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*Committee on Regional Development*

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11.7.2012

## **MANDATE<sup>1</sup> for opening inter-institutional negotiations adopted by the Committee on Regional Development at its meeting on 11 July 2012<sup>2</sup>**

on the proposal for a regulation of the European Parliament and of the Council on the Cohesion Fund and repealing Council Regulation (EC) No 1084/2006 (COM(2011)0612/2 – C7-0325/2011 – 2011/0274(COD))

Committee on Regional Development

Rapporteur: Victor Boştinaru

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<sup>1</sup> Vote on the Mandate according to Rule 70(2) of EP Rules of Procedure.

<sup>2</sup> Pending verification by DLA Lawyer-Linguists.

## Amendment 1

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

(1) Article 174 of the Treaty provides that the Union should develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion. The Cohesion Fund should **therefore** provide a financial contribution to projects in the field of the environment and to trans-European networks in the area of transport infrastructure.

*Amendment*

(1) Article 174 of the Treaty provides that the Union should develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion, **including in the areas mentioned in Article 174 (3) thereof. Furthermore, attention should be paid to the regions mentioned in Articles 349 and 355 (1) of the Treaty in order to ensure a level playing field for all regions.** The Cohesion Fund should provide a financial contribution to projects **with a European added value** in the field of the environment, **including energy efficiency and the use of renewable energy**, and to trans-European networks in the area of transport infrastructure.

## Amendment 2

### Proposal for a regulation

#### Recital 1a (new)

*Text proposed by the Commission*

*Amendment*

**(1a) In its resolution of 8 June 2011 on Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe, the European Parliament stressed "the European added value of cohesion policy, as this policy constitutes a well-established mechanism of delivering growth and jobs, a major tool for convergence, sustainable development and solidarity and one of the Union's most significant, visible, and successful policies for decades". The Parliament pointed out, however, that a modern cohesion policy must undertake a number of structural reforms, in**

*particular in the field of simplification, respond to the main challenges facing the Union, and promote synergies with other policies and instruments on the ground. The Parliament expressed its conviction that EU cohesion policy should remain an EU wide policy giving access to resources, experiences and assistance to all EU regions.*

### **Amendment 3**

#### **Proposal for a regulation Recital 2**

##### *Text proposed by the Commission*

(2) Regulation (EU) No [...] /2012 of [...] 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 covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1083/2006 [Common Provisions Regulation - CPR] establishes a new framework for the action of the Structural Funds and the Cohesion Fund. It is necessary to specify the objectives of the Cohesion Fund in relation to the new framework for its action and in relation to the purpose assigned to it in the Treaty.

##### *Amendment*

(2) Regulation (EU) No [...] /2012 of [...] 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 covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1083/2006 [Common Provisions Regulation - CPR] establishes a new framework for the action of the Structural Funds and the Cohesion Fund. It is necessary to specify the objectives of the Cohesion Fund in relation to the new framework for its action and in relation to the purpose assigned to it in the Treaty. ***Synergies should also be fostered between the Cohesion Fund and other EU instruments and programmes.***

## Amendment 4

### Proposal for a regulation

#### Recital 3

*Text proposed by the Commission*

(3) The Union **may**, through the Cohesion Fund, contribute to actions in pursuit of the Union's environmental objectives specified in Articles 11 and 191 of the Treaty.

*Amendment*

(3) The Union **should**, through the Cohesion Fund, **also** contribute to actions in pursuit of the Union's environmental objectives specified in Articles 11 and 191 of the Treaty.

