>*	*<2.B.2.8 type='S' maxlength='100' input='M'>*

([1]) The target values can be qualitative or quantitative.

2.B.5 **Actions to be supported and their expected contribution to the specific objectives** (by priority axis)

(Reference: point (c)(iii) of Article 8(2) of Regulation (EU) No 1299/2013)

2.B.5.1 ***Description of actions to be supported and their expected contribution to the specific objectives***

(Reference: point (c)(iii) of Article 8(2) of Regulation (EU) No 1299/2013

Priority axis	*<2.B.3.1.1 type='S' input='S'>*
<2.B.3.1.2 type='S' maxlength='7000' input='M'>	

2.B.5.2 ***Output indicators expected to contribute to results*** (by priority axis)

(Reference: point (c)(iv) of Article 8(2) of Regulation (EU) No 1299/2013)

Table 11

Output indicators

ID	Indicator	Measurement unit	Target value (2023) (optional)	Source of data
<2.B.3.2.1 type='S' maxlength='5' input='M'>	*<2.B.2.2.2 type='S' maxlength='255' input='M'>*	*<2.B.3.2.3 type='S' input='M'>*	*<2.B.3.2.4 type='N' input='M'>*	*<2.B.3.2.5 type='S' maxlength='100' input='M'>*

([7]) Required where objectively justified by the given the content of the actions and where the Union support to technical assistance in the cooperation programme exceeds EUR 15 million.

2.B.6 **Categories of intervention**

(Reference: point (c)(v) of Article 8(2) of Regulation (EU) No 1299/2013)

Corresponding categories of intervention based on a nomenclature adopted by the Commission, and an indicative breakdown of Union support.

Tables 12-14

Categories of intervention

Table 12: Dimension 1 Intervention field

Priority axis	Code	Amount (EUR)
<2B.4.1.1 type='S' input='S' Decision=N >	*<2B.4.1.2 type='S' input='S' Decision=N >*	*<2B.4.1.3 type='N' input='M Decision=N '>*

Table 13: Dimension 2 Form of finance

Priority axis	Code	Amount (EUR)
<2B.4.2.1 type='S' input='S' Decision=N >	*<2B.4.2.2 type='S' input='S' Decision=N >*	*<2B.4.2.3 type='N' input='M' Decision=N >*

Table 14: Dimension 3 Territory type

Priority axis	Code	Amount (EUR)
<2B.4.3.1 type='S' input='S' Decision=N >	*<2B.4.3.2 type='S' input=' Decision=N S'>*	*<2B.4.3.3 type='N' input='M Decision=N '>*

SECTION 3

FINANCING PLAN

(Reference: point (d) of Article 8(2) of Regulation (EU) No 1299/2013)

3.1. Financial appropriation from the ERDF (in EUR)

(Reference: point (d)(i) of Article 8(2) of Regulation (EU) No 1299/2013)

Table 15

Fund *<3.1.1 type='S' input='G'>*	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total
ERDF without REACT-EU	*<3.1.3 type='N' input='M'>*	*<3.1.4 type='N' input='M'>*	*<3.1.5 type='N' input='M'>*	*<3.1.6 type='N' input='M'>*	*<3.1.7 type='N' input='M'>*	*<3.1.8 type='N' input='M'>*	*<3.1.9 type='N' input='M'>*	Not applicable	Not applicable	*<3.1.10 type='N' input='G'>*
ERDF REACT-EU	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	*<3.1.10 type='N' input='M'>*	*<3.1.11 type='N' input='M'>*	
IPA amounts (where applicable)								Not applicable	Not applicable	
ENI amounts (where applicable)								Not applicable	Not applicable	
Grand total										

3.2.A Total financial appropriation from the ERDF and national co-financing (in EUR)

(Reference: point (d)(ii) of Article 8(2) of Regulation (EU) No 1299/2013)

1. *The financial table sets out the financial plan of the cooperation programme by priority axis. Where outermost regions' programmes combine cross-border and transnational allocations, separate priority axes will be set out for each of these.*
2. *The financial table shall show for information purposes, any contribution from third countries participating in the cooperation programme (other than contributions from IPA and ENI)*
3. *The EIB* [1] *contribution is presented at the level of the priority axis.*

[1] European Investment Bank.

Table 16

Financing plan

Priority axis	Fund	Basis for calculation of Union support (Total eligible cost or public eligible cost)	Union support (a)	National counterpart (b) = (c) + (d))	Indicative breakdown of the national counterpart		Total funding (e) = (a) + (b)	Co-financing rate ([1]) (f) = (a)/(e) (2)	100% co-financing rate for accounting year 2020-2021 (*)	100% co-financing rate for accounting year 2021-2022 (*)	For information	
					National Public funding (c)	National private funding (d) (1)					Contributions from third countries	EIB contributions
<3.2.A.1 type='S' input='G'>	*<3.2.A.2 type='S' input='G'>*	*<3.2.A.3 type='S' input='G'>*	*<3.2.A.4 type='N' input='M'>*	*<3.2.A.5 type='N' input='G'>*	*<3.2.A.6 type='N' input='M'>*	*<3.2.A.7 type='N' input='M'>*	*<3.2.A.8 type='N' input='G'>*	<3.2.A.9 type='P' input='G'>	*See footnote (*) for details (examples below)*	*See footnote (**) for details (examples below)*	*<3.2.A.10 type='N' input='M'>*	*<3.2.A.11 type='N' input='M'>*
Priority axis 1	ERDF (possibly incl. amounts transferred from IPA and ENI) ([2])								□	□		
	IPA											
	ENI											

