

Wednesday 26 October 2005

- having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Industry, Research and Energy and the Committee on Transport and Tourism (A6-0283/2005),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Points out that the appropriations indicated in the legislative proposal beyond 2006 are subject to the decision on the next multiannual financial framework;
 4. Calls on the Commission, once the next multiannual financial framework is adopted, to present, if appropriate, a proposal to adjust the financial reference amount for the implementation of the proposed regulation;
 5. Instructs its President to forward its position to the Council and Commission.

P6_TC1-COD(2004)0154**Position of the European Parliament adopted at first reading on 26 October 2005 with a view to the adoption of European Parliament and Council Regulation (EC) No .../2005 determining the general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks and amending Council Regulation (EC) No 2236/95**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the *Treaty establishing* the European Community, and in particular Article 156 thereof,Having regard to the *proposal from the Commission*,Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,*After consulting* the Committee of the Regions,*Acting in accordance with the procedure laid down* in Article 251 of the *Treaty* ⁽²⁾,*Whereas:*

- (1) The Barcelona Council of 15 and 16 March 2002 underlined in its conclusions that strong and integrated networks in the energy and transport sectors are a keystone in the European internal market and that better use of the existing networks and the setting up of missing links will make it possible to increase effectiveness and competitiveness and to guarantee an appropriate level of quality, and the reduction of saturation points and, therefore, better long-term viability. These needs come within the framework of the strategy adopted by the Heads of State and government at the *European Council held in Lisbon on 23 and 24 March 2000*, which has since then been regularly referred to.
- (2) The European Council of 12 and 13 December 2003 approved the European Action for *Growth, calling* on the Commission to *re-orient* expenditure, if necessary, towards investments in physical capital, in particular investments in the infrastructure of the trans-European networks (TENs), the priority projects of which represent essential elements to strengthen the cohesion of the internal market.
- (3) The delays recorded for the realisation of effective trans-European connections, in particular the cross-border sections, are likely to disable seriously the competitiveness of the *European Union*, its *Member States* and peripheral regions which will not be able, or will no longer be able, to profit fully from the beneficial effects of the single market.

⁽¹⁾ OJ C 234, 22.9.2005, p. 69.⁽²⁾ *Position of the European Parliament of 26 October 2005.*

Wednesday 26 October 2005

- (4) In Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network⁽¹⁾, as amended by Decision No 884/2004/EC, the cost between now and 2020 to supplement the trans-European transport network (TEN-T) was considered at EUR 600 billion. Investments necessary for the priority projects within the meaning of Annex III of that Decision alone account for almost EUR 140 billion for the period 2007-2013.
- (5) **In its resolution of 8 June 2005 on Policy Challenges and Budgetary Means of the enlarged Union 2007-2013⁽²⁾, the European Parliament underlined the strategic importance of transport networks for final consolidation of the single market and for closer EU relations with candidate, pre-candidate and 'ring of friends' countries. Moreover it also expressed its willingness to examine innovative financing instruments such as loan guarantees, European concessions, European loans and an interest relief fund.**
- (6) To achieve these goals, both the Council and Parliament put forward the need to strengthen and adapt the financial instruments through an increase in the level of Community co-financing, by providing for the possibility of applying a higher Community co-financing rate, in particular for projects characterised by their cross-border nature, their transit function, or the crossing of natural barriers.
- (7) Decision No .../.../EC of the European Parliament and of the Council of ... [laying down guidelines for trans-European energy networks and repealing Decisions 96/391/EC and No 1229/2003/EC]⁽³⁾ identifies the objectives, the priorities for action and projects of common interest to supplement and develop **these networks**, including the priority projects. Necessary investments, to make it possible for all the Member States to take part fully in the internal market and to supplement inter-connections with neighbouring countries, are about EUR 28 billion between now and 2013, for individual priority projects. The latter amount includes approximately EUR 8 billion of investments to be made in third countries.
- (8) The European Council of 12 and 13 December 2003 also called on the Commission to continue studying the need to create a specific Community guarantee instrument intended to cover certain post-construction risks under the framework of TEN transport projects. With regard to energy, the Council called on the Commission to re-orient, if necessary, expenditure towards investments in physical capital in order to stimulate growth.
- (9) Council Regulation (EC) No 2236/95 of 18 September 1995 laying down general rules for the granting of Community financial aid in the field of the trans-European networks⁽⁴⁾, as amended by Regulations (EC) No 1655/1999 and (EC) No 807/2004 of the European Parliament and of the Council already represents real progress, since it permits the projects declared as having priority a higher financing rate, changed to 20%⁽⁵⁾. There remains nevertheless a tributary of implementation rules which deserve simplification and an overall budget of limited resources. It appears therefore necessary, in addition to public national and private financing, to increase Community aid in terms of both amounts and rates of intervention, with a view to strengthening the leverage action of the Community funds and thus making it possible to carry out the priority projects decided upon.
- (10) In light of developments in each component of the trans-European networks — transport, energy and telecommunications — and of their intrinsic characteristics, and with a view to more effective management of each programme, it is advisable to enact a separate regulation for the fields of transport and energy, which have been covered until now by Regulation (EC) No 2236/95.
- (11) By this Regulation, it is appropriate to establish a programme determining the general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks. The purpose of this programme is to contribute to the reinforcement of the internal market and have a stimulating effect on the competitiveness, **sustainable development** and growth of the Community, while having due regard for the 'acquis communautaire', in particular as regards the environment.