## Amendment 5

### Proposal for a regulation

#### Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) The Cohesion Fund should support transport infrastructure projects of European added value foreseen by Regulation (EU) No [...]/2012 of the European Parliament and of the Council of [...] establishing the Connecting Europe Facility, for a total amount of EUR XX. Projects to be implemented, and the support to be allocated from the Cohesion Fund, shall be agreed between the Commission and the Member State concerned, according to Article [84 (4)] of Regulation (EU) No [...]/2012 [CPR]. Support should be available to Cohesion Fund Member States only, with the co-financing rates applicable to this Fund.***

## Amendment 6

### Proposal for a regulation

#### Recital 3 b (new)

*Text proposed by the Commission*

*Amendment*

***(3b) Article 192(5) of the Treaty provides for an exception to the general principle contained in Article 191(2) of the Treaty.***

*It should therefore be ensured, to the highest possible extent, that damage is prevented and that, if nevertheless pollution occurs, polluters pay.*

## **Amendment 7**

### **Proposal for a regulation Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4a) The European Union and most Member States are party to the United Nations Convention on the Rights of Persons with Disabilities while the other Member States are in the process of ratifying it. It is important in the implementation of relevant projects that accessibility for persons with disabilities as mentioned in Article 9 of the Convention is considered in the specification of the projects.*

## **Amendment 8**

### **Proposal for a regulation Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*(4 b) Given that the number of missing links in sustainable trans-border connections, such as rail, has increased in many regions since the fall of the Iron Curtain, the EU should prioritise the revitalisation of trans-border connections, in particular between and to New Member States, as these projects provide a real European added value while contributing to the protection of the environment, the climate and biodiversity and improving access to the Trans-European Transport Networks (TEN-T);*

## Amendment 9

### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

(5) Specific provisions concerning the type of activities which may be supported by the Cohesion Fund under the thematic objectives defined in Regulation (EU) No [...] /2012 [CPR] should be laid down. At the same time, expenditure outside the scope of the Cohesion Fund should be defined and clarified, including as regards the reduction of greenhouse gas emissions ***in installations*** falling under Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.

##### *Amendment*

(5) Specific provisions concerning the type of activities which may be supported by the Cohesion Fund under the thematic objectives defined in Regulation (EU) No [...] /2012 [CPR] should be laid down. At the same time, expenditure outside the scope of the Cohesion Fund should be defined and clarified, including as regards ***investment to achieve*** the reduction of greenhouse gas emissions ***from activities*** falling under ***Annex I of*** Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.

## Amendment 10

### Proposal for a regulation

#### Recital 7

##### *Text proposed by the Commission*

(7) ***A common set of indicators*** to assess progress of programme ***implementation*** should be ***set out before the Member States draft their operational programmes. These*** indicators should be complemented by programme-specific indicators.

##### *Amendment*

(7) ***In order*** to assess progress of ***the*** programme, ***implementing powers*** should be ***conferred on the Commission in respect of a common set of indicators. Those powers should be exercised in accordance with 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. Common*** indicators should be complemented by programme-specific indicators ***to assess the results and the efficiency of the programmes.***

## Amendment 11

### Proposal for a regulation Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(7 a) Conditionality provisions deriving from the Growth and Stability Pact should apply to the Cohesion Fund in relation to the fulfilment of economic governance conditions. This process should be gradual, starting with amendments to the Partnership Contract and to the programmes in support of Council recommendations to address macroeconomic imbalances and social and economic difficulties.***

## Amendment 12

### Proposal for a regulation Recital 7a (new)

*Text proposed by the Commission*

*Amendment*

***7a. It is important to ensure sound financial management of the programmes, and that these are implemented in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the instrument for all participants.***

## Amendment 13

### Proposal for a regulation Article 2 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) investments in the environment, including areas related to sustainable development ***and*** energy which present

(a) investments in the environment, including ***in*** areas related to sustainable development, energy ***efficiency and***

environmental benefits;

***renewable energies leading to a reduction of CO<sub>2</sub> emissions***, which present environmental benefits;

#### **Amendment 14**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) trans-European networks in the area of transport infrastructure, in compliance with the guidelines adopted by Decision No 661/2010/EU;

*Amendment*

(b) ***sustainable transport infrastructure*** ***and*** trans-European networks in the area of transport infrastructure, in compliance with the guidelines adopted by Decision No 661/2010/EU;

#### **Amendment 15**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) transport infrastructure projects of European added value provided for by Regulation (EU) No [...]/2012 [establishing the Connecting Europe Facility] for an amount of EUR XX, in accordance with Article [84 (4)] of Regulation (EU) No [...]/2012 [CPR];***

#### **Amendment 16**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) technical assistance.

*Amendment*

(c) technical assistance, information activities ***and capacity building***.

