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NOTE

From:	General Secretariat of the Council		
To:	Permanent Representatives Committee		
No. Cion doc.:	COM(2018) 375		
Subject:	Cohesion policy legislative package 2021-2027		
	- Common Provisions Regulation - Block 2: Annex III and IV		
	= Progress Report		

Delegations will find attached Annex III and IV of the Common Provisions Regulation (Block 2).

14962/19 ADD 2 AFG/NTC/cs 1 EN

ECOMP.2

COMMON PROVISIONS REGULATION - Block 2: Annexes III and IV

- In yellow, bold and italics the **EP amendments**
- In bold and underlined the **Council amendments**
- Once technical meetings / trilogues start: grey text boxes will be used for common provisional understanding or other comments as follows

Provisional common understanding ...

1. Example...

ANNEX III 1 Horizontal enabling conditions – Article 11(1)

Applicable to all specific objectives			
Name of enabling conditions	Fulfilment criteria		
Effective monitoring mechanisms of the public procurement market	Monitoring mechanisms are in place that cover all public contracts and their procurement procedures under national the Funds in line with EU procurement legislation-which. This requirement includes: 1. Arrangements to ensure compilation of effective, and reliable and exhaustive data and indicators within a single IT system or a network of interoperable systems, with a view to implementing the "once only principle" and facilitating on public procurement procedures above the EU thresholds in accordance with reporting obligations under Article 83(3) of Directive 2014/24/EU, in accordance with the eprocurement requirements, as well as under Article and 84 of Directive 2014/24/EU. The data and indicators article 99 and 100 of Directive 2014/25/EU.		

Council position: The content of this annex is without prejudice to possible additional conditionalities to be debated at political level, including on the European Pillar of Social Rights.

- **2.** Arrangements to ensure the data cover at least the following elements:
 - a. Quality and intensity of competition: names of winning as well as initial bidders, number of initial bidders, number of selected bidders, and contractual price—against initial budgetary allocation and, whenever possible through contract registers, value;
 - **b.** Information on final price after completion;
 - b. Participation and on participation of SMEs as direct bidders:
 - c. Appeals launched against the decisions of the contracting authorities, including at least their number, the time needed to render a decision in the first instance, and number of decisions referred to the second instance;
 - d. A list of all contracts awarded pursuant to rules on exclusions from the public procurement rules, with an indication of the specific provision used.
- 2. Arrangements to ensure sufficient capacity for monitoring and analysis of the data by the dedicated competent national authorities.
- 3. Arrangements to make the data and indicators as well as the result of the analysis available to the public through user friendly open data.
- 4. Arrangements to ensure that all, where national systems

 provide such information pointing to suspected bid-rigging situations is systematically communicated to the competent national competition bodies.;

Provisional common understanding

Monitoring mechanisms are in place that cover all <u>public contracts and their procurement</u> <u>procedures</u> under <u>national the Funds in line with EU</u> procurement legislation <u>which</u>. <u>This</u> <u>requirement</u> includes:

Arrangements to ensure compilation of effective, <u>and</u> reliable and <u>exhaustive</u> data and indicators within a single IT system or a network of interoperable systems, with a view to implementing the "once-only principle" and facilitating <u>on public procurement procedures above the EU thresholds in accordance with</u> reporting obligations under Article 83(3) of Directive 2014/24/EU, in accordance with the e-procurement requirements, as well as under Article <u>and</u> 84 of Directive 2014/24/EU. The data and indicators <u>article 99 and 100 of Directive 2014/25/EU.</u>

- 2. Arrangements to ensure the data cover at least the following elements:
 - a. Quality and intensity of competition: names of winning as well as initial bidders, number of initial bidders, number of selected bidders, and contractual price—against initial budgetary allocation and, whenever possible through contract registers, value;
 - **b.** Information on final price after completion;
 - b. Participation and on participation of SMEs as direct bidders; , where national systems provide such information.
 - e. Appeals launched against the decisions of the contracting authorities, including at least their number, the time needed to render a decision in the first instance, and number of decisions referred to the second instance:
 - d. A list of all contracts awarded pursuant to rules on exclusions from the public procurement rules, with an indication of the specific provision used.
- 3. Arrangements to ensure sufficient capacity for monitoring and analysis of the data by the dedicated competent national authorities in accordance with article 83 (2) of directive 2014/24/EU and article 99 (2) of directive 2014/25/EU.
- 4. Arrangements to make the data and indicators as well as the results of the analysis available to the public through user friendly open data in accordance with article 83 (3) of directive 2014/24/EU and article 99 (3) directive 2014/25/EU.
- 5. Arrangements to ensure that all information pointing to suspected bid-rigging situations is systematically communicated to the competent national competition bodies in accordance with article 83 (2) of directive 2014/24/EU and article 99 (2) of directive 2014/25/EU.

Tools and capacity for effective application of State aid rules

Managing authorities have the tools and capacity to verify compliance with State aid rules through:

- 1. Easy and comprehensive access to permanently updated information on <u>For</u> undertakings in difficulty and under<u>takings under</u> a recovery requirement.
- 2. <u>Through</u> <u>Aa</u>ccess to expert advice and guidance on State aid matters, provided by <u>State aid experts of</u> local or national expert centre, under the coordination of national State aid authorities, with working arrangements to ensure that the expertise is effectively consulted with stakeholders bodies.