Priority axis N	ERDF (possibly incl. amounts transferred from IPA and ENI)								□	□		
	IPA											
	ENI											
Priority axis N	ERDF REACT-EU								□	□	Not applicable	Not applicable
Total	ERDF											
	IPA											
	ENI											
	ERDF REACT-EU											
Total	Total all Funds											

(1) The derogation from the first and second subparagraphs of Article 120(3) of Regulation (EU) No 1303/2013 (provided for in Article 92b(11) of Regulation (EU) No 1303/2013) is not applicable to the REACT-EU additional resources allocated to technical assistance. The cofinancing rate for such a technical assistance priority axis should be the same as the co-financing rate for non-REACT-EU priority axis for technical assistance.

(2) Presentation of amounts transferred from ENI and IPA depends on management option chosen.

(*) By ticking the box the Member States request to apply, pursuant to Article 25a(1) of Regulation (EU) No 1303/2013, a co-financing rate of 100% to expenditure declared in payment applications during the accounting year starting on 1 July 2020 and ending on 30 June 2021 for [all priority axes] [some of the priority axes] of the operational programme.

(**) By ticking the box the Member States request to apply, pursuant to Article 25a(1a) of Regulation (EU) No 1303/2013, a co-financing rate of 100% to expenditure declared in payment applications during the accounting year starting on 1 July 2021 and ending on 30 June 2022 for [all priority axes] [some of the priority axes] of the operational programme.

(1) To be completed only when priority axes are expressed in total costs.

(2) This rate may be rounded to the nearest whole number in the table. The precise rate used to reimburse payments is the ratio (f).

3.2.B **Breakdown by priority axis and thematic objective**

(Reference: point (d)(ii) of Article 8(2) of Regulation (EU) No 1299/2013)

Table 17

Priority axis	Thematic objective	Union support	National counterpart	Total funding
<3.2.B.1 type='S' input='G'>	*<3.2.B.2 type='S' input='G'>*	*<3.2.B.3 type='N' input='M'>*	*<3.2.B.4 type='N' input='M'>*	*<3.2.B.5 type='N' input='M'>*
Total ERDF without REACT-EU				
Total ERDF REACT-EU				
Grand total				

Table 18

Indicative amount of support to be used for climate change objectives

(Reference: Article 27(6) of Regulation (EU) No 1303/2013) ([8])

Priority axis	Indicative amount of support to be used for climate change objectives (€)	Proportion of the total allocation to the programme (%)
<3.2.B.8 type='S' input='G'>	*<3.2.B.9 type='N' input='G' Decision=N >*	*<3.2.B.10 type='P' input='G' Decision=N >*
Total ERDF REACT-EU		
Total		

([8]) This table is generated automatically on the basis of tables on categories of intervention under each priority axis.

SECTION 4

INTEGRATED APPROACH TO TERRITORIAL DEVELOPMENT [9]

(Reference: Article 8(3) of Regulation (EU) No 1299/2013)

Description of the integrated approach to territorial development, taking into account the content and objectives of the cooperation programme, including in relation to regions and areas referred to in Article 174(3) TFEU, having regard to the Partnership Agreements of the participating Member States, and showing how it contributes to the accomplishment of the programme objectives and expected results

<4.0 type='S' maxlength='3500' input='M'>

4.1. **Community-led local development (where appropriate)**

Approach to the use of community-led local development instruments and principles for identifying the areas where they will be implemented

(Reference: point (a) of Article 8(3) of Regulation (EU) No 1299/2013)

<4.1 type='S' maxlength='7000' input='M' >

4.2. **Integrated actions for sustainable urban development (where appropriate)**

Principles for identifying the urban areas where integrated actions for sustainable urban development are to be implemented and the indicative allocation of the ERDF support for these actions

(Reference: point (b) of Article 8(3) of Regulation (EU) No 1299/2013)

<4.2.1 type='S' maxlength='3500' input='M'>

Table 19

Integrated actions for sustainable urban development – indicative amounts of ERDF support

Fund	Indicative amount of ERDF support (EUR)
<4.2.2 type='S' input='G'>	*<4.2.3 type='N' input='M'>*
ERDF without REACT-EU	

4.3. **Integrated Territorial Investment (ITI) (where appropriate)**

Approach to the use of Integrated Territorial Investments (ITI) (as defined in Article 36 of Regulation (EU) No 1303/2013) other than in cases covered by point 4.2, and their indicative financial allocation from each priority axis

(Reference: point (c) of Article 8(3) of Regulation (EU) No 1299/2013)

<4.3.1 type='S' maxlength='5000' input='M '>

[9] In the case of programme revision in order to establish one or more separate priority axes for thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy", this part is required only where corresponding support is provided.

