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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulation (EU) 2021/1060 , Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814 - Four-Column Table

Delegations will find attached the initial four-column table related to the REPowerEU-RRF proposal.

2022/0164 (COD)
Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulation (EU) 2021/1060 ,
Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
1.	Title	<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulation (EU) 2021/1060 , Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814</p>	<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulation (EU) 2021/1060 , Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814</p>	<p>Proposal for a</p> <p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulation (EU) 2021/1060 , Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814</p>	
2.		THE EUROPEAN PARLIAMENT AND THE	THE EUROPEAN PARLIAMENT AND THE	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE	

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		COUNCIL OF THE EUROPEAN UNION,	COUNCIL OF THE EUROPEAN UNION,	EUROPEAN UNION,	
3.	Cit. 1	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 175 third paragraph, Article 177 first paragraph, Article 192 (1), Article 194 (2) and Article 322 (1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 175 third paragraph, Article 177 first paragraph, Article 192 (1), Article 194 (2) and Article 322 (1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 (2) , Article 175 third paragraph, Article 177 first paragraph, Article 192 (1), Article 194 (2) and Article 322 (1) thereof,	
4.	Cit. 2	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
5.	Cit. 3	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
6.	Cit. 4	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ² ,	Having regard to the opinion of the European Economic and Social Committee ³ ,	
7.	Cit. 5	Having regard to the opinion of the Committee of the Regions ⁴ ,	Having regard to the opinion of the Committee of the Regions ⁵ ,	Having regard to the opinion of the Committee of the Regions ⁶ ,	
8.	Cit. 6	Having regard to the opinion of	Having regard to the opinion of	Having regard to the opinion of the	

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ OJ C , , p. .

⁶ OJ C , , p. .

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		the Court of Auditors,	the Court of Auditors,	Court of Auditors,	
9.	Cit. 7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
10.		Whereas:	Whereas:	Whereas:	
11.	Rec. 1	(1) Since the adoption of Regulation (EU) 2021/241 of the European Parliament and of the Council establishing the Recovery and Resilience Facility, ⁷ unprecedented geopolitical events and their direct and indirect socio-economic consequences have considerably affected the Union's society and economy. In particular, it has become clearer than ever that the Union's energy security is indispensable for a successful, sustainable and inclusive recovery from the	(1) Since the adoption of Regulation (EU) 2021/241 of the European Parliament and of the Council establishing the Recovery and Resilience Facility, ⁸ unprecedented geopolitical events <i>triggered by Russia's unprovoked and illegal military invasion of Ukraine</i> and their direct and indirect socio-economic consequences have considerably affected the Union's society and economy, <i>its people and its economic, social and territorial cohesion</i> . In particular, it has become clearer than ever that the	(1) Since the adoption of Regulation (EU) 2021/241 of the European Parliament and of the Council establishing the Recovery and Resilience Facility, ⁹ unprecedented geopolitical events and their direct and indirect socio-economic consequences have considerably affected the Union's society and economy. In particular, it has become clearer than ever that the Union's energy security is indispensable for a successful, sustainable and inclusive recovery from the COVID-19 crisis, as it is also a major factor contributing to	

⁷ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

⁸ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

⁹ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

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		COVID-19 crisis, as it is also a major factor contributing to the resilience of the European economy.	Union's energy security <i>and energy independence</i> is indispensable for a successful, sustainable and inclusive recovery from the COVID-19 crisis, as it is also a major factor contributing to the resilience of the European economy.	the resilience of the European economy.	
12.	Rec. 2	(2) Due to the direct links between a sustainable recovery, building the Union's resilience and the Union's energy security, and its role for a just and inclusive transition, the Recovery and Resilience Facility is a well-suited instrument to contribute to the Union's response to these newly emerging challenges.	(2) Due to the direct links between a sustainable recovery, building the Union's resilience and the Union's energy security, <i>reducing dependence on fossil fuels, in particular from Russia</i> , and its role for a just and inclusive transition, the Recovery and Resilience Facility is a well-suited instrument to contribute to the Union's response to these newly emerging challenges, <i>while ensuring compliance with Union legislation^{10a} and with existing international commitments.</i>	(2) Due to the direct links between a sustainable recovery, building the Union's resilience and the Union's energy security, and its role for a just and inclusive transition, the Recovery and Resilience Facility is a well-suited instrument to contribute to the Union's response to these newly emerging challenges.	