Provisional common understanding

Managing authorities have the tools and capacity to verify compliance with State aid rules-through:

- 3. Easy and comprehensive access to permanently updated information on For undertakings in difficulty and undertakings under a recovery requirement.
- 4. Through Aaccess to expert advice and guidance on State aid matters, provided by State aid experts of local or national expert centre, under the coordination of national State aid authorities, with working arrangements to ensure that the expertise is effectively consulted with stakeholders bodies.

Effective application and implementation of the EU Charter of Fundamental Rights

Effective mechanisms are in place to ensure compliance with the EU Charter of Fundamental Rights which include:

- 1. Arrangements to ensure verification of compliance of operations the programmes supported by the Funds and their implementation with the relevant provisions of the Charter of Fundamental Rights.
- 2. Reporting arrangements to the monitoring committee on the <u>cases regarding non</u>-compliance with the Charter of the operations supported by the Funds with the Charter.

Provisional common understanding

Effective mechanisms are in place to ensure compliance with the EU Charter of Fundamental Rights which include:

- 1. Arrangements to ensure verification of compliance of operations the programmes supported by the Funds and their implementation with the relevant provisions of the Charter-of Fundamental Rights.
- 2. Reporting arrangements to the monitoring committee on regarding cases of non-compliance with the Charter of the operations supported by the Funds with the Charter and complaints regarding the Charter submitted in accordance with the arrangements made pursuant to Article 63(6)CPR.

Implementation and application of the United Nations
Convention on the rights of persons with disabilities
(UNCRPD) in accordance with
Council Decision 2010/48/EC

A national framework for implementing to ensure implementation of the UNCRPD is in place that includes:

EP amendment 378

- 1. Objectives with measurable goals, data collection and monitoring mechanisms, *applicable across all policy objectives*.
- 2. Arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes in line with the provisions of the UNCRPD and included in the project selection criteria and obligations.
- 2a. Reporting arrangements to the monitoring committee on the compliance of the operations supported.

Provisional common understanding

A national framework-for implementing to ensure implementation of the UNCRPD is in place that includes:

- 1. Objectives with measurable goals, data collection and monitoring mechanisms.
- 2. Arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes.
- 2a. Reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the UNCRPD and complaints regarding the UNCRPD submitted in accordance with the arrangements made pursuant to Article 63(6)CPR.

EP amendment 379

Implementation of the principles and rights of the European Pillar of Social Rights that contribute to real convergence and cohesion in the European Union.

Arrangements at national level to ensure the proper implementation of the principles of the European Pillar of Social Rights that contribute to upward social convergence and cohesion in the EU, especially the principles preventing unfair competition within the internal market.

The Council position: no decision on additional conditions can be made at the moment.

EP ready to rework the title of the condition as well as the fulfilment criteria (especially for arrangements), including the deletion of "especially the principles preventing unfair competition within the internal market".

EP amendment 380

Effective application of the partnership principle

A framework is in place for all partners to play a fully-fledged role in the preparation, implementation, monitoring and evaluation of programmes, which includes

- 1. Arrangements to ensure transparent procedures for the involvement of partners
- 2. Arrangement for dissemination and disclosure of information relevant for partners to prepare and follow-up meetings
- 3. Support for empowering partners and capacity building

The Council position: no decision on additional conditions can be made at the moment.

Links with Article 6 (CPR, Block 1)

ANNEX IV

Thematic enabling conditions applicable to ERDF, ESF+ and the Cohesion Fund – Article 11(1)

On the approach to the negotiations on Annex IV, convergence of views between EP and CONS:

Discussions on the name and fulfilment criteria for the enabling conditions (CPR, Annex IV, 3rd and 4th columns below) will be based on the current wording of the specific objectives (COM proposal) with the possibility for future adjustments depending on the outcome of the ERDF-CF and ESF+negotiations.

Policy objective	Specific objective	Name of enabling condition	Fulfilment criteria for the enabling condition
1. A smarter Europe by promoting innovative and smart economic transformation	ERDF: All specific objectives under this policy objectives	1. Good governance of national or regional smart specialisation strategy	 Smart specialisation strategy(ies) shall be supported by: Up to date Aanalysis of challenges including bottlenecks for innovation diffusion, including digitalisation Existence of competent regional / national institution or body, responsible for the management of the smart specialisation strategy Monitoring and evaluation tools to measure performance towards the objectives of the strategy Effective fFunctioning of stakeholder co-operation ("entrepreneurial discovery process") Actions necessary to improve national or regional research and innovation systems, where relevant

Common provisional understanding (February -March 2019), CPR, Art. 4:

a more competitive and smarter Europe by promoting innovative and smart economic transformation;

- 6. Where relevant, Aactions to manage support industrial transition
- 7. Measures for international collaboration internationalisation

Provisional common understanding

- 1. Up-to-date analysis of **challenges** bottlenecks-for innovation diffusion **and** , including digitalisation
- 2. Existence of competent regional / national institution or body, responsible for the management of the smart specialisation strategy
- 3. Monitoring and evaluation tools to measure performance towards the objectives of the strategy
- 4. Effective fFunctioning of stakeholder co-operation ("entrepreneurial discovery process")
- 5. Actions necessary to improve national or regional research and innovation systems, **where relevant**
- 6. Where relevant, Aactions to manage support industrial transition.
- 7. Measures for enhancing cooperation with partners outside a given Member State in priority areas supported by the smart specialisation strategy international collaboration.

Comment: Need to ensure consistency with the final wording of Art.67(3)(b) (line V-57) CPR and this enabling condition.