Table 20

Indicative financial allocation to ITI other than those mentioned under point 4.2 (aggregate amount)

Priority axis	Indicative financial allocation (Union support) (EUR)
<4.3.2 type='S' input='G' >	*<4.3.3 type='N' input='M'>*
Total ERDF without REACT-EU	
Total ERDF REACT-EU	
TOTAL	

4.4. **Contribution of planned interventions towards macro-regional and sea basin strategies, subject to the needs of the programme area as identified by the relevant Member States and taking into account, where applicable, strategically important projects identified in those strategies (where appropriate)**

(Where Member States and regions participate in macro-regional and sea basin strategies)

(Reference: point (d) of Article 8(3) of Regulation (EU) No 1299/2013)

<4.4.1.2 type='S' maxlength='7000' input='M' >

SECTION 5

IMPLEMENTING PROVISIONS FOR THE COOPERATION PROGRAMME

(Reference: Article 8(4) of Regulation (EU) No 1299/2013)

5.1. **Relevant authorities and bodies**

(Reference: Article 8(4) of Regulation (EU) No 1299/2013)

Table 21

Programme authorities

(Reference: point (a)(i) of Article 8(4) of Regulation (EU) No 1299/2013)

Authority/body	Name of authority/body and department or unit	Head of authority/body (position or post)
Managing authority	*<5.1.1 type='S' maxlength='255' input='M' decision='N' >*	*<5.1.2 type='S' maxlength='255' input='M' decision='N' >*
Certifying authority, where applicable	*<5.1.3 type='S' maxlength='255' input='M' decision='N' >*	*<5.1.4 type='S' maxlength='255' input='M' decision='N' >*
Audit authority	*<5.1.5 type='S' maxlength='255' input='M' decision='N' >*	*<5.1.6 type='S' maxlength='255' input='M' decision='N' >*

The body to which payments will be made by the Commission is:

(Reference: point (b) of Article 8(4) of Regulation (EU) No 1299/2013)

☐ the certifying authority	*<5.1.8 type type='C' input='M'>*

Table 22

Body or bodies carrying out control and audit tasks

(Reference: points (a)(ii) and (iii) of Article 8(4) of Regulation (EU) No 1299/2013)

Authority/body	Name of authority/body and department or unit	Head of authority/body (position or post)
Body or bodies designated to carry out control tasks	*<5.1.9 type='S' maxlength='255' input='M' >*	*<5.1.10 type='S' maxlength='255' input='M' >*
Body or bodies designated to be responsible for carrying out audit tasks	*<5.1.11 type='S' maxlength='255' input='M' >*	*<5.1.12 type='S' maxlength='255' input='M' >*

5.2. **Procedure for setting up the joint secretariat**

(Reference: point (a)(iv) of Article 8(4) of Regulation (EU) No 1299/2013)

<5.2 type='S' maxlength='3500' input='M' >

5.3. **Summary description of the management and control arrangements**

(Reference: point (a)(v) of Article 8(4) of Regulation (EU) No 1299/2013)

<5.3. type='S' maxlength='35000' input='M' >

5.4. **Apportionment of liabilities among participating Member States in case of financial corrections imposed by the managing authority or the Commission**

(Reference: point (a)(vi) of Article 8(4) of Regulation (EU) No 1299/2013)

<5.4 type='S' maxlength='10500' input='M' >

5.5. **Use of the Euro (where applicable)**

(Reference: Article 28 of Regulation (EU) No 1299/2013)

Method chosen for the conversion of expenditure incurred in another currency than the Euro

<5.5. type='S' maxlength='2000' input='M' >

5.6. **Involvement of partners**

(Reference: point (c) of Article 8(4) of Regulation (EU) No 1299/2013)

Actions taken to involve the partners referred to in Article 5 of Regulation (EU) No 1303/2013 in the preparation of the cooperation programme, and the role of those partners in the preparation and implementation of the cooperation programme, including their involvement in the monitoring committee

<5.6 type='S' maxlength='14000' input='M' Decisions=N>

SECTION 6

COORDINATION

(Reference: point (a) of Article 8(5) of Regulation (EU) No 1299/2013)

The mechanisms that ensure effective coordination between the ERDF, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and other Union and national funding instruments, including the coordination and possible combination with the Connecting Europe Facility, the ENI, the European Development Fund (EDF) and the IPA and with the EIB, taking into account the provisions laid down in the Common Strategic Framework as set out in Annex I to Regulation (EU) No 1303/2013. Where Member States and third countries participate in cooperation programmes that include the use of ERDF appropriations for outermost regions and resources from the EDF, coordination mechanisms at the appropriate level to facilitate effective coordination in the use of these resources

<6.1 type='S' maxlength='14000' input='M' Decisions=N >

SECTION 7

REDUCTION OF ADMINISTRATIVE BURDEN FOR BENEFICIARIES

(Reference: point (b) of Article 8(5) of Regulation (EU) No 1299/2013 ([10]))

A summary of the assessment of the administrative burden for beneficiaries and, where necessary, the actions planned accompanied by an indicative timeframe to reduce the administrative burden.

<7..0 type='S' maxlength='7000' input='M' decision=N >

([10]) Not required for INTERACT and ESPON.

SECTION 8

HORIZONTAL PRINCIPLES

(Reference: Article 8(7) of Regulation (EU) No 1299/2013)

8.1. **Sustainable development** ([11])

Description of specific actions to take into account environmental protection requirements, resource efficiency, climate change mitigation and adaptation, disaster resilience and risk prevention and management, in the selection of operations.

<7.1 type='S' maxlength='5500' input='M' decision=N>

8.2. **Equal opportunities and non-discrimination** ([12])

Description of the specific actions to promote equal opportunities and prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, design and implementation of the cooperation programme and, in particular, in relation to access to funding, taking account of the needs of the various target groups at risk of such discrimination, and in particular, the requirements of ensuring accessibility for persons with disabilities.