^{10a} Council Directive 92/43/EEC, Directive 2009/147/EC, Directive 2000/60/EC, Regulation (EC) No 1367/2006, Regulation (EU) 2021/1767 and Proposal for a Regulation of the European Parliament and of the Council on nature restoration (COM(2022) 304 final).

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13.	Rec. 3	(3) The Versailles Declaration of 10-11 March 2022 of the Heads of States and Governments invited the Commission to propose by the end of May a REPowerEU plan to phase out the dependency on Russian fossil fuel imports, which was subsequently reiterated in the European Council Conclusions of 24-25 March 2022. This should be done well before 2030 in a way that is consistent with the EU's Green Deal and the climate objectives for 2030 and 2050 enshrined in the European Climate Law. Regulation (EU) 2021/241 should therefore be amended to enhance its ability to support reforms and investments dedicated to diversifying energy supplies, in particular fossil fuels, thereby strengthening the strategic autonomy of the Union alongside an open economy. Support should also be given to reforms and	(3) The Versailles Declaration of 10-11 March 2022 of the Heads of States and Governments invited the Commission to propose by the end of May a REPowerEU plan to phase out the dependency on Russian fossil fuel imports, which was subsequently reiterated in the European Council Conclusions of 24-25 March 2022. This should be done well before 2030 in a way that is consistent with the EU's Green Deal and the climate objectives for 2030 and 2050 enshrined in the European Climate Law. Regulation (EU) 2021/241 should therefore be amended to enhance its ability to support reforms and investments dedicated to diversifying energy supplies, in particular fossil fuels, <i>as well as to make the energy system more secure, affordable, accessible and sustainable, in particular with the uptake of renewables, energy efficiency</i>	(3) The Versailles Declaration of 10-11 March 2022 of the Heads of States and Governments invited the Commission to propose by the end of May a REPowerEU plan to phase out the dependency on Russian fossil fuel imports, which was subsequently reiterated in the European Council Conclusions of 24-25 March 2022. This should be done well before 2030 in a way that is consistent with the EU's Green Deal and the climate objectives for 2030 and 2050 enshrined in the European Climate Law. Regulation (EU) 2021/241 should therefore be amended to enhance its ability to support reforms and investments dedicated to diversifying energy supplies, in particular fossil fuels, thereby strengthening the strategic autonomy of the Union alongside an open economy. Support should also be given to reforms and investments increasing the energy	

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		investments increasing the energy efficiency of the Member States' economies.	<i>and increased energy storage capacity</i> , thereby strengthening the strategic autonomy of the Union alongside an open economy. Support should also be given to reforms and investments increasing the energy efficiency <i>and energy savings</i> of the Member States' economies <i>through better coherence with the Renewable Energy Directive, the Energy Efficiency Directive, the Energy Performance Buildings Directive and the Ecodesign for Sustainable Products Regulation</i> .	efficiency of the Member States' economies.	
14.	Rec. 3a (new)		<i>(3 a) The phasing out of dependency on Russian fossil fuel imports should lead to a reduction in the overall energy dependency of the Union. In line with the Recovery and Resilience Facility, the REPowerEU chapters of the recovery and resilience plans should contribute to increasing and</i>		

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			<i>strengthening the strategic autonomy of the Union, without excessively increasing its dependency on imports of raw materials from third countries.</i>		
15.	Rec. 4	(4) To maximise complementarity, consistency and coherence of policies and actions taken by the Union and Member States to foster independence and security of the Union's energy supply, these energy-related reforms and investments should be established through a dedicated 'REPowerEU chapter' of the recovery and resilience plans.	(4) To maximise complementarity, consistency and coherence of policies and actions taken by the Union and Member States to foster independence and security <i>and sustainability</i> of the Union's energy supply, these energy-related reforms and investments should be established through a dedicated 'REPowerEU chapter' of the recovery and resilience plans.	(4) To maximise complementarity, consistency and coherence of policies and actions taken by the Union and Member States to foster independence and security of the Union's energy supply, these energy-related reforms and investments should be established through a dedicated 'REPowerEU chapter' of the recovery and resilience plans.	
16.	Rec. 4a (new)		<i>(4a) In order to promote the objectives of the Treaty on the Functioning of the European Union related to economic, social and territorial cohesion, for the preparation of the REPowerEU chapters Member States should ensure that funds are distributed appropriately between regions,</i>		