2. A greener, low carbon and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate adaptation and risk prevention and management	ERDF and Cohesion Fund: 2.1-Promoting energy efficiency measures and reducing greenhouse gas emissions	2.1 Strategic policy framework to support energy efficiency renovation of residential and non-residential buildings		A national long term renovation strategy to support the renovation of the national stock of residential and non-residential buildings is adopted, in line with the requirements of the Directive 2018/844 amending Directive 2010/31/ EU on the energy performance of buildings, which: a. Entails indicative milestones for 2030, 2040 and targets for 2050 b. Provides an indicative outline of budgetary financial resources to support the implementation of the strategy c. Defines effective mechanisms for promoting investments in building renovation Energy efficiency improvement measures to achieve required energy Provisional common understanding
Common provisional understanding (February - March 2019),				1. A national long term renovation strategy to support the renovation of the national stock of residential and non-residential buildings is adopted, in line with the requirements of the Directive 2018/844 amending Directive 2010/31/EU on the energy performance of buildings, which:
CPR, Art. 4: a greener, low-				a. Entails indicative milestones for 2030, 2040 and targets for 2050
carbon transitioning				b. Provides an indicative outline of budgetary financial resources to support the implementation of the strategy
towards a net zero carbon				c. Defines effective mechanisms for promoting investments in building renovation
economy and resilient Europe by promoting				2. Energy efficiency improvement measures to achieve required energy savings
clean and fair				savings
energy transition, green	ERDF and Cohesion Fund:	2.2 Governance of for the energy sector	<u>EP</u>	Amendment 381

and blue investment, the circular economy, climate change mitigation and adaptation and risk prevention and management;

2.1-Promoting energy efficiency measures and reducing greenhouse gas emissions

2.2-Promoting renewable energy through investment in generation capacity

National Energy and Climate Plan *comply with the Paris Agreement objective of limiting global warming to 1.5°C,* are adopted and include:

CONS

<u>The National Energy and Climate Plan are adopted is notified to the Commission, in accordance with the provisions of Article 3 of Regulation No 2018/1999</u> and includes:

- 1. All elements required by the template in Annex I of <u>that</u> the Regulation on Governance of the Energy Union²
- 2. An *indicative* outline of envisaged financing resources and mechanisms for measures promoting low-carbon energy

Provisional common understanding

The National Energy and Climate Plan-are adopted is notified to the Commission, in accordance with the provisions of Article 3 of Regulation No 2018/1999 and in consistency with the long-term greenhouse gas emission reduction objectives under the Paris Agreement and includes:

1. All elements required by the template in Annex I of that the

Regulation (EU) 2018/1999 of the European Parliament and of the Council 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.

		Regulation on Governance of the Energy Union ³ 2. An indicative outline of envisaged financing/ financial resources and mechanisms for measures promoting low-carbon energy (financing or financial? to be aligned with paragraph 1b above for consistency purposes)
ERDF -and Fund: 2.2-Promot renewable through invigeneration	of the use of renewable energy across sectors and across the EU	1. Compliance with the 2020 binding national renewables binding energy target and with this share of renewable energy as a baseline up to 2030 or having taken additional measures in case the baseline is not maintained over any one year period in accordance with the recast of the Directive No 2018/2001/EC 2009/28/EC and Regulation No 2018/1999 on the Governance of the Energy Union and Climate Action 2. In accordance with the requirements of the Directive 2018/2001/EC and Regulation No 2018/1999 on the Governance of the Energy Union and Climate Action Aan increase in of the share of renewables in the heating and cooling sector by 1 percentage point per year up to 2030 in line with in Article 23 of the Directive 2018/2001/EC

Regulation (EU) 2018/1999 of the European Parliament and of the Council 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.

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		 Compliance with the 2020 binding national renewables binding energy target and with this share of renewable energy as a baseline up to 2030 or having taken additional measures in case the baseline is not maintained over any one year period in accordance with the recast of the Directive No 2018/2001/EC 2009/28/EC and Regulation No 2018/1999 on the Governance of the Energy Union and Climate Action In accordance with the requirements of the Directive 2018/2001/EC] and Regulation No 2018/1999 on the Governance of the Energy Union and Climate Action Aan increase in of the share of renewables in the heating and cooling sector by 1 percentage point per year up to 2030 in line with in Article 23 of the Directive 2018/2001/EC
EP Amendment 382 ERDF and Cohesion Fund: 2.4-Promoting climate and structural change adaptation, risk prevention and disaster resilience	2.4 Effective disaster risk management framework.	A national or regional disaster risk management plan, consistent with established on the basis of risk assessments, taking due account of the likely impacts of climate change and the existing climate adaptation strategies, is in place and includes: 1. A description of key risks, assessed in accordance with the provisions of Article 6 (a1) of Decision No 1313/2013/EU4, reflecting current and long term threats (25–35 years) evolving risk profile. The assessment shall build, for climate related risks, on climate change projections and scenarios. 2. Description of the disaster prevention, preparedness and response
		measures to address the key risks identified. The measures shall be

^{4 &}lt;u>Council position: Decision No. 1313/2013 of the European Parliament and of the Council on a Union Civil Protection Mechanism.</u>

prioritized in proportion to the risks and their economic impact, capacity gaps⁵, effectiveness and efficiency, taking into account possible alternatives

3. Information on budgetary and financing resources and mechanisms available for covering the operation and maintenance costs related to prevention, preparedness and response

Provisional common understanding

A national or regional disaster risk management plan, consistent with established on the basis of risk assessments, taking due account of the likely impacts of climate change and the existing climate adaptation strategies, is in place and includes:

- 1. A description of key risks, assessed in accordance with the provisions of Article 6 (a1) of Decision No 1313/2013/EU⁶, reflecting current and long term threats (25–35 years) evolving risk profile with an indicative 25-35 years time-span. The assessment shall build, for climate related risks, on climate change projections and scenarios.
- 2. Description of the disaster prevention, preparedness and response measures to address the key risks identified. The measures shall be prioritized in proportion to the risks and their economic impact, capacity gaps⁷, effectiveness and efficiency, taking into account possible alternatives
- 3. Information on budgetary and financing resources and mechanisms available for covering the operation and

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⁵ Council position: As assessed in the risk management capabilities assessment required under Article 6 paragraph 1(b) of Decision 1313/2013.