⁽¹⁾ OJ L 228, 9.9.1996, p. 1. Decision as last amended by Decision No 884/2004/EC (OJ L 167, 30.4.2004, p. 1).

⁽²⁾ **Texts Adopted, P6_TA(2005)0224.**

⁽³⁾ **OJ ...**

⁽⁴⁾ OJ L 228, 23.9.1995, p. 1. Regulation as last amended by Regulation (EC) No 1159/2005 of the European Parliament and Council (OJ L 191, 22.7.2005, p. 16).

⁽⁵⁾ All priority projects in the energy sector benefit from such rate whereas it only applies to cross-border or cross-natural sections in the transport sector.

Wednesday 26 October 2005

- (12) Given that the *objective* of implementation of the trans-European transport and energy networks cannot be *sufficiently achieved* by the Member States *acting alone*, taking into account, in particular, the need for coordination of the national operations, *and can, therefore, be better achieved at Community level*, the Community *may adopt* measures in accordance with the principle of subsidiarity in Article 5 of the Treaty. In accordance with the principle of proportionality as *set out in that Article*, this *Regulation* does not go *beyond* what is necessary to achieve *that objective*.
- (13) This programme *must* be characterised by Community financial aid focused on the projects or parts of projects presenting the highest European **added value** and *must seek* to encourage the actors to accelerate the implementation of the priority projects in the decisions concerning the guidelines as regards transport and energy, *referred to* in recitals 4 and 7.
- (14) Community financial aid is granted with the aim of developing investment projects in the trans-European transport and energy networks to provide firm financial commitments, to *mobilise institutional investors* and to prompt the formation of financing partnerships between the public and private sectors. In the energy sector, financial assistance has mainly to help to surmount the financial obstacles which can arise at the time of the preparation of projects and at the time of their preliminary development prior to *the commencement* of construction, and *must* be concentrated on the cross-border sections of the priority projects and *on interconnections with neighbouring countries*.
- (15) Community financial aid should be able to take several forms, namely direct subsidy, interest rebate, loan guarantee instruments or participation in the funds of venture capital, and should also be able to cover specific risks following the construction phase. **Regardless of its form, Community financial aid should be granted in accordance with the provisions of the Financial Regulation⁽¹⁾ and its implementing rules.**
- (16) **The Community should recognise cross-financing of TEN projects by way of toll supplements as a further means of speeding up the completion of other TEN projects and should be careful to comply with the detailed arrangements laid down by the European Parliament and the Council.**
- (17) For the implementation of Community financial support for large-scale projects spreading across several years, it is advisable to allow *a commitment* from the Community on a multi-annual basis, **differentiating by project financed, by multi-annual programme authorisation and by annual payment appropriation**. Indeed, only definite, attractive financial *commitments*, binding the Community in the long term, will *make it possible to reduce the* uncertainties connected with the *completion* of these projects and to mobilise both public and private investors.
- (18) **The European Union should seek to encourage public-private forms of financing, whether institutional or contractual, which have proved to be effective, by means of legal guarantees which are compatible with competition law and the internal market, and by endeavouring to spread good practice among the Member States.**
- (19) Close attention *must* be given to effective coordination of all the Community projects affecting the trans-European networks, in particular the financing resulting from the Structural Funds and from the Cohesion Fund and the interventions of the European Investment Bank.
- (20) This *Regulation* establishes, *for the duration* of the programme, a total appropriation which constitutes for the budgetary authority the privileged reference within the meaning of point 33 of the *Interinstitutional Agreement* of 6 May 1999 between the European Parliament, the Council and the Commission, on budgetary discipline and the improvement of the *budgetary* procedure⁽²⁾.
- (21) **The** measures necessary for the implementation of this *Regulation* **should be adopted** in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the *procedures* for the exercise of *implementing* powers conferred on the Commission⁽³⁾.