#### **Amendment 17**



**Proposal for a regulation**  
**Article 2 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the decommissioning of nuclear power stations;

*Amendment*

(a) the decommissioning **and the construction** of nuclear power stations;

**Amendment 18**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the reduction of greenhouse gas emissions **in installations** falling under Directive 2003/87/EC;

*Amendment*

(b) **investment to achieve** the reduction of greenhouse gas emissions **from activities** falling under **Annex I of** Directive 2003/87/EC;

**Amendment 19**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) housing.

*Amendment*

(c) housing **except for promoting energy efficiency and renewable energy use.**

**Amendment 20**

**Proposal for a regulation**  
**Article 3 – point a – subpoint i**

*Text proposed by the Commission*

(i) promoting the production and distribution of renewable **energy** sources;

*Amendment*

(i) promoting the production and distribution of **energy derived from** renewable sources;

**Amendment 21**

**Proposal for a regulation**  
**Article 3 – point a – subpoint ii**

*Text proposed by the Commission*

(ii) promoting energy efficiency and renewable energy use in ***small and medium-sized*** enterprises;

*Amendment*

(ii) promoting energy efficiency and renewable energy use in enterprises, ***primarily in SMEs***;

**Amendment 22**

**Proposal for a regulation  
Article 3 – point a – point iii**

*Text proposed by the Commission*

(iii) supporting energy efficiency and renewable energy use in public infrastructures;

*Amendment*

(iii) supporting energy efficiency and renewable energy use in public infrastructures, ***and in the housing sector***;

**Amendment 23**

**Proposal for a regulation  
Article 3 – point a – subpoint iv**

*Text proposed by the Commission*

(iv) developing smart distribution systems at low voltage levels;

*Amendment*

(iv) developing smart distribution systems at low ***and medium*** voltage levels, ***including smart grids***;

**Amendment 24**

**Proposal for a regulation  
Article 3 – point a – subpoint v**

*Text proposed by the Commission*

(v) promoting low-carbon strategies for urban areas;

*Amendment*

(v) promoting low carbon, ***low emission and energy saving*** strategies for urban areas, ***together with sustainable, smart and integrated energy action plans for the same areas***;

## Amendment 25

### Proposal for a regulation

#### Article 3 – point a – point v a (new)

*Text proposed by the Commission*

*Amendment*

***v a) promoting high efficiency cogeneration and district heating and cooling, and supporting their distribution networks;***

## Amendment 26

### Proposal for a regulation

#### Article 3 – point b – subpoint i

*Text proposed by the Commission*

*Amendment*

(i) supporting dedicated investment for adaptation to climate change;

i) supporting dedicated investment for ***eco-system based*** adaptation to climate change;

## Amendment 27

### Proposal for a regulation

#### Article 3 – point b – subpoint ii

*Text proposed by the Commission*

*Amendment*

(ii) promoting investment to address specific risks, ensuring disaster resilience and developing disaster management systems;

(ii) promoting investment to address specific ***regional*** risks, ensuring ***sustainable regional*** disaster resilience and developing disaster management systems, ***including cross-border management systems, also with third countries, while respecting national competences;***

## Amendment 28

### Proposal for a regulation

#### Article 3 – point c – subpoint ii

*Text proposed by the Commission*

*Amendment*

(ii) addressing the significant needs ***for investment*** in the water sector to meet the

(ii) addressing the significant needs in the water sector to meet the requirements of

requirements of the Union's environmental acquis;

the Union's environmental acquis, *as well as promoting healthy water systems, the rehabilitation of water infrastructure, resource efficiency and innovation in the water sector*;

## Amendment 29

### Proposal for a regulation Article 3 – point c – point iii

*Text proposed by the Commission*

(iii) protecting and restoring biodiversity, including through green infrastructures;

*Amendment*

(iii) protecting and restoring biodiversity, including through green infrastructures *and Natura 2000*;

## Amendment 30

### Proposal for a regulation Article 3 – point c – point iv

*Text proposed by the Commission*

(iv) improving the urban environment, including regeneration of brownfield sites and reduction of air pollution.