⁶ Council position: Decision No. 1313/2013 of the European Parliament and of the Council on a Union Civil Protection Mechanism.

Provisional common understanding As assessed in the risk management capabilities assessment required under Article 6(1)(b) of Decision 1313/2013.

				maintenance costs related to prevention, preparedness and response		
	ERDF and Cohesion Fund:	2.5 Updated planning for required investments in		each or both sectors, a A national investment plan is in place and udes:		
<u> </u>	2.5-Promoting sustainable water efficiency	ainable water sectors	1.	An assessment of the current state of implementation of the Urban Wastewater Treatment Directive (UWWTD) 91/271/EEC [and the recast] of the Drinking Water Directive (DWD) 98/83/EC]		
]	<u>management</u>		2.	The identification and planning of any public investments, including an indicative financial estimation		
						a. Required to <u>implement</u> achieve compliance with the UWWTD, including a prioritization with regard to the size of agglomerations and the environmental impact, with investments broken down for each wastewater agglomeration
					b. Required to implement the DWD Directive on drinking water 98/83/EC	
				c. [Required to match the needs stemming from the proposed recast (COM(2017)753 final), regarding in particular the revised quality parameters detailed in annex I]		
			3.	An estimate of investments needed to renew existing wastewater and water supply infrastructure, including networks, based on their age and depreciation plans		
			4.	An indication of potential sources of public financing, when needed to complement user charges		

			Provisional common understanding
			 An assessment of the current state of implementation of the Urban Wastewater Treatment Directive (UWWTD) 91/271/EEC {and the recast} of the Drinking Water Directive (DWD) 98/83/EC} The identification and planning of any public investments, including an indicative financial estimation
			a. Required to <u>implement</u> achieve compliance with the UWWTD, including a prioritization with regard to the size of agglomerations and the environmental impact, with investments broken down for each wastewater agglomeration
			b. Required to implement the DWD Directive on drinking water 98/83/EC
			c. [Required to match the needs stemming from the proposed recast (COM(2017)753 final), regarding in particular the revised quality parameters detailed in annex I]
			3. An estimate of investments needed to renew existing wastewater and water supply infrastructure, including networks, based on their age and depreciation plans
			An indication of potential sources of public financing, when needed to complement user charges
ERDF and Cohesion Fund:	2.6 Updated planning for waste management	Di	aste management plan(s) are in place in accordance with Article 28 of rective 2008/98/EC as amended by Directive EU 2018/xxxx851/EU and vering the entire territory of the Member State and include:
2.6 Developing Promoting the (Ttransition to a circular economy, through investment in			An analysis of the current waste management situation in the geographical entity concerned, including the type, quantity and source of waste generated and an evaluation of their future development taking into account the expected impacts of measures set out in the

the waste sector and resource efficiency

- Waste Prevention Programme(s) developed in accordance with Article 29 of Directive 2008/98/EC as amended by Directive 2018/851/EU
- 2. An assessment of existing waste collection schemes, including the material and territorial coverage of separate collection and measures to improve its operation, as well as the need for new collection schemes
- 3. An investment gap assessment justifying the need for <u>the closure of existing waste installations and</u> additional or upgraded waste infrastructure, with an information of the sources of revenues available to meet operation and maintenance costs
- 4. Information on the location criteria for how future site locations identification will be determined and on the capacity of future waste treatment installations

Provisional common understanding

Waste management plan(s) are in place in accordance with Article 28 of Directive 2008/98/EC as amended by Directive EU 2018/xxxx851/EU and covering the entire territory of the Member State and include:

- 1. An analysis of the current waste management situation in the geographical entity concerned, including the type, quantity and source of waste generated and an evaluation of their future development taking into account the expected impacts of measures set out in the Waste Prevention Programme(s) developed in accordance with Article 29 of Directive 2008/98/EC as amended by Directive 2018/851/EU
- 2. An assessment of existing waste collection schemes, including the material and territorial coverage of separate collection and measures to improve its operation, as well as the need for new collection schemes

			 3. An investment gap assessment justifying the need for the closure of existing waste installations and additional or upgraded waste infrastructure, with an information of the sources of revenues available to meet operation and maintenance costs 4. Information on the location criteria for how future site locations identification will be determined and on the capacity of future waste treatment installations
1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ERDF and Cohesion Fund: 2.6 Promoting green infrastructure in the urban environment and reducing pollution	Prioritised action framework for the necessary conversation measures involving Union co-financing.	EP Amendment 383 A priority action framework pursuant to Article 8 of Directive 92/43/EEC is in place and includes: 1. All elements required by the template for the priority action framework for 2021-2027 agreed by the Commission and the Member States including 2. The identification of the priority measures and an estimate of financing needs CONS A priority action framework pursuant to Article 8 of Directive 92/43/EEC is in place and includes: 1. All elements required by the template for the priority action framework for 2021-2027 agreed by the Commission and the Member States 2. The identification of the priority measures and an estimate of financing needs To be considered at a later date.