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

⁽²⁾ OJ C 172, 18.6.1999, p. 1.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

Wednesday 26 October 2005

- (22) In view of the adoption, by this *Regulation*, of specific provisions in the field of transport and energy and, by Regulation (EC) No .../... of ...⁽¹⁾, of provisions concerning satellite navigation and positioning systems, it is appropriate to amend Regulation (EC) No 2236/95 in order to limit its scope to the field of telecommunications alone.

HAVE ADOPTED THIS REGULATION:

Chapter I
General Provisions

Article 1

Objective

This Regulation defines the conditions, means and the procedures for the granting of Community aid to projects of common interest in the field of *the* trans-European transport and energy networks on the basis of Article 155 (1) of the Treaty.

Article 2

Definitions

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

- (1) 'Project of common interest': a project or part of a project identified to be of common interest for the Community in the transport domain in the framework of the Decision No 1692/96/EC, and in the energy domain in the framework of Decision No 1229/2003/EC of the European Parliament and of the Council of 26 June 2003 laying down a series of guidelines for trans-European energy networks⁽²⁾;
- (2) 'Priority project': in the domain of transport a project of common interest considered to be a priority for the Community as defined by Annex III of the Decision No 1692/96/EC and in the domain of energy in the framework of Decision No 1229/2003/EC;
- (3) 'Part of a project': activity which is independent, financially, technically or in time and which supports the undertaking of the project;
- (4) 'Beneficiary': a public, private or public-private body having overall responsibility for a project and proposing to invest its own resources or other funds in its construction;
- (5) 'Studies': studies needed for the definition of a project, including the preparatory studies, the feasibility study and evaluation and any other technical support activities including activities prior to infrastructure works needed to complete the definition of a project and to make decisions about its financing, including exploratory work on the sites concerned and the preparation of the financial structure;
- (6) 'Works': purchase and supply of components systems and services, undertaking construction and installation works related to the project, including the reception of installations and the entry into service of the project;
- (7) 'Post construction phase risks': Risks occurring in the first years following the end of construction due to specific **unforeseeable** factors and involving a reduction in operating revenue in relation to forecasts **made by independent bodies**;
- (8) 'Project Cost': the sum of the total cost of studies and works directly related to and necessary for undertaking the project and actually supported by the beneficiary;
- (9) 'Eligible Costs': the part of a project's costs taken into consideration by the Commission for the calculation of Community financial aid.

⁽¹⁾ Regulation (EC) No .../... of ... [on satellite navigation and positioning systems (Galileo)] (OJ L ...).

⁽²⁾ OJ L 176, 15.7.2003, p. 11.

Wednesday 26 October 2005

Chapter II

Requests, Eligible Actions and Types of Aid

Article 3

Eligibility of Projects

1. Only projects of common interest, identified in the framework of Decisions Nos 1692/96/EC and 1229/2003/EC may benefit from Community financial support under this Regulation.
2. Eligibility is subject to respect for Community policies and laws, notably in relation to competition, environmental **and health** protection, **sustainable development and** public procurement, and to the effective implementation of Community **policies on the multimodal linkage** of networks, in particular **for rail and for inland navigation, maritime navigation and short sea shipping**.
3. In the *field* of transport only, eligibility is also subject to a *commitment* by each Member State concerned to **ensure adequate access of the regions concerned to the network and to** the financial contribution to the projects submitted for Community financial aid, *including* by mobilising, if necessary, private funds.