<7.2 type='S' maxlength='5500' input='M' decision=N>

8.3. **Equality between men and women**

Description of the contribution of the cooperation programme to the promotion of equality between men and women and, where appropriate, the arrangements to ensure the integration of the gender perspective at cooperation programme and operation level.

<7.3 type='S' maxlength='5500' input='M' decision=N>

([11]) Not applicable to URBACT, INTERACT and ESPON.
([12]) Not applicable to URBACT, INTERACT and ESPON.

SECTION 9

SEPARATE ELEMENTS

9.1. **Major projects to be implemented during the programming period**

(Reference: point (e) of Article 8(2) of Regulation (EU) No 1299/2013)

Table 23

List of major projects ([13])

Project	Planned notification/ submission date (year, quarter)	Planned start of implementation (year, quarter)	Planned completion date (year quarter)	Priority axes/investment priorities
<9.1.1 type='S' maxlength='500' input='S' decision=N>	*<9.1.2 type='D' input='M' decision='N' >*	*<9.1.3 type='D' input='M' decision='N' >*	*<9.1.4 type='D' input='M' decision='N' >*	*<9.1.5 type='S' input='S decision='N' '>*

9.2. **Performance framework of the cooperation programme** ([14])

Table 24

Performance framework (summary table)

Priority axis	Indicator or key implementation step	Measurement unit, where appropriate	Milestone for 2018	Final target (2023)
<9.2.1 type='S' ' input='G'>	*<9.2.3 type='S' input='G'>*	*<9.2.4 type='S' input='G'>*	*<9.2.5 type='S' input='G'>*	*<9.2.6 type='S' input='G'>*

9.3. **Relevant partners involved in the preparation of the cooperation programme**

<9.3 type='S' maxlength='15000' input='M' decision=N>

9.4. **Applicable programme implementation conditions governing the financial management, programming, monitoring, evaluation and control of the participation of third countries in transnational and interregional programmes through a contribution of ENI and IPA resources**

(Reference: Article 26 of Regulation (EU) No 1299/2013)

<9.4 type='S' maxlength='14000' input='S'>

([13]) Not applicable to INTERACT and ESPON.

([14]) Not applicable to thematic objective "Fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy".

ANNEXES (uploaded to electronic data exchange systems as separate files):

— Draft report of the ex-ante evaluation, with an executive summary (mandatory)
(Reference: Article 55(2) and Article 92b(10) of Regulation (EU) No 1303/2013)

— Confirmation of agreement in writing to the contents of the cooperation programme (mandatory)
(Reference: Article 8(9) of Regulation (EU) No 1299/2013)

— A map of the area covered by the cooperation programme (as appropriate)

— A citizens' summary of the cooperation programme (as appropriate)"

COMMISSION IMPLEMENTING REGULATION (EU) 2022/873

of 2 June 2022

amending for the 331st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations [1], and in particular Article 7(1)(a) and Article 7a(5) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 27 May 2022, the Sanctions Committee of the United Nations Security Council decided to amend six entries in the list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

(3) Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

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, 2 June 2022.

For the Commission
On behalf of the President
Director-General
Directorate-General for Financial Stability, Financial Services and Capital Markets Union

[1] OJ L 139, 29.5.2002, p. 9.

ANNEX

The identifying data for the following entries under the heading 'Natural persons' in Annex I to Regulation (EC) No 881/2002 are amended as follows:

(1) 'HAJJI 'ABD AL-NASIR (aliases Hajji Abdelnasser; Hajji Abd al-Nasr; Taha al-Khuwayt). Date of birth: Between 1965 and 1969. Address: Syrian Arab Republic. Place of birth: Tall 'Afar, Iraq. Nationality: Iraqi. Date of designation referred to in Article 7d(2)(i): 19.11.2018.'

is replaced by the following:

'Taha Ibrahim Abdallah Bakr Al Khuwayt (original script: طه إبراهيم عبد الله بكر ال خويت) (good quality alias (a) Hajji Abdelnasser, (b) Hajji Abd al-Nasr, (c) Hajji 'Abd Al-Nasir (formerly listed as); low quality alias (a) Taha al-Khuwayt, (b) Mullah Taha, (c) Mullah Khuwayt). Date of birth: Between 1965 and 1969. Place of birth: Tall 'Afar, Iraq. Nationality: Iraqi. Address: Prison in Iraq. Other information: Former ISIL governor of al-Jazira Province, military leader in the Syrian Arab Republic as well as member and chair of the ISIL Delegated Committee. In custody of Iraq since 2019. Date of designation referred to in Article 7d(2)(i): 19.11.2018.'

