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COMMISSION IMPLEMENTING DECISION

of 18.12.2014

**amending Commission Implementing Decisions C(2014) 1919 , C(2014) 2069 and
C(2014) 2080**

(Text with EEA relevance)

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(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 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility¹, and in particular Article 17 thereof,

Having regard to 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 network², and in particular Article 7 thereof,

Having regard to Commission Delegated Regulation (EU) No 275/2014 of 7 January 2014 amending Annex I to Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility, and in particular point 2.4 of the annex thereof,

Having regard to Regulation (EU) 347/2013³ 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, and in particular Article 14 thereof,

Having regard to Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC, and in particular Article 5 thereof,

Having regard to Regulation (EU, EURATOM) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the European Union, and in particular Article 84 thereof,

Having regard to Commission Delegated Regulation (EU) n° 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU) n° 966/2012 of the European Parliament and of

¹ OJ L 348, 20.12.2013, p. 129.

² OJ L 348, 20.12.2013, p. 1.

³ OJ L 115 of 25.4.2013, p.39

the Council on the financial rules applicable to the general budget of the Union⁴, and in particular Article 94 thereof

Whereas:

- (1) The Commission adopted Decision C (2014) 1919 of 26 March 2014 establishing an Annual Work Programme 2014 for financial assistance in the field of Connecting Europe Facility (CEF) - Transport sector.
- (2) The Commission adopted Decision (2014) 2069 of 31 March 2014 establishing the 2014 Work Programme for financial assistance in the field of Connecting Europe Facility (CEF) - Telecommunications sector for the period 2014-2020.
- (3) The Commission adopted Decision C (2014) 2080 of 31 March 2014 establishing an Multiannual Work Programme 2014 for financial assistance in the field of Connecting Europe Facility (CEF) - Energy sector for the period 2014-2020.
- (4) In the Europe 2020 Strategy, the Commission pledged to mobilise Union financial instruments as part of a consistent funding strategy that pulls together Union and national public and private funding for infrastructures. This is based on the rationale that in many cases sub-optimal investment situations and market imperfections may be more efficiently tackled by financial instruments than by grants.
- (5) The Connecting Europe Facility Regulation provides for financial instruments to promote substantial participation in infrastructure investment by private-sector investors and financial institutions.
- (6) The design of those instruments should draw upon the experience gained in the implementation of financial instruments in the Multiannual Financial Framework 2007-2013, such as the Loan Guarantee instrument for TEN-T projects (LGTT), the Risk-Sharing Finance Facility (RSFF), the 2020 European Fund for Energy, Climate Change and Infrastructure (the 'Marguerite Fund') and the Europe 2020 Project Bond Initiative.
- (7) The Connecting Europe Facility Regulation lays down the rules for the funding of a debt instrument from the Union budget and provides the legal basis for its implementation.
- (8) In accordance with the Financial Regulation, an ex-ante assessment of the future Debt instrument under the Connecting Europe Facility was conducted and presented to the CEF Coordination Committee on 7 July 2014.
- (9) Decision C (2014) 1919, C (2014) 2069 and C(2014) 2080 need to be amended in order to allow the implementation of the CEF debt instrument from 2014 onwards.
- (10) In order to implement the CEF debt instrument in accordance with the conditions defined in article 14 and 15, as well as in Annex I Part III of the CEF Regulation, an amount of up to EUR 127,250,450 will be made available in 2014 to the European

⁴ OJ L 362, 31.12.2012, p. 1

Investment Bank (hereinafter ‘the EIB’) with the contribution of the 3 sectors covered by the CEF and respecting the principle of budgetary specification, as the annual contribution from the Commission to the CEF Debt instrument, implemented by indirect management in accordance with Article 58(1)(c) of the Financial Regulation and as laid down in a cooperation agreement between the EIB and the Commission. This contribution is without prejudice to the possibility for the Commission to implement the CEF debt instrument through indirect management with other entrusted entities.

- (11) At the time of the adoption of Decision C (2014) 2069 it was concluded that a technical assistance platform for broadband would be established in 2014. However, in order to optimise the implementation modalities, the establishment of such platform should be postponed until the following year. Therefore, the annex to Decision C (2014) 2069 should be amended accordingly.
- (12) By way of Decision of the EEA Joint Committee No 157/2014 of 9 July 2014 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, the cooperation of the Contracting Parties to the EEA Agreement has been extended to include Regulation (EU) No 1316/2013. By way of the same Decision, it has been provided that the EFTA States shall only participate in the telecommunications sector of the Connecting Europe Facility. It is therefore appropriate to amend Decision C (2014) 2069 to enable EFTA States to participate in projects of common interest foreseen in that Decision.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Committee set out by Article 25 of Regulation (EU) No 1316/2013

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision C(2014) 1919 is modified as follows:

1. Article 2 is replaced by the following

"The total amount covered by this Decision shall be up to EUR 1,000,000,000

This Decision shall be a financing decision in the meaning of Article 84 of the Financial Regulation for 2014 for the following budget lines:

- 06020101 - Removing bottlenecks and bridging missing links: EUR 765,000,000
- 06020102 - Ensuring sustainable and efficient transport in the long run: EUR 65,000,000
- 06020103 - Optimising the integration and interconnection of transport modes and enhancing interoperability, safety and security of transport: EUR 100,000,000
- 06020105 – Creating an environment more conducive to private investments for transport infrastructure projects: EUR 70,000,000.

These appropriations may also cover interest due for late payment"

2. Annex I to this Decision is added as Annex bis to Decision C(2014) 1919.

Article 2

Commission Decision C(2014)2069 is modified as follows:

1. Article 2 is replaced by the following:

" The total amount covered by this Decision is up to EUR 86,598,239⁵.

This Decision serves as a financing decision for 2014 for the following budget lines:

09 03 02 Creating an environment more conducive to private investment for telecommunications infrastructure projects - CEF Broadband: EUR 16,479,450

09 03 03 Promoting the interconnection and interoperability of national services of common interest and contributing to a safe, inclusive and positive online environment: EUR 70,118,789⁶

These appropriations may also cover interest due for late payment."

2. Annex to Decision C(2014)2069 is replaced by Annex II to this Decision.

Article 3

Commission Decision C(2014) 2080 is modified as follows:

1. Article 2 is replaced by the following :

"The maximum contribution authorised by this Decision for the implementation of this multiannual work programme is set at EUR 792,771,000 to be financed from the following budget lines of the General Budget of the European Union:

32 02 01 01 Promoting the integration of the internal energy market and the interoperability of networks through infrastructure

32 02 01 02 Enhancing Union security of supply, system resilience and security of system operations through infrastructure

32 02 01 03 Contributing to sustainable development and protection of the environment through infrastructure

32 02 01 04 Creating an environment more conducive to private investment for energy projects

The detailed breakdown is included in point 2 of the Annex. These appropriations shall cover interest due for late payment."

2. Annex to Decision C(2014)2080 is replaced by Annex III to this Decision

⁵ This amount includes contribution from EFTA countries.

⁶ EUR 165 789 will be transferred from the budget line 09 03 51 01, RO credits allocated to the Safer Internet Programme, received in 2013. Safer Internet was the predecessor programme of CEF.

Done at Brussels, 18.12.2014

For the Commission
Violeta BULC
Member of the Commission