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			<i>while taking into account the needs and challenges of each region.</i>		
17.	Rec. 4b (new)		<i>(4b) Particular considerations should be given to remote, peripheral and isolated regions and islands which already experience additional constraints.</i>		
18.	Rec. 5	(5) To maximise the scope of the Union's response, all Member States submitting a recovery and resilience plan after the entry into force of this Regulation should be required to include a REPowerEU chapter in their plan. This requirement should apply, in particular, to revised plans submitted by Member States from 30 June 2022 to take into account the updated maximum financial contribution.	(5) To maximise the scope of the Union's response, all Member States submitting a recovery and resilience plan after the entry into force of this Regulation should be required to include a REPowerEU chapter in their plan. This requirement should apply, in particular, to revised plans submitted by Member States from 30 June 2022 to take into account the updated maximum financial contribution. <i>Unnecessary administrative burden should be avoided.</i>	(5) To maximise the scope of the Union's response, all Member States submitting a recovery and resilience plan after the entry into force of this Regulation <u>that requests the use of additional funding under Article 14, Article 21a or Article 21b of Regulation (EU) 2021/241</u> should be required to include a REPowerEU chapter in their plan. <u>In accordance with Article 18 (3), and to ensure proper preparation of the REPowerEU chapters, Member States may submit a draft REPowerEU chapter before the submission of a modified</u>	

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				<u>recovery and resilience plan. This requirement should apply, in particular, to revised plans submitted by Member States from 30 June 2022 to take into account the updated maximum financial contribution.</u>	
19.	Rec. 6	(6) The REPowerEU chapter should include new reforms and investments contributing to the REPowerEU aims. Furthermore, that chapter should contain an outline of other measures, financed from sources other than the Recovery and Resilience Facility, contributing to the energy-related objectives outlined in recital (3). The outline should cover measures whose implementation should take place between 1 February 2022 to 31 December 2026, the period during which the objectives set by this Regulation are to be achieved. As regards natural gas infrastructure, the investments	(6) The REPowerEU chapter should include new reforms and investments contributing to the REPowerEU aims <i>and tackling the crisis effect caused by the Russian military aggression against Ukraine.</i> Furthermore, that chapter should contain an outline of other measures, financed from sources other than the Recovery and Resilience Facility, contributing to the energy-related objectives outlined in recital (3). The outline should cover measures whose implementation should take place between 1 February 2022 to 31 December 2026, the period during which the objectives set by this	(6) The REPowerEU chapter should include new reforms and investments contributing to the REPowerEU aims, <u>meaning those that are not included in the already adopted Council Implementing Decision. However, other relevant measures contributing to the REPowerEU objectives can be included in the REPowerEU chapter, if the Member State concerned is subject to a downwards update of its maximum financial contribution.</u>	

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		and reforms of the REPowerEU chapters to diversify supply away from Russia should build on the needs currently identified through the assessment conducted and agreed by the European Network of Transmission System Operators for Gas (ENTSOG), established in the spirit of solidarity as regards security of supply and take into account the reinforced preparedness measures taken to adapt to new geopolitical threats. Finally, the REPowerEU chapters should provide an explanation and a quantification of the effects of the combination of the reforms and investments financed by the Recovery and Resilience Facility and the other measures financed by other sources than the Recovery and Resilience Facility.	Regulation are to be achieved. <i>It is imperative to swiftly increase investment in energy efficiency measures, such as the uptake of sustainable and efficient heating and cooling solutions, that present a sustainable and effective way to address some of the most pressing challenges of energy supply and energy cost. In view of the social impact of persistently high and volatile energy prices and in recognition of the principles of the European Pillar of Social Rights, particular emphasis should be given to addressing energy poverty, through supporting energy-poor and vulnerable consumers.</i> As regards natural gas infrastructure, the investments and reforms of the REPowerEU chapters to diversify supply away from Russia should build on the needs currently identified through the assessment conducted and agreed		