(2) 'Amir Muhammad Sa'id Abdal-Rahman al-Mawla (original script: أمير محمد سعيد عبد الرحم المولى) (good quality alias (a) Abu Ibrahim al-Hashimi al-Qurashi, (b) Hajji Abdallah, (c) Abu 'Umar al-Turkmani, (d) Abdullah Qardash, (e) Abu 'Abdullah Qardash, (f) al-Hajj Abdullah Qardash, (g) Hajji Abdullah Al-Afari, (h) 'Abdul Amir Muhammad Sa'id Salbi, (i) Muhammad Sa'id 'Abd-al-Rahman al-Mawla, (j) Amir Muhammad Sa'id 'Abd-al-Rahman Muhammad al-Mula; low quality alias (a) Al-Ustadh, (b) Ustadh Ahmad). Date of birth: (a) 5.10.1976, (b) 1.10.1976. Place of birth: (a) Tall'Afar, Iraq, (b) Mosul, Iraq. Nationality: Iraqi. Other information: Leader of Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq. Date of designation referred to in Article 7d(2)(i): 21.5.2020.'

is replaced by the following:

'Amir Muhammad Sa'id Abdal-Rahman al-Salbi (original script: أمير محمد سعيد عبد الرحمن السلبي) (good quality alias (a) Abu Ibrahim al-Hashimi al-Qurashi, (b) Hajji Abdallah, (c) Abu 'Umar al-Turkmani, (d) Abdullah Qardash, (e) Abu 'Abdullah Qardash, (f) al-Hajj Abdullah Qardash, (g) Hajji Abdullah Al-Afari, (h) 'Abdul Amir Muhammad Sa'id Salbi, (i) Muhammad Sa'id 'Abd-al-Rahman al-Mawla, (j) Amir Muhammad Sa'id 'Abd-al-Rahman Muhammad al-Mula, (k) Amir Muhammad Sa'id Abdal-Rahman al-Mawla (previously listed as); low quality alias (a) Al-Ustadh, (b) Ustadh Ahmad). Date of birth: (a) 5.10.1976, (b) 1.10.1976, (c) 6.1.1976. Place of birth: (a) Tall'Afar, Iraq, (b) Mosul, Iraq. Nationality: Iraqi. National Identification No.: 00278640 (issued on 2.5.2012). Address: (a) House 110, Street 704, District 704, Tall'Afar, Iraq (previous address), (b) near Shahid Mazen Mosque and al-Khansa Hospital, Mosul, Iraq (previous address), (c) Idlib, Syrian Arab Republic. Other information: Leader of Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq. Mother's name: Samira Shareef (سميرة شريف) or Sahra Sharif Abd al-Qader (سهرة شريف عبد القادر). Height 170 cm, right leg amputated. Arrest warrant issued by Iraq 2018. Reportedly deceased as of 3 February 2022. Date of designation referred to in Article 7d(2)(i): 21.5.2020.'

(3) 'Aris Sumarsono (Good quality alias (a) Zulkarnan, (b) Zulkarnain, (c) Zulkarnin, (d) Arif Sunarso, (e) Zulkarnaen, (f) Aris Sunarso, (g) Ustad Daud Zulkarnaen; Low quality alias Murshid). Date of birth: 1963. Place of birth: Gebang village, Masaran, Sragen, Central Java, Indonesia. Nationality: Indonesian. Date of designation referred to in Article 7d(2)(i): 16.5.2005.'

is replaced by the following:

'Aris Sumarsono (good quality alias (a) Zulkarnan, (b) Zulkarnain, (c) Zulkarnin, (d) Arif Sunarso, (e) Zulkarnaen, (f) Aris Sunarso, (g) Ustad Daud Zulkarnaen; low quality alias (a) Murshid, (b) Daud, (c) Pak Ud, (d) Mbah Zul, (e) Zainal Arifin, (f) Zul, (g) Abdullah Abdurrahman, (h) Abdul, (i) Abdurrahman). Date of birth: 19.4.1963. Place of birth: Gebang village, Masaran, Sragen, Central Java, Indonesia. Nationality: Indonesian. Address: (a) Desa Gebang, Kecamatan Masaran, Kabupaten Sragen, Jawa Tengah, Indonesia, (b) Desa Taman Fajar, Kecamatan Probolinggo, Kabupaten Lampung Timur, Lampung, Indonesia. Date of designation referred to in Article 7d(2)(i): 16.5.2005.'

(4) 'Mochammad Achwan (alias (a) Muhammad Achwan, (b) Muhammad Akhwan, (c) Mochtar Achwan, (d) Mochtar Akhwan, (e) Mochtar Akwan). Address: Jalan Ir. H. Juanda 8/10, RT/RW 002/001, Jodipan, Blimbing, Malang, Indonesia. Date of birth: (a) 4.5.1948 (b) 4.5.1946. Place of birth: Tulungagung, Indonesia. Nationality: Indonesian. National Identification No.: 3573010405480001 (Indonesian Identity Card under name Mochammad Achwan). Date of designation referred to in Article 2a(4)(b): 12.3.2012.'

is replaced by the following:

'Mochammad Achwan (good quality alias (a) Muhammad Achwan, (b) Muhammad Akhwan, (c) Mochtar Achwan, (d) Mochtar Akhwan, (e) Mochtar Akwan). Date of birth: (a) 4.5.1948 (b) 4.5.1946. Place of birth: Tulungagung, Indonesia. Nationality: Indonesian. National Identification No.: (a) 3573010405480001 (Indonesian National Identity Card), (b) 353010405480001 (Indonesian National Identity Card). Address: Jalan Ir. H. Juanda 8/10, RT/RW 002/001, Jodipan, Blimbing, Malang, 65127, Indonesia. Other information: Acting emir of Jemmah Anshorut Tauhid (JAT). Associated with Abu Bakar Ba'asyir, Abdul Rahim Ba'aysir and Jemaah Islamiyah. Date of designation referred to in Article 7d(2)(i): 12.3.2012.'