3. A more	ERDF:	3.1 National or regional	A national or regional broadband plan is in place which includes:
3. A more connected Europe by enhancing mobility and regional ICT connectivity Common provisional understanding (February - March 2019),	ERDF: 3.1-Enhancing digital connectivity	3.1 National or regional broadband plan	 A national or regional broadband plan is in place which includes: An assessment of the investment gap that needs to be addressed to reach the EU Gigabit connectivity objectives ensure that all Union citizens have access to very high capacity networks, based on:
a more connected Europe by enhancing mobility and regional ICT			b) adjust the forms of financial assistance to the market failures identified c) allow for a complementary use of different forms of financing from EU, national or regional sources 3. Measures to support demand and use of Very High Capacity (VHC) networks, including actions to facilitate their roll-out, in particular through the effective implementation of the EU Broadband Cost-Reduction Directive ¹⁰

Souncil position: As defined in the Communication from the European Commission: "Towards a European Gigabit Society" - COM(2016)587: https://ec.europa.eu/digital-single-market/en/policies/improvingconnectivity and access In line with the objective defined in article 3(2)(a) in conjunction with recital 24 of the [Proposal for a] Directive of the European Parliament and of the Council establishing the European Electronic Communications Code].

In line with article 22 of the [Proposal for a] Directive of the European Parliament and of the Council establishing the European Electronic Communications Code].

Directive 2014/61/EU.

connectivity;

- 4. Technical assistance <u>and expert advice</u> mechanisms, <u>including such</u> <u>as a</u> Broadband Competence <u>Offices</u> to reinforce the capacity of local stakeholders and advise project promoters
- 5. A monitoring mechanism based on standard broadband mapping indicators

Provisional common understanding

A national or regional broadband plan is in place which includes:

- 1. An assessment of the investment gap that needs to be addressed to reach the EU Gigabit connectivity objectives ensure that all Union citizens have access to very high capacity networks¹¹, based on:
 - c) a recent mapping¹² of existing private and public infrastructure and quality of service using standard broadband mapping indicators
 - d) a consultation on planned investments in line with State aid requirements
- 2. The justification of planned public intervention on the basis of sustainable investment models that:
 - d) enhance, affordability and access to open, quality and future-proof infrastructure and services
 - e) adjust the forms of financial assistance to the market failures identified

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Provisional common understanding: In line with the objective defined in <u>Aarticle 3(2)(a)</u> in conjunction with recital <u>(254)</u> of <u>the [Proposal for a]</u> Directive <u>No 2018/1972</u> of the European Parliament and of the Council establishing the European Electronic Communications Code]

Provisional common understanding: In line with <u>Aarticle 22 of the [Proposal for a]</u> Directive <u>No 2018/1972</u> of the European Parliament and of the Council establishing the European Electronic Communications Code].

				 allow for a complementary use of different forms of financing from EU, national or regional sources Measures to support demand and use of Very High Capacity (VHC) networks, including actions to facilitate their roll-out, in particular through the effective implementation of the EU Broadband Cost-Reduction Directive¹³ Technical assistance and expert advice mechanisms, including such as a Broadband Competence Offices Office, to reinforce the capacity of local stakeholders and advise project promoters A monitoring mechanism based on standard broadband mapping indicators
ERDF Fund: 3.2 De sustair resilier secure	F and Cohesion eveloping a nable, climate ent, intelligent, a safe and nodal TEN-T	3.2 Comprehensive transport planning at the appropriate level	local le	nodal mapping of existing and planned infrastructures, except at evel, until 2030 is in place which: rovisional common understanding [Jultimodal mapping of existing and planned infrastructures, except to local level, until 2030 is in place which:

¹³ Directive 2014/61/EU.

3.3 Developing and enhancing

sustainable, climate resilient, intelligent and intermodal national, regional and local mobility, including improved access to TEN-T and cross-border mobility

EP Amendment 385

- 1a. Requires social, economic and territorial cohesion to be ensured, and, to a greater extent, missing links to be completed and bottlenecks to be removed on the TEN-T network, which also means investment in hard infrastructure

Provisional common understanding

EP AM 385 to be covered in a recital as follows:

 "(17a) While pursuing the objectives of economic, social and territorial cohesion, support to network connectivity by the ERDF and the Cohesion Fund should aim at completing missing links to the TEN-T network."

EP Amendment 386

1. Includes economic justification assessment of the planned investments, underpinned by robust demand analysis and traffic modelling, which should take into account the anticipated impact of rail liberalisation the opening of the rail services markets

Provisional common understanding

1. Includes economic justification assessment of the planned investments, underpinned by-robust demand analysis and traffic modelling, which should take into account the anticipated impact of rail liberalisation the opening of the rail services markets

EP Amendment 387

2. Reflects air quality plans, taking into account in particular national decarbonisation plans national emission reduction strategies for the

transport sector

CONS

2. Reflects air quality plans, taking into account in particular <u>Is consistent</u> with national decarbonisation energy and climate plans

Provisional common understanding (combining EP AM 387 and CONS AMD):

2. Reflects air quality plans, taking into account in particular <u>Is</u> consistent with the transport related elements of the national decarbonisation energy and climate plan

EP Amendment 388

3. Includes investments in core TEN-T network corridors, as defined by regulation (EU) 1316/2013, in line with the respective TEN-T work plans as well as pre-identified sections on the comprehensive network

CONS

3. Includes investments in core TEN-T network corridors, as defined by **Proposal for a** regulation **establishing the Connecting Europe Facility and repealing Regulations** (EU) 1316/2013, in line with the respective TEN-T **network corridors** work plans