Article 4

Presentation of Requests for aid

Requests for financial aid *shall be* presented to the Commission by the Member State or States concerned *and*, in the case of energy, also with the agreement of the latter by the public bodies or enterprises directly concerned.

Article 5

Selection of Projects

1. Projects of common interest shall be awarded Community aid in relation to their contribution to the objectives and the priorities defined in the framework of **the Commission White Paper entitled 'European Transport policy for 2010: time to decide'**⁽¹⁾ **and** Decision No 1692/96/EC, **as amended by Decision No 884/2004/EC**, and Decision No 1229/2003/EC.
2. In the *field* of transport special attention will be paid to the following projects and programmes:
 - (a) Projects presented jointly by at least two Member States, notably **the cross-border sections of these** cases;
 - (b) *Projects contributing* to network continuity and the optimisation of capacity;
 - (c) Priority projects which contribute to the *completion* of the single market in the enlarged Union and to the re-balancing of transport modes in favour of the most environmentally friendly, notably for long distance freight transport. To this end, all requests to finance high speed rail lines must be accompanied by a plan showing how the infrastructure capacity released on existing lines due to the transfer of passenger traffic to the high speed line will be used for the development of freight traffic;
 - (d) Projects contributing to the improvement of *the* quality of service offered on the trans-European network and which, *thanks to work on the infrastructure, amongst other things, favour* the safety and security of users and provide for interoperability between national networks;
 - (e) *Programmes* for the deployment of traffic management systems for rail, **in particular European rail signalling systems (ERTMS/ETCS)**, and its components as well as traffic management systems in the *field* of air, maritime, **inland waterway and coastal transport** that provide for interoperability;
 - (f) **Projects which contribute to the elimination of bottlenecks and to an increase in long-distance transport connections, particularly in cross-border railway transport.**

⁽¹⁾ COM(2001)0370.

Wednesday 26 October 2005

3. In the field of energy particular attention will be paid to projects that contribute to **attaining the objectives and priorities set out in Decision No .../.../EC [laying down guidelines for trans-European energy networks and repealing Decisions Nos 96/391/EC and 1229/2003/EC]**.

In accordance with Decision No .../.../EC [laying down guidelines for trans-European energy networks and repealing Decisions Nos 96/391/EC and 1229/2003/EC], an appropriate level of priority shall be attributed to projects declared to be of Community interest.

Article 6

Types of Aid

Community financial aid covers the studies, works and risks which occur after the construction phase.

Article 7

Forms of Support

1. Community financial aid to studies *and* development *action* works related to projects referred to in Article 3(1) may take one or more of the following forms:

- (a) Direct grants;
- (b) Interest rate rebates on loans given by the European Investment Bank (EIB) or other public or private financial institutions;
- (c) Loan guarantees to cover risks after the construction phase;
- (d) Participation in risk capital funds;
- (e) If necessary, a combination of Community aid as referred to in points (a) to (d), with the aim of obtaining the maximum stimulating effect from mobilised budgetary resources.

2. Community financial aid *shall* not exceed the following rates:

- (a) For Studies: 50 % of the total eligible cost of studies whatever the project of common interest concerned;
- (b) For Works:
 - (i) For Priority projects in the *field of* transport, a maximum of 30 % of the total eligible costs of the works; exceptionally, *cross-border* sections of projects included in the TEN-T programme ***as well as the deployment of European interoperable rail signalling systems*** may benefit from a maximum grant rate of 50 % of total eligible costs, provided that ***the process of their implementation has begun*** before 2010 and that the Member States concerned have presented a plan to the Commission giving all the guarantees necessary regarding the financial support from the Member State and the timetable for the implementation of the ***project***;
 - (ii) For Priority projects in the energy domain, a maximum of 20 % of the total eligible costs of the works;
 - (iii) For other projects in the domain of transport, a maximum of 15 % of the total eligible costs of the works; exceptionally, for projects linked to the deployment of interoperable systems, of safety and security, the rate may reach a maximum of 50 %, adjusted *in* relation to the benefits to other Member States, of the total eligible costs of the works;
 - (iv) For other projects in the energy domain, a maximum of 10 % of the total eligible costs.