(5) 'Mounir Ben Dhaou Ben Brahim Ben Helal (alias (a) Mounir Helel, (b) Mounir Hilel, (c) Abu Rahmah, (d) Abu Maryam al-Tunisi. Date of birth: 10.5.1983. Place of birth: Ben Guerdane, Tunisia. Nationality: Tunisian. Date of designation referred to in Article 7d(2)(i): 29.2.2016.'

is replaced by the following:

'Mounir Ben Dhaou Ben Brahim Ben Helal (low quality alias (a) Mounir Helel, (b) Mounir Hilel, (c) Abu Rahmah, (d) Abu Maryam al-Tunisi). Date of birth: 10.5.1983. Place of birth: Ben Guerdane, Tunisia. Nationality: Tunisian. National Identification No.: 08619445. Address: Amria Ben Guerdane, Medenine, Tunisia. Other information: *Foreign terrorist fighter facilitator experienced in establishing and securing travel routes. Deeply involved in providing material support to the Organization of Al-Qaida in the Islamic Maghreb in North Africa. Assisted foreign terrorist fighters' travel throughout North Africa and to Syrian Arab Republic to join Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq*. Profession: farm worker. Mother's name: Mbarka Helali. Date of designation referred to in Article 7d(2)(i): 29.2.2016.'

(6) 'Muhammad Sholeh Ibrahim (alias (a) Mohammad Sholeh Ibrahim, (b) Muhammad Sholeh Ibrohim (c) Muhammad Soleh Ibrahim (d) Sholeh Ibrahim (e) Muh Sholeh Ibrahim). Date of birth: September 1958. Place of birth: Demak, Indonesia. Nationality: Indonesia. Date of designation referred to in Article 7d(2)(i): 20.4.2016.'

is replaced by the following:

'Muhammad Sholeh Ibrahim (good quality alias (a) Mohammad Sholeh Ibrahim, (b) Muhammad Sholeh Ibrohim, (c) Muhammad Soleh Ibrahim, (d) Sholeh Ibrahim, (e) Muh Sholeh Ibrahim). Title: Ustad. Date of birth: September 1958. Place of birth: Demak, Indonesia. Nationality: Indonesia. National Identification No.: (a) 3311092409580002 (Indonesian National Identity Card), (b) 3311092409580003 (Indonesian National Identity Card). Address: (a) Masjid Baitul Amin, Waringinrejo RT 01 RW 02, Grogol, Cemani, Sukoharjo, Jawa Tengah 57572, Indonesia, (b) Desa Cemani, Waringinrejo RT 001/021, Kecamatan Grogol, Kabupaten Sukoharjo, Jawa Tengah, Indonesia. Other information: *Has served as the acting emir of Jemmah Anshorut Tauhid (JAT) since 2014 and has supported Islamic State in Iraq and the Levant (ISIL), listed as Al-Qaida in Iraq*. Profession: Lecturer/Private Teacher. Date of designation referred to in Article 7d(2)(i): 20.4.2016.'

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2022/874

of 1 June 2022

on the terms and conditions of the authorisation of a biocidal product containing N-(trichloromethylthio)phthalimide (Folpet) referred by the Netherlands in accordance with Article 36(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council

(notified under document C(2022) 3465)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ([1]), and in particular Article 36(3) thereof,

Whereas:

(1) On 29 September 2016, the company TROY CHEMICAL BV ('the applicant') submitted an application to the competent authorities of a number of Member States, including Germany for mutual recognition in parallel of a biocidal product for preservation of fibrous or polymerised materials (product-type 9 in accordance with Annex V to Regulation (EU) No 528/2012) containing N-(trichloromethylthio)phthalimide (Folpet) as an active substance ('the biocidal product'). The Netherlands is the reference Member State responsible for the evaluation of the application as referred to in Article 34(1) of Regulation (EU) No 528/2012.

(2) Pursuant to Article 35(2) of Regulation (EU) No 528/2012, Germany, referred objections to the coordination group on 1 October 2020, indicating that the biocidal product does not meet the conditions laid down in Article 19(1), point (d), of that Regulation.

(3) Germany considers that the biocidal product does not meet the conditions laid down in Article 19(1), point (d), of Regulation (EU) No 528/2012 as there are no conclusions on the classification of the biocidal product with regard to certain physical hazards and safety characteristics, namely, when considered as flammable solid, self-reactive substance or mixture, self-heating substance or mixture, substance or mixture which in contact with water emit flammable gases and relative self-ignition temperature for solids, which belong to the core data set pursuant to point 4 of Title 1 of Annex III, to Regulation (EU) No 528/2012 and therefore, those data requirements cannot be waived, unless adaptation is possible in accordance with Annex IV to that Regulation.

(4) The Netherlands indicated that the biocidal product is identical to the active substance N-(trichloromethylthio) phthalimide (Folpet). Folpet has currently no harmonised classification with respect to physical hazards established in Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([2]) on classification, labelling and packaging of substances and mixtures.

([1]) OJ L 167, 27.6.2012, p. 1.

([2]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

(5) As no agreement was reached in the coordination group, on 5 January 2021 the Netherlands referred the unresolved objection to the Commission pursuant to Article 36(1) of Regulation (EU) No 528/2012. The Netherlands hereby provided the Commission with a detailed statement of the matter on which Member States were unable to reach agreement and the reasons for their disagreement. A copy of that statement was forwarded to the Member States concerned and the applicant.