Common provisional understanding

3. Includes investments in core TEN-T core network corridors, as defined by [Proposal for a regulation establishing the Connecting Europe Facility and repealing Regulations (EU) 1316/2013-J, in line with the respective TEN-T core network corridors work plans

EP Amendment 389

4. For investments outside the core TEN-T, ensures complementarity by providing sufficient connectivity of the *urban networks*, regions and local communities to the core TEN-T and its nodes

Common provisional understanding

(combining EP AMs 388 and 389):

- 4. For investments outside the <u>core</u> TEN-T <u>core network corridors</u>, <u>including in cross-border sections</u>, ensures complementarity by providing sufficient connectivity of the <u>urban networks</u>, regions and local communities to the core TEN-T and its nodes
- 5. Ensures interoperability of the rail network, through Where relevant, reports on the deployment of baseline-3 compliant ERTMS covering at least according to Commission Implementing Regulation EU 2017/6 of 5 January 2017 on the European Deployment Plan Rail Traffic Management System European deployment plan

Provisional common understanding

5. Ensures interoperability of the rail network, through and, where relevant, reports on the deployment of baseline 3 compliant ERTMS covering at least according to Commission Implementing Regulation EU 2017/6 of 5 January 2017 on the European Deployment Plan Rail Traffic Management System European deployment plan.

6. Promotes multimodality, identifying needs for multimodal or transhipment freight and passengers terminals and active modes Provisional common understanding 6. Promotes multimodality, identifying needs for multimodal or transhipment freight and passengers terminals and active modes 7. Includes measures **relevant for infrastructure planning** aiming at promoting alternative fuels, in line with the relevant national policy frameworks Provisional common understanding 7. Includes measures relevant for infrastructure planning aiming at promoting alternative fuels, in line with the relevant national policy frameworks 8. Includes Presents a summary of the assessment of road safety risks in line with existing national road safety strategies, together with a mapping of the affected roads and sections and providing with a prioritisation of the corresponding investments Provisional common understanding 8. Includes Presents the results of the assessment of road safety

risks in line with existing national road safety strategies, together with a mapping of the affected roads and sections and providing with a prioritisation of the corresponding investments

9. Provides information on budgetary and financing resources corresponding to the planned investments and required to cover operation and maintenance costs of the existing and planned infrastructures

Provisional common understanding

9. Provides information on budgetary and financing resources corresponding to the planned investments and required to cover operation and maintenance costs of the existing and planned infrastructures

EP Amendment 390

9a. Promotes sustainable regional and cross-border tourism initiatives that lead to win-win situations for both the tourists and the inhabitants, such as interconnecting the EuroVelo network with the TRAN European Railway network

Provisional common understanding

EP AMD 390 to be covered in the following addition at the end of the recital (23):

Territorial strategies, when promoting sustainable tourism

	initiatives, should ensure an appropriate balance between the needs of both residents and tourists, such as interconnecting cycling and railway networks.
	EP amendments on that recital remain open for discussion.

4. A more social Europe by implementing the European Pillar of Social Rights

Common provisional understanding (February - March 2019), CPR, Art. 4: a more social and inclusive Europe implementing the European Pillar of Social Rights;

ERDF:

ESF:

4.1 eEnhancing the effectiveness of labour markets and access to quality employment trough developing social innovation and infrastructure

EP Amendment 391

4.1.1 Improving access to employment of all jobseekers, *including in particular* youth *and long-term unemployed*, and of inactive people and promoting self-employment, and the social economy;

CONS

4.1.1 Improving access to employment of all jobseekers, including

4.1 Strategic policy framework for active labour market policies

A strategic policy framework for active labour market policies in the light of the Employment guidelines is in place and includes:

- 1. Arrangements for conducting jobseekers' profiling and assessment of their needs, including for entrepreneurial pathways
- 2. Information on job vacancies and employment opportunities taking into account the needs of the labour market
- 3. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with relevant stakeholders
- 4. Arrangements for monitoring, evaluation and review of active labour market policies
- 5. For youth employment interventions, evidence-based and targeted pathways towards young people not in employment, education or training including outreach measures and based on quality requirements taking into account criteria for quality apprenticeships and traineeships, including in the context of Youth Guarantee schemes implementation.

Provisional common understanding

A strategic policy framework for active labour market policies in the light of the Employment guidelines is in place and includes:

- 1. Arrangements for conducting jobseekers' profiling and assessment of their needs, including for entrepreneurial pathways
- 2. Information on job vacancies and employment opportunities taking into account the needs of the labour market
- 3. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with relevant stakeholders

in particular youth, and long-term unemployed and disadvantaged groups on the labout market, and of inactive people and, promoting self- employment, and the social economy; 4.1.2 Modernising labour market institutions and services to assess and anticipate skills needs and ensure timely and tailor- made assistance and support to labour market matching, transitions and mobility;		 Arrangements for monitoring, evaluation and review of active labour market policies For youth employment interventions, evidence-based and targeted pathways towards young people not in employment, education or training including outreach measures and based on quality requirements taking into account criteria for quality apprenticeships and traineeships, including in the context of Youth Guarantee schemes implementation.
ERDF: 4.1 eEnhancing the effectiveness of labour markets and access to quality employment trough developing social innovation and	4.2 National strategic framework for gender equality	A national strategic policy framework for gender equality is in place that includes: 1. Evidence-based identification of challenges to gender equality Provisional common understanding A national strategic policy framework for gender equality is in place that includes:

infrastructure

ESF:

EP Amendment 392

4.1.3 Promoting <mark>women's labour</mark> market participation a better work/life balance including access to childcare, a healthy and welladapted working environment addressing health risks, adaptation of workers, *enterprises* and entrepreneurs to change and healthy and active ageing;

CONS:

4.1.3 Promoting <u>a</u> <u>gender-balanced's</u> <u>labour market</u> <u>participation, and</u> a better work/life balance including

1. Evidence-based identification of challenges to gender equality

EP Amendment 393

2. Measures to address gender gaps in employment, pay, *social security* and pensions, and <u>to</u> promote work-life balance <u>for women and men</u>, including through improving access to early childhood education and care, with targets, <u>while respecting national labour market models</u> and the autonomy of the social partners

Provisional common understanding

2. Measures to address gender gaps in employment, pay, pensions, and <u>to</u> promote work-life balance <u>for women and men</u>, including through improving access to early childhood education and care, with targets, <u>while respecting the role and autonomy of the</u> social partners.

3. Arrangements for monitoring, evaluation and review of the strategic policy framework and data collection methods **based on sex-disaggregated data**

Provisional common understanding

3. Arrangements for monitoring, evaluation and review of the strategic policy framework and data collection methods **based on sex-disaggregated data**

through access childcare, and for dependent persons Promoting adaptation of workers, enterprises an entrepreneurs change, and as and healthy as and a healthy as well-adapted working environment addressing hear risks, adaptation workers to charant and healthy and and healthy and active ageing;	care d to to ctive geing and tth n of nge	4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with equality bodies, social partners and relevant eivil society organisations stakeholders Provisional common understanding 4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with equality bodies, social partners and relevant eivil society organisations stakeholders, including equality bodies, social partners and civil society organisation
ERDF: 4.2 i Improving access to incluse and quality ser in education, treand lifelong leasthrough develoinfrastructure; ESF:	sive vices aining arning arning arning	A national and/or regional strategic policy framework for the education and training system is in place and includes: Provisional common understanding A national and/or regional strategic policy framework for the education and training system is in place and includes: EP Amendment 395 1. Evidence-based systems for skills anticipation and forecasting as well as

EP Amendment 394

4.2.1 Improving the quality, inclusiveness and effectiveness and labour market relevance of education and training systems to support acquisition of key competences including digital skills and to facilitate the transition between education and work;

CONS:

4.2.1 Improving the quality, effectiveness and labour market relevance of education and training systems, to support acquisition of key competences including digital skills;

4.2.2 Promoting **lifelong learning**, **notably** flexible

graduate follow-up tracking mechanisms and services for quality and effective guidance for learners of all ages including learner-centred approaches

CONS

- 1. Evidence-based systems for skills anticipation and forecasting as well as
- <u>1a.</u> <u>gG</u>raduate tracking mechanisms and services for quality and effective guidance for learners of all ages

Provisional common understanding

- 1. Evidence-based systems for skills anticipation and forecasting as well as
- **1a. g**Graduate tracking mechanisms and services for quality and effective guidance for learners of all ages

EP Amendment 396

2. Measures to ensure equal access to, participation in and completion of quality, *affordable*, relevant, *non-segregated* and inclusive education and training, and acquisition of key competences at all levels, including higher education / including higher tertiary education

Provisional common understanding

2. Measures to ensure equal access to, participation in and completion of quality, **affordable**, relevant, **non-segregated** and inclusive education and training, and acquisition of key competences at all levels, including higher education.

upskilling and reskilling opportunities for all as well as informal and non-formal learning, including by facilitating career transitions and promoting professional mobility

CONS:

4.2.2 Promoting flexible upskilling and reskilling opportunities for all, including by facilitating career transitions and promoting professional mobility

4.2.3 Promoting equal access to and completion of, quality and inclusive education and training, in particular for disadvantaged groups, to quality and inclusive education and

EP Amendment 397

3. Coordination mechanism across all levels of education and training, including tertiary education **and non-formal and informal learning providers**, and clear assignment of responsibilities between the relevant national and/or regional bodies

CONS

3. <u>A c</u>Coordination mechanism <u>covering</u> <u>aeross</u> all levels of education and training, <u>including tertiary education</u>, and <u>a</u> clear assignment of responsibilities between the relevant national and/or regional bodies

Provisional common understanding

- **3.** A cCoordination mechanism covering across all levels of education and training, including higher tertiary education, and a clear assignment of responsibilities between the relevant national and/or regional bodies
- 4. Arrangements for monitoring, evaluation and review of the strategic policy framework
- 5. Measures to target low-skilled, low-qualified adults and those with disadvantaged socio-economic backgrounds and upskilling pathways
- 6. Measures to support teachers, trainers and academic staff as regards appropriate learning methods, assessment and validation of key competences
- 7. Measures to promote mobility of learners and staff and transnational collaboration of education and training providers, including through recognition of learning outcomes and qualifications

training, from early	
childhood education	
and care through	
general and	
vocational education	
and training and to	
tertiary level, as well	
as adult education	
and learning,	
including	
facilitating learning	
mobility for all;	
CONS	
4.2.3Promoting	
equal access, to and	
completion of,	
quality and	
inclusive education	
and training, in	
particular for	
disadvantaged	
groups, to quality	
and inclusive	
education and	
training, from early	
childhood education	
and care through	
general and	
vocational education	
and training and to	
tertiary level, as well	
as adult education	