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			<p>by the European Network of Transmission System Operators for Gas (ENTSOG), established in the spirit of solidarity as regards security of supply and take into account the reinforced preparedness measures, <i>including energy storage</i>, taken to adapt to new geopolitical threats, <i>as well as make a long term contribution to the green transition by being hydrogen-ready. There should be a significant proportion of measures in the chapter that have cross-border or multi-country dimension or effects, contributing, among other things, to European added value.</i> Finally, the REPowerEU chapters should provide an explanation and a quantification of the effects of the combination of the reforms and investments financed by the Recovery and Resilience Facility and the other measures financed by other sources than the</p>		

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			Recovery and Resilience Facility.		
20.	Rec. 6a (new)			<u>(6a) The scaled-up part of measures included in the already adopted Council Implementing Decision may be included in the REPowerEU chapter together with the corresponding milestones and targets. Such scale-up should introduce a substantive improvement in the level of ambition of the measure, as reflected in the design or level of the corresponding milestones and targets, while building on the measures included in the already adopted Council Implementing Decision.</u>	
21.	Rec. 6b (new)			<u>(6b) Member States should submit the chapter in the form of an addendum to their consolidated plans. Furthermore, that chapter should provide an explanation on how the measures included in the chapter are coherent with the efforts of the Member State concerned to</u>	

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				<p>achieve the REPowerEU objectives, taking into account the measures in the already adopted Council Implementing Decision contain an outline of other measures, financed from sources other than the Recovery and Resilience Facility, contributing to the energy-related objectives outlined in recital (3). The outline should cover measures whose implementation should take place between 1 February 2022 to 31 December 2026, the period during which the objectives set by this Regulation are to be achieved. As regards natural gas infrastructure, the investments and reforms of the REPowerEU chapters to diversify supply away from Russia should build on the needs currently identified through the assessment conducted and agreed by the European Network of Transmission System Operators</p>	

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				for Gas (ENTSOG), established in the spirit of solidarity as regards security of supply and take into account the reinforced preparedness measures taken to adapt to new geopolitical threats. Finally, the REPowerEU chapters should provide an explanation and a quantification of the effects of the combination of the reforms and investments financed by the Recovery and Resilience Facility and the other measures financed by other sources than the Recovery and Resilience Facility.	
22.	Rec. 6a (new)		<i>(6a) An effective transition towards green energy and a rapid reduction of energy dependency should take into account the newly emerging challenges faced by households and micro-, small and medium enterprises, especially the most vulnerable ones. Such challenges relate to energy poverty, that is the</i>		

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			<i>inability, linked to non-affordability, to meet basic energy supply needs and a lack of access to essential energy services to guarantee basic levels of comfort and health, a decent standard of living and health, including adequate heating, hot water, cooling, lighting, and energy to power appliances, in the relevant national context, existing social policy and other relevant policies, caused by high energy expenditures and poor energy efficiency of homes and building.</i>		
23.	Rec. 6b (new)		<i>(6b) Furthermore, the current geopolitical context requires the Union to act in order to preserve its energy security, that is the continuous and uninterrupted availability of energy, security of supply and technical safety achievable by increasing efficiency and interoperability of transmission and distribution</i>		

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			<i>networks, promoting system flexibility, avoiding congestions, ensuring resilient supply chains, cybersecurity and the protection and climate adaptation of all, and in particular, critical infrastructure while reducing strategic energy dependencies.</i>		
24.	Rec. 7	(7) An appropriate assessment criterion should be added to serve as a basis for the Commission to assess reforms and investments included in the REPowerEU chapter sand to ensure that reforms and investments are fit for achieving the specific REPowerEU-related objectives. An A rating should be required under this new assessment criterion for the relevant recovery and resilience plan to be positively assessed by the Commission.	(7) An appropriate assessment criterion should be added to serve as a basis for the Commission to assess reforms and investments included in the REPowerEU chapter sand to ensure that reforms and investments are fit for achieving the specific REPowerEU-related objectives. An A rating should be required under this new assessment criterion for the relevant recovery and resilience plan to be positively assessed by the Commission.	(7) An appropriate assessment criterion should be added to serve as a basis for the Commission to assess reforms and investments included in the REPowerEU chapter and to ensure that reforms and investments are fit for achieving the specific REPowerEU-related objectives. An A rating should be required under this new assessment criterion for the relevant recovery and resilience plan to be positively assessed by the Commission.	
25.	Rec. 7a (new)		<i>(7a) The effective transition towards green energy and a rapid reduction in energy dependency</i>		