(6) Article 19(1), point (d), of Regulation (EU) No 528/2012 lays down as one of the conditions for granting an authorisation that the physical and chemical properties of the biocidal product have been determined and deemed acceptable for the purposes of the appropriate use and transport of the product.

(7) Article 20(1), point (a)(i), of Regulation (EU) No 528/2012 establishes that the applicant for an authorisation of a biocidal product shall submit a dossier or letter of access for the biocidal product satisfying the requirements set out in Annex III to that Regulation.

(8) Article 21 of Regulation (EU) No 528/2012 establishes that the applicant does not need to provide data required under Article 20 of that Regulation where the data are not necessary owing to the exposure associated with the proposed uses, it is not scientifically necessary to supply the data or it is not technically possible to generate the data, and that the applicant may propose to adapt those data requirements in accordance with Annex IV to Regulation (EU) No 528/2012 and that the justification for the proposed adaptations to the data requirements shall be clearly stated in the application with reference to the specific rules in Annex IV to that Regulation.

(9) Pursuant to point 4 of Title 1 of Annex III to Regulation (EU) No 528/2012, data to determine whether a biocidal product is to be considered as explosive, flammable solid, self-reactive substance or mixture, pyrophoric solid, self-heating substance or mixture, substance or mixture which in contact with water emit flammable gases, oxidising solid, organic peroxides, corrosive to metals and the relative self-ignition temperature for solids, belong to the core data set, which are to be provided to support the application for the authorisation of biocidal products. Pursuant to point 18(a) of Annex VI to that Regulation, the risk assessment is to determine the hazards due to the physico-chemical properties.

(10) Moreover, pursuant to Article 4(1) of Regulation (EC) No 1272/2008 manufacturers, importers and downstream users are to classify substances or mixtures in accordance with Title II of that Regulation before placing them on the market. Article 8(2) of that Regulation establishes that for the purposes of determining whether a substance or a mixture entails any of the physical hazards referred to in Part 2 of Annex I of that Regulation, the manufacturer, importer or downstream user is to perform the tests required in that Part, unless there is adequate and reliable information already available.

(11) Consequently, self-classification is to entail new testing for those physical hazards where, pursuant to Article 8(2) of Regulation (EC) No 1272/2008, adequate and reliable information is not available. According to the self-classifications provided in the inventory of classification and labelling maintained by the European Chemicals Agency ([3]), currently none of the 2 572 notifiers for Folpet classify the substance for physical hazards and notifiers have provided reasons that for some physical hazards, data are available and sufficient to conclude that the classification criteria are not met, while for other physical hazards, data are lacking.

(12) Despite the obligation under Article 20(1), point (a), of Regulation (EU) No 528/2012 in conjunction with point 4 of Title 1 of Annex III to that Regulation and the obligation under Article 8(2) of Regulation (EC) No 1272/2008, no information on the classification of the biocidal product with regard to physical hazards and safety characteristics were provided.

([3]) Notification Details - C&L Inventory (europa.eu)

(13) On 19 May 2021, the Commission provided the applicant with the opportunity to submit written comments in accordance with Article 36(2) of Regulation (EU) No 528/2012. The applicant submitted comments on 18 June 2021.

(14) In its comments, the applicant provided justifications for waiving the data requirements established in point 4 of Title 1 of Annex III to Regulation (EU) No 528/2012 for some of the physical hazards (self-reactive substances and mixtures, pyrophoric solids, self-heating substances and mixtures, oxidising solids, organic peroxides, corrosive to metals) by making reference to known experience while for others (explosives, flammable solids, substances and mixtures which in contact with water emit flammable gases and relative self-ignition temperature for solids) the applicant made reference to the assessment report of the active substance.

(15) After having carefully examined the comments provided by the applicant and after having consulted the European Chemicals Agency, the Commission considers that with the exception of corrosive to metals, for which the waiving justification provided by the applicant can be accepted, all the other information provided by the applicant does not allow to conclude on the classification of the product for physical hazards and safety characteristics belonging to the core data set referred to in point 4 of Title 1 of Annex III to Regulation (EU) No 528/2012 and no adequate justification for adaptation of data requirements in accordance with Annex IV to Regulation (EU) No 528/2012 were provided. Therefore, the Commission considers that it is not possible to establish if the biocidal product meets the conditions laid down in Article 19(1), point (d), of Regulation (EU) No 528/2012.

(16) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

This Decision applies to the biocidal product identified by the case number BC-FS027255-29 in the Register for Biocidal Products.

Article 2

Without the submission of the relevant information in point 4 of Title 1 of Annex III to Regulation (EU) No 528/2012, subject to the general possibilities for the adaptation of data requirements set out in Annex IV to that Regulation, it has not been demonstrated that the biocidal product meets the conditions laid down in Article 19(1), point (d), of Regulation (EU) No 528/2012.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 June 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2022/875

of 1 June 2022

concerning certain interim emergency measures relating to African swine fever in Italy

(notified under document C(2022) 3727)

(Only the Italian text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ([1]), and in particular Article 259(2) thereof,

Whereas:

(1) African swine fever is an infectious viral disease affecting kept and wild porcine animals and can have a severe impact on the concerned animal population and the profitability of farming causing disturbance to movements of consignments of those animals and products thereof within the Union and exports to third countries.