<u>includ</u> <u>facilit</u>	earning, ding tating learning lity for all;		
ERDF EP Ai 4.3 iIr socio- integra margin comm refuge migran intern protect disadv groups integra includ and so ESF: EP Ai 4.3.1 foster inclus with a promo		4.4 National strategic policy framework for social inclusion and poverty reduction	EP Amendment 401 A national strategic policy framework and action plan for social inclusion and poverty reduction is in place that includes: CONS A national or regional strategic policy framework or legislative framework for social inclusion and poverty reduction is in place that includes: Provisional common understanding A national or regional strategic policy or legislative framework for social inclusion and poverty reduction is in place that includes the following actions: 1. Evidence-based diagnosis of poverty and social exclusion including child poverty, access to early childhood education and care of good quality, homelessness, spatial and educational segregation, limited access to essential services and infrastructure, and the specific needs of vulnerable people of all ages. COM provided alternative drafting for point (1); EP requested a reference to Commission's Recommendation on "Investment in Children". Open. Linked to the ESF+ outcomes.
	nproving		

employability;

CONS

4.3.1 Promoting
Fostering active
inclusion including
with a view to
promoting equal
opportunities and
active participation,
and improving
employability;

EP Amendment 400

4.3.1a. Promoting social integration of people at risk of poverty or social exclusion, including the most deprived and children

2. Measures to prevent and combat segregation in all fields, including through providing adequate income support, *social protection*, inclusive labour markets and access to quality services for vulnerable people, including migrants *and refugees*

CONS

2. Measures to prevent and combat segregation in all fields, including through providing adequate income support, inclusive labour markets and access to quality services for vulnerable people, including migrants poverty and social exclusion

Provisional common understanding

Measures to prevent and combat segregation in all fields, including through providing adequate income support, social protection, inclusive labour markets and access to quality services for vulnerable people, including migrants and refugees.

3. Measures for the shift transition from institutional to family- and community-based care based on a national deinstitutionalisation strategy and an action plan

Provisional common understanding

Measures for the shift from institutional to **family- and** community-based care

4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with social partners and relevant eivil society organisations stakeholders

Provisional common understanding 4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with relevant stakeholders, including social partners and relevant civil society organisations. ESF: **4.5** National Roma The National Roma Integration Strategy (NRIS) inclusion strategic policy **Integration Strategy framework** is in place that includes: EP Amendment 402 inclusion strategic 1. Measures to accelerate Roma integration, prevent and eliminate 4.3.2 Promoting policy framework segregation, taking into account the gender dimension and situation of socio-economic young Roma, and sets baseline and measurable milestones and targets integration of third Provisional common 2. Arrangements for monitoring, evaluation and review of the Roma country nationals and of marginalised integration measures understanding communities such as 3. Arrangements for the mainstreaming of Roma inclusion at regional and **4.5** National Roma the Roma: local level **Integration Strategy CONS** inclusion strategic 4. Arrangements for ensuring that its design, implementation, monitoring and policy framework 4.3.2 Promoting review is conducted in a close cooperation with the Roma civil society and all other relevant stakeholders, including at the regional and local levels socio-economic integration of **third** country nationals Provisional common understanding and of marginalised communities such as the Roma: The National Roma Integration Strategy (NRIS) inclusion strategic policy framework is in place that includes: 1. Measures to accelerate Roma integration, prevent and eliminate segregation, taking into account the gender dimension and situation of young Roma, and sets baseline and measurable milestones and targets

2. Arrangements for monitoring, evaluation and review of the Roma integration measures 3. Arrangements for the mainstreaming of Roma inclusion at regional and local level 4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in a close cooperation with the Roma civil society and all other relevant stakeholders, including at the regional and local levels ERDF: **4.6** Strategic policy EP Amendment 404 framework for health 4.4 eEnsuring equal A national or regional strategic policy framework for health is in place that and long-term care. access to health care contains: through developing 1. Mapping of health and long-term care needs, including in terms of medical infrastructure, and care staff, to ensure sustainable and coordinated measures Provisional common including primary understanding care Provisional common understanding **4.6** Strategic policy ESF: A national or regional strategic policy framework for health is in place that framework for contains: EP Amendment 403 health and long-1. Mapping of health and long-term care needs, including in terms of 4.3.4 Enhancing the term care. medical and care staff, to ensure sustainable and coordinated measures equal and timely access to quality, sustainable and affordable services; modernising social 2. Measures to ensure the efficiency, sustainability, accessibility and protection systems, affordability to-of health and long-term care services, including specific including promoting focus on individuals excluded from the health and long-term care systems access to social and those who are hardest to reach protection; improving

accessibility, effectiveness and resilience of healthcare systems; improving access to long-term care services

4.3.4Enhancing the

CONS

equal and timely access to quality, sustainable and affordable services: modernising social protection systems, including promoting access to social protection, improving accessibility, effectiveness and resilience of healthcare systems; improving access to and long-term care services

CONS

2. Measures to ensure the efficiency, sustainability, accessibility and affordability to health and long-term care services, including <u>a</u> specific focus on individuals excluded from the health and long-term care systems

Provisional common understanding

- 2. Measures to ensure the efficiency, sustainability, accessibility and affordability to of health and long-term care services, including a specific focus on individuals excluded from the health and long-term care systems, including those who are hardest to reach.
- 3. Measures to promote community based services, including prevention and primary care, home-care and community-based services, and the transition from institutional to family and community based care

CONS

3. Measures to promote community based services, including prevention and primary care, home-care and community-based services

Provisional common understanding

3. Measures to promote community **and family-** based services **through de-institutionalisation**, including prevention and primary care, home-care and community-based services.

	3a. Measures to ensure the efficiency, sustainability, accessibility and affordability of social protection systems
	EP: To be discussed later in view of alignment with the ESF+ Regulation.