*Amendment*

(iv) improving the urban *and rural* environment, including regeneration of brownfield sites, *creation and extension of green spaces* and reduction of air *and noise* pollution;

## Amendment 31

### Proposal for a regulation Article 3 – point d – subpoint i

*Text proposed by the Commission*

(i) supporting a multi-modal Single European Transport Area by investing in *the* Trans-European Transport Network;

*Amendment*

(i) supporting a *sustainable, safe and efficient* multi-modal Single European Transport Area by investing in *feeder routes, core and comprehensive* Trans-European Transport Network, *optimally involving the CEF, the EAFRD and the ERDF in the context of the European territorial cooperation goal*;

## Amendment 32

### Proposal for a regulation Article 3 – point d – point ii

#### *Text proposed by the Commission*

(ii) developing environment-friendly and **low-carbon** transport systems **including** promoting sustainable urban mobility;

#### *Amendment*

(ii) developing **intelligent**, environment-friendly and **integrated** transport systems, **taking account of the lowest possible carbon emissions and** promoting sustainable **and accessible intermodal** urban **and suburban** mobility;

## Amendment 33

### Proposal for a regulation Article 3 – point d – point iii

#### *Text proposed by the Commission*

(iii) developing comprehensive, high quality and interoperable railway systems;

#### *Amendment*

(iii) developing **and rehabilitating** comprehensive, high quality, **intelligent, accessible** and interoperable railway systems **and sustainable port infrastructures**;

## Amendment 34

### Proposal for a regulation Article 3 – point e

#### *Text proposed by the Commission*

(e) enhancing institutional capacity and an efficient public administration by strengthening of institutional capacity and the efficiency of public administrations and public services related to implementation of the Cohesion Fund.

#### *Amendment*

(e) enhancing institutional capacity and an efficient public administration by strengthening of institutional capacity, **innovation capacity**, and the efficiency of public administrations and public services related to implementation of the Cohesion Fund.

## Amendment 35

**Proposal for a regulation**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. Common indicators, as ***set out in the Annex to this Regulation, shall be used where relevant and in accordance with*** Article 24(3) of Regulation (EU) No [...] /2012 [CPR]. For common indicators, baselines shall be set at zero and cumulative targets shall be set for 2022.

*Amendment*

1. ***The Commission shall adopt a list of*** common indicators as ***referred to*** in Article 24(3) of Regulation (EU) No [...] /2012 [CPR] ***by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 5 a(2).*** For common indicators, baselines shall be set at zero and cumulative targets shall be set for 2022.

**Amendment 36**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 4 a***

***Conditionality applying to access to Fund assistance***

***1. The Commission may request a Member State to review and propose amendments to its Partnership Contract and the relevant operational programmes, where this is necessary:***

***(a) to support the implementation of a Council recommendation, addressed to the Member State concerned and adopted in accordance with Article 121(2) of the Treaty, or to support the implementation of measures addressed to the Member State concerned and adopted in accordance with Article 136(1) of the Treaty;***

***(b) to support the implementation of a Council recommendation addressed to the Member State concerned and adopted in accordance with Article 126(7) of the Treaty; or***

*(c) to maximise the growth impact of the Cohesion Fund national allocations pursuant to paragraph 4, if a Member State meets one of the following conditions:*

*(i) Union financial assistance is made available to it under Council Regulation (EU) No 407/2010;*

*(ii) medium-term financial assistance is made available to it in accordance with Council Regulation (EC) No 332/2002;*

*(iii) financial assistance in the form of an ESM loan is made available to it in accordance with the Treaty establishing the European Stability Mechanism.*