3. The Commission *shall*, in accordance with the procedure referred to in Article 17(2), adopt the procedures, the timetable and the amounts of payments for the instruments referred to in paragraphs 1(b), (c) and (d). **The Commission shall submit the draft implementing measures to the European Parliament in good time so that, where appropriate, Parliament may deliver its opinion, in accordance with Article 8 of Decision 1999/468/EC before the measures are adopted.**

Wednesday 26 October 2005

Article 8

Accumulation of Community Support

1. The financial aid related to studies and to infrastructure works is cumulative.
2. EIB operations are compatible with the granting of aid under the present **Regulation**.

Article 9

Compatibility and Coordination with other Community Policies

1. The projects of common interest financed under this Regulation must be in conformity with the provisions of the Treaty, with legal acts adopted on the basis of the Treaty and with Community policies, including those concerning the protection of the environment, **sustainable development**, interoperability, competition and public procurement.
2. The Commission shall ensure the coordination and the coherence of projects undertaken in the framework of this Regulation with actions that have received Community budget support, actions of the EIB and other Community financial instruments.

Chapter III

Implementation, Programming, Control

Article 10

Implementation

The Commission is responsible for the implementation of this Regulation. It shall establish the means and conditions of undertaking projects of common interest in its decisions regarding the granting of aid.

Article 11

Multi-annual programming and Annual Programming

1. **The European Parliament and the Council shall, on a proposal from the Commission, adopt a multi-annual programme in accordance with the procedure referred to in Article 251 of the Treaty.** The Commission shall establish, in accordance with the procedure referred to in Article 17(2), an annual programme. **The Commission shall submit the annual programme to the European Parliament in good time so that, where appropriate, Parliament may deliver its opinion in accordance with Article 8 of Decision 1999/468/EC before its adoption.**
2. Multi-annual programming shall apply to priority projects and shall establish the criteria for granting support together with the budget available for the period 2007-2013, which must lie within the range of 65-85 % of the budgetary resources laid down in Article 20(1).
3. The annual programme defines the criteria which shall apply to the grant of financial aid to other projects of common interest not included in the TEN-T multi-annual programme. Each year, the resources not used in the TEN-T multi-annual programme shall be allocated to the financing of other projects of common interest which form part of the annual programme.

Article 12

Granting of aid

1. Each project of common interest selected under the multi-annual programme shall be the subject of a single Commission grant decision within the meaning of Article 17(2). **The grant decision shall state clearly the amount of appropriations committed over the whole period and the schedule for the payment of the annual appropriations by the Commission.** The budgetary commitment for each annual allocation shall be made by the Commission through a grant decision based on the evaluation of the state of progress of the projects, of the estimated needs and of the available budget.

Wednesday 26 October 2005

2. **Transport projects which are, or are part of, a cross-border segment may be the subject of a Commission grant decision subject to the existence of a bilateral agreement between the Member States concerned on completing the cross-border project within their respective national territories.**

3. Projects of common interest other than those covered under *paragraph 1* shall be the subject of an annual Commission financial decision to grant support.

4. The Commission shall *notify decisions* as well as the conditions attached to *grants* to the beneficiary Member States and shall inform the beneficiaries.

Article 13

Financial provisions

1. *Community aid may* cover only the expenditure related to the project and borne by the recipients or by third parties *in implementing it*.

2. Expenditure incurred before the date on which a request for aid is received by the Commission shall not be eligible.

3. *Decisions* taken by the Commission to grant financial assistance under the terms of Article 12 shall signify engagement of the expenditure authorised by the budget.

4. As a general rule, payments shall be made in the form of an advance, intermediate and a final payment. The advance, which shall not normally exceed 50 % of the first annual block, shall be paid when the request for aid has been approved. *Intermediate payments shall be made* on the basis of the payment requests and in consideration of the state of progress of the project or study concerned and, if necessary, taking account, in a rigorous and transparent way, of any revised financial schemes.

5. *Payment methods shall* take account of the fact that *infrastructure projects are implemented* over several years. *Consequently, it is important* to envisage equal distribution of financing.