(2) In the event of an outbreak of African swine fever in wild porcine animals, there is a serious risk of the spread of that disease to other wild porcine animals and to establishments of kept porcine animals.

(3) Commission Delegated Regulation 2020/687 ([2]) supplements the rules for the control of the listed diseases referred to in Article 9(1), points (a), (b) and (c) of Regulation (EU) 2016/429, and defined as category A, B and C diseases in Commission Implementing Regulation (EU) 2018/1882 ([3]). In particular, Articles 63 to 66 of Delegated Regulation (EU) 2020/687 provide for certain measures to be taken in the event of an official confirmation of an outbreak of a category A disease in wild animals, including African swine fever in wild porcine animals. Notably, those provisions provide for the establishment of an infected zone and prohibitions on movements of wild animals of listed species and products of animal origin thereof.

(4) Commission Implementing Regulation (EU) 2021/605 ([4]) lays down special disease control measures regarding African swine fever. In particular, in the event of an outbreak of that disease in wild porcine animals in an area of a Member State, Article 3, point (b), of that Implementing Regulation provides for the establishment of an infected zone in accordance with Article 63 of Delegated Regulation (EU) 2020/687. In addition, Article 6 of that Implementing Regulation provides that that area is to be listed as a restricted zone II in Part II of Annex I thereto and that the infected zone, established in accordance with Article 63 of Delegated Regulation (EU) 2020/687, is to be adjusted without delay to comprise at least the restricted zone II. The special control measures for African swine fever laid down in Implementing Regulation (EU) 2021/605 include, inter alia, prohibitions on movements of consignments of porcine animals kept in restricted zones II and products thereof outside those restricted zones.

([1]) OJ L 84, 31.3.2016, p. 1.

([2]) Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64).

([3]) Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

([4]) Commission Implementing Regulation (EU) 2021/605 of 7 April 2021 laying down special control measures for African swine fever (OJ L 129, 15.4.2021, p. 1).

(5) Italy has informed the Commission of the current African swine fever situation on its territory, following an outbreak of that disease in a wild porcine animal in the Rieti Province, in the Lazio Region, confirmed on 27 May 2022. Accordingly, the competent authority of that Member State is required to establish an infected zone in accordance with Delegated Regulation (EU) 2020/687 and Implementing Regulation (EU) 2021/605.

(6) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, it is necessary to identify at Union level the infected zone for African swine fever in Italy in collaboration with that Member State.

(7) In order to prevent the further spread of African swine fever, pending the listing of the area of Italy affected by the recent outbreak as a restricted zone II in Part II of Annex I to Implementing Regulation (EU) 2021/605, the special control measures for African swine fever laid down therein, that apply to movements of consignments of porcine animals kept in restricted zones II and products thereof outside those zones, should also apply to movements of those consignments from the infected zone established by Italy following that recent outbreak, in addition to the measures laid down in Articles 63 to 66 of Delegated Regulation (EU) 2020/687.

(8) Accordingly, that infected zone in Italy should be listed in the Annex to this Decision and it should be subject to the special control measures for African swine fever that apply to restricted zones II laid down in Implementing Regulation (EU) 2021/605. However, due to the serious nature of this new epidemiological situation of African swine fever in the Union and taking account of the increased immediate risk of the further spread of the disease, movements of consignments of kept porcine animals and products thereof to other Member States and to third countries should not be authorised from the infected zone in accordance with that Implementing Regulation. The duration of that zoning should be also laid down in this Decision.

(9) Therefore, in order to mitigate the risks arising from the recent outbreak of African swine fever in wild porcine animals in Italy, this Decision should provide that the movements to other Member States and third countries of consignments of porcine animals kept in the infected zone and products thereof should not be authorised by Italy until the expiry date of this Decision.

(10) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the measures laid down in this Decision apply as soon as possible.

(11) Accordingly, pending the opinion of the Standing Committee on Plants, Animals, Food and Feed, the infected zone in Italy should be established immediately and listed in the Annex to this Decision and the duration of that zoning fixed.

(12) This Decision is to be reviewed at the next meeting of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Italy shall ensure that an infected zone for African swine fever is established immediately by the competent authority of that Member State in accordance with Article 63 of Delegated Regulation (EU) 2020/687 and Article 3, point (b) of Implementing Regulation (EU) 2021/605, and that it comprises at least the areas listed in the Annex to this Decision.

Article 2

Italy shall ensure that the special control measures for African swine fever applicable to restricted zones II laid down in Implementing Regulation (EU) 2021/605 apply in the areas listed as an infected zone in the Annex to this Decision, in addition to the measures laid down in Articles 63 to 66 of Delegated Regulation (EU) 2020/687.

Article 3

Italy shall ensure that consignments of porcine animals kept in the areas listed as an infected zone in the Annex and products thereof are not authorised for movements to other Member States and to third countries.

Article 4

This Decision shall apply until 31 August 2022.

Article 5

This Decision is addressed to the Italian Republic.

Done at Brussels, 1 June 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

Areas established as the infected zone in Italy as referred to in Article 1	Date until applicable
The following Municipalities of Rieti Province: — Borgo Velino; — Micigliano; — Posta; — Borbona; — Cittaducale; — Castel Sant'Angelo; — Antrodoco; — Petrella Salto; — Fiamignano; The following Municipalities of L'Aquila Province: — Cagnano Amiterno.	31 August 2022

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