*2. The Member State shall submit a proposal for amending the Partnership Contract and the relevant operational programmes within one month. If necessary, the Commission shall make observations within one month from the submission of the amendments, in which case the Member State shall re-submit its proposal within one month.*

*3. Where the Commission has not made observations or where its observations have been satisfactorily taken into account, the Commission shall adopt a decision approving the amendments to the Partnership Contract and the relevant programmes without undue delay.*

*4. By derogation to paragraph 1, where financial assistance is made available to a Member State in accordance with paragraph 1(c) and is linked to an adjustment programme, the Commission may without any proposal from the Member State amend the Partnership Contract and the programmes with a view to maximising the growth and competitiveness impact of the available CSF Funds. To ensure effective implementation of the Partnership Contract and the relevant programmes, the Commission shall become involved in their management as detailed in the*

*adjustment programme or the Memorandum of Understanding signed with the Member State concerned.*

*5. Where the Member State fails to respond to the Commission's request referred to in paragraph 1 or does not reply satisfactorily within one month to the observations of the Commission referred to in paragraph 2, the Commission may, within three months following its observations, adopt a decision, by means of implementing acts, suspending part or all of the payments for the programmes concerned.*

*6. The Commission shall suspend, by means of implementing acts, part or all of the payments and commitments for the programmes concerned where:*

*(a) the Council decides that the Member State does not comply with the specific measures set out by the Council in accordance with Article 136(1) of the Treaty;*

*(b) the Council decides in accordance with Article 126(8) or Article 126(11) of the Treaty that the Member State concerned has not taken effective action to correct its excessive deficit;*

*(c) the Commission concludes that the Member State has not taken measures to implement the adjustment programme referred to in Council Regulation (EU) No 407/2010 or Council Regulation (EC) No 332/2002 and as a consequence decides not to authorise the disbursement of the financial assistance granted to this Member State; or*

*(e) the Board of Directors of the European stability mechanism concludes that the conditionality attached to an ESM financial assistance in the form of an ESM loan to the concerned Member State was not met and as a consequence decides not to disburse the stability support granted to it.*



*7. When deciding to suspend part or all of the payments or commitments in accordance with paragraphs 5 and 6 respectively, the Commission shall ensure that the suspension is proportionate and effective, taking into account the economic and social circumstances of the Member State concerned, and respects equality of treatment between Member States, in particular with regard to the impact of the suspension on the economy of the Member State concerned.*

*8. The Commission shall without delay lift the suspension of payments and commitments where the Member State has proposed amendments to the Partnership Contract and the relevant operational programmes as requested by the Commission, which the Commission has approved and, where applicable:*

*(a) the Council has decided that the Member State complies with the specific measures set out by the Council in accordance with Article 136(1) of the Treaty;*

*(b) the excessive deficit procedure is held in abeyance in accordance with Article 9 of Regulation (EC) No 1467/97 or the Council has decided in accordance with Article 126(12) of the Treaty to abrogate the decision on the existence of an excessive deficit;*

*(c) the Commission has concluded that the Member State has taken measures to implement the adjustment programme referred to in Council Regulation (EU) No 407/2010 or Council Regulation (EC) No 332/2002 and as a consequence has authorised the disbursement of the financial assistance granted to this Member State; or*

*(e) the Board of Directors of the European stability mechanism has concluded that the conditionality attached to a financial assistance in the form of an ESM loan to the concerned Member State is met and as a consequence has decided*

*to disburse the stability support granted to it.*

*At the same time, the Council shall decide, on a proposal from the Commission, to re-budget the suspended commitments in accordance with Article 8 of Council Regulation (EU) No [...]/2012 laying down the multiannual financial framework for the years 2014 to 2020.*

#### **Amendment 37**

##### **Proposal for a regulation Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

##### *Article 5 a*

##### *Committee procedure*

*1. The Commission shall be assisted by the Coordination Committee of the Funds. 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.*

#### **Amendment 38**

##### **Proposal for a regulation Annex**

*Text proposed by the Commission*

*Amendment*

*Deleted*