6. The Commission shall *make* the final payment after acceptance of the final report concerning a project or study, submitted by the recipient and certified by the Member State, detailing all expenditure actually incurred.

Article 14

Member States' responsibilities

1. The Member States shall make every effort to implement, in the field of their responsibility, the projects of common interest which benefit from Community aid granted under this Regulation.

2. The Member States shall undertake the monitoring and control of projects in close cooperation with the Commission and shall certify the reality **and conformity** of the expenditure incurred under the project or the part **of a project in question**. **Member States** may request the participation of the Commission **in** 'on site' visits. **The Commission may also request inspections of sites and participate in them.**

3. The Member States shall inform the Commission of the measures taken under **paragraph 2** and shall supply, *inter alia*, a description of the control systems, the management, and the monitoring established to ensure **that projects** are undertaken correctly. **This information shall be taken into account by the Commission when taking a decision on a possible cancellation, reduction or suspension of assistance pursuant to Article 15.**

Article 15

Cancellation, reduction and suspension of assistance

1. *Except where* a full justification is made to the Commission, Community *financial* aid granted to projects of common interest which have not commenced in the two years following the date set down in the grant decision shall be cancelled by the Commission.

Wednesday 26 October 2005

2. *If part* or all of the aid provided to undertake a project is deemed not to be justifiable the Commission shall undertake an appropriate examination of the case and, in particular, request the Member State or beneficiary, to present their observations within a specified time.
3. Following the examination provided for by paragraph 2, the Commission *may* reduce, suspend or cancel the aid for the project in question **and recover any amounts already released** if any irregularities have been revealed or any of the conditions attached to the grant of aid have not been respected, notably when any important modifications have been introduced concerning the nature of, or the means of undertaking, the project, *without seeking the approval of the Commission*.
4. Any unauthorised accumulation shall lead to the recovery of the amounts paid without due entitlement.
5. If, ten years after the award of Community financial aid to a project, *the project* has not been completed, the Commission **shall**, in accordance with the principle of proportionality, request reimbursement of the aid paid, taking *into account* all relevant facts.
6. All aid paid without due entitlement shall be returned to the Commission.

Article 16

Financial Control

1. The Commission's Anti-Fraud Office (OLAF) *may* undertake *on-the-spot checks* and *inspections* in accordance with Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning *on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities* ⁽¹⁾.
2. For Community actions financed under this Regulation, the term 'irregularity' in Article 1(2) of the Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽²⁾ shall cover all breaches of the provisions of Community law *and* any failure to follow a contractual obligation due to any act or omission by a legal body which has a negative impact on the general budget of the EU or the other budgets concerned by undue payments.
3. Decisions *taken under* the present Regulation *shall*, notably, provide for monitoring and financial *checks* to be undertaken by the Commission (or any authorised representative) and audits by the Court of Auditors, if appropriate, on site.
4. The Member State concerned and the Commission shall immediately exchange all relevant information concerning the results of the *checks* undertaken.

Chapter IV

Final Provisions

Article 17

Committee

1. The Commission shall be assisted by a *Committee*.
2. *Where* reference is made to this paragraph, the consultation procedure provided for by Articles 3 and 7 of the Decision 1999/468/EC shall apply, in accordance with the provisions of Article 8 of that Decision.
3. The Committee shall adopt its *rules of procedure*.
4. The EIB **and the European Parliament shall be** represented in the *Committee* **but shall** not take part in the voting.

⁽¹⁾ OJ L 292, 15.11.1996, p. 2.

⁽²⁾ OJ L 312, 23.12.1995, p. 1.

Wednesday 26 October 2005

Article 18

Evaluation

The Commission and the Member States, supported by the beneficiaries of *financial aid*, may undertake an evaluation of the means adopted to undertake projects of common interest and programmes as well as of the impact of their operation, in order to assess *whether* the objectives, including issues concerning environmental protection, have been attained. The Commission may request beneficiary Member States to provide a specific evaluation of projects of common interest financed under this Regulation or, where appropriate, to supply the information and assistance required to undertake *such evaluation*.