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			<i>in an inclusive way call for measures to boost energy efficiency and savings in buildings and decarbonise faster industries. To accelerate Europe's green transition, the share of sustainable and renewable energies in the energy mix needs to increase and measures need to be taken to and address infrastructure bottlenecks and labour and skill shortages. The potential of digital skill and technologies to serve the green transition should be exploited.</i>		
26.	Rec. 8	(8) Investments in infrastructure and technologies alone are not sufficient to ensure a reduction of dependency from fossil fuels. Resources should be dedicated to the reskilling and upskilling of people, to further equip the workforce with green skills. This is in line with the objective of the European Social Fund Plus,	(8) Investments in infrastructure and technologies alone are not sufficient to ensure a reduction of dependency from fossil fuels. Resources should be dedicated to the reskilling and upskilling of people, to further equip the workforce with green skills. This is in line with the objective of the European Social Fund Plus, which	(8) Investments in infrastructure and technologies alone are not sufficient to ensure a reduction of dependency from fossil fuels. Resources <u>should can be also be</u> dedicated to the reskilling and upskilling of people, to further equip the workforce with green skills <u>as well as to the research and the development of</u>	

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		which aims at supporting Member States in achieving a skilled and resilient workforce ready for the future world of work. In light of this, resources transferred from the European Social Fund Plus should help support measures for the reskilling and upskilling of the workforce. The Commission will assess whether the measures included in the REPowerEU chapters significantly contribute to supporting a requalification of the workforce towards green skills.	aims at supporting Member States in achieving a skilled and resilient workforce ready for the future world of work. In light of this, resources <i>requested</i> from the European Social Fund Plus <i>envelope to support the objectives of REPowerEU</i> should help support measures for the reskilling and upskilling of the workforce. The Commission will assess whether the measures included in the REPowerEU chapters significantly contribute to supporting a requalification of the workforce towards green skills.	<u>innovative solutions linked to the green transition.</u> This is in line with the objective of the European Social Fund Plus, which aims at supporting Member States in achieving a skilled and resilient workforce ready for the future world of work. In light of this, resources transferred from the European Social Fund Plus should help support measures for the reskilling and upskilling of the workforce. The Commission will assess whether the measures included in the REPowerEU chapters significantly contribute to supporting a requalification of the workforce towards green skills.	
27.	Rec. 8a (new)			<u>(8a) In light of the current energy crisis, where high energy prices are aggravating the impact of the COVID-19 crisis, by further increasing the financial burden of consumers, in particular for households with</u>	

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				<u>low income or vulnerable companies, the REPowerEU chapters can also include measures to help structurally address situations of energy poverty, through long-lasting investments and reforms. Such reforms and investments should provide a higher level of financial support in energy efficiency schemes, clean energy policies and schemes to reduce energy demand for those households and companies facing severe difficulties due to high energy bills. Energy demand-reduction measures taken by Member States should take into account the principles set by the Council Regulations on energy demand-reduction measures.</u>	
28.	Rec. 9	(9) The application of this regime should be without prejudice to all other legal requirements under Regulation (EU) 2021/241 unless this Regulation provides	(9) The application of this regime should be without prejudice to all other legal requirements under Regulation (EU) 2021/241 unless this Regulation provides	(9) The application of this regime should be without prejudice to all other legal requirements under Regulation (EU) 2021/241 unless this Regulation provides otherwise.	

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		otherwise.	otherwise.		
29.	Rec. 9a (new)		<i>(9a) The measures in the REPowerEU chapters should not