Article 19

Information and Publicity

1. The Commission shall submit a report every three years to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the activities undertaken pursuant to this Regulation. The report shall contain an evaluation of the results achieved with Community aid in the various fields of application, in terms of the original objectives, as well as a chapter on the content and implementation of the current multi-annual programme. **The report shall also contain information on the sources of funding for each project.**

2. The Member States concerned and, where appropriate, beneficiaries shall ensure that suitable publicity is given to assistance granted under this Regulation in order to inform the public of the role of the Community in the implementation of the projects of common interest. **Member States shall make available to the public all information on the economic, social and environmental assessments of projects that are potentially eligible for assistance under this Regulation.**

3. **Every year the Commission shall present to the European Parliament, together with the preliminary draft budget, a report on the financial implications arising from the existence and the activities of the European Coordinator introduced by Article 1(10) of Decision No 884/2004/EC.**

Article 20

Budgetary resources

1. The **indicative financial framework** for the implementation of this Regulation for the period 2007-2013 is **EUR 20 464** million of which EUR 20 350 million are allocated to transport and **EUR 114** million to energy.

2. The annual appropriations are authorised by the budgetary authority within the limits of the financial perspective.

Article 21

Revision

Before the end of 2010, the Commission will submit to the European Parliament and to the Council a general report on the experience gained with the mechanisms provided for by this regulation for the granting of Community financial aid.

The European Parliament and the Council, acting in accordance with the procedure provided for in Article 156(1) of the Treaty, shall decide if and under what conditions, the actions provided for by this Regulation are to be continued or modified beyond the period referred to in Article 20(1).

Article 22

Amendment of Regulation (EC) No 2236/95

Regulation (EC) No 2236/95 is hereby amended as follows:

1) The title shall be replaced by the following:

'Council Regulation (EC) No 2236/95 of 18 September 1995, determining the general rules for the granting of Community financial aid in the field of the trans-European telecommunications networks'

Wednesday 26 October 2005

- 2) Article 1 shall be replaced by the following:

'Article 1

Definition and scope

This regulation defines the conditions, methods and procedures of implementation of the Community aid for projects of common interest in the field of the trans-European telecommunications networks, under Article 155 paragraph 1 of the Treaty.'

- 3) Article 4(3) shall be deleted;
- 4) Article 5(3) shall be replaced by the following:

'3. Irrespective of the form of selected assistance, the total amount of Community aid granted under this Regulation cannot exceed [...] % of the total cost of investments.'

- 5) Article 5a shall be deleted.
- 6) Article 9(1)(a), fourth indent, shall be deleted.
- 7) Article 10 shall be replaced by the following:

'Article 10

Granting financial support

In compliance with Article 274 of the Treaty, the Commission shall decide to grant financial support under this Regulation through an assessment of the applications based on the selection criteria.'

- 8) Article 11(7) shall be replaced by the following:

'7. The Commission shall adopt in accordance with the procedures referred to in Article 17(3), a framework for the procedures, the timetable and the amounts of interest-rate subsidies, grants, guarantee premiums and support in the form of risk capital participation, for investment funds or comparable financial undertakings with a priority focus on providing risk capital for trans-European network projects.'

- 9) Article 14 shall be deleted.
- 10) In Article 15(3), first sentence, the reference to Articles 5 and 6 shall be replaced by a reference to Article 5(1) and (2) and to Article 6.
- 11) Article 16(1) shall be replaced by the following:

'1. The Commission shall submit a report every year to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the activities undertaken pursuant to this Regulation. The report shall contain an evaluation of the results achieved with Community aid in the various fields of application in terms of the original objectives.'

- 12) The Annex shall be deleted.

Article 23

Entry into Force

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 January 2007.

Wednesday 26 October 2005

Actions underway in the transport and energy fields on the date of entry into force of this Regulation shall continue to be subject, until their completion, to Regulation (EC) No 2236/95, in the version in force on 31 December 2006.

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

Done at ..., on ...

For the European Parliament
The President

For the Council
The President

P6_TA(2005)0404

Food additives ***I

European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs (COM(2004)0650 — C6-0139/2004 — 2004/0237(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2004) 0650) ⁽¹⁾,
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0139/2004),
- having regard to Rule 51 of its Rules of Procedure,
- having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0191/2005),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ Not yet published in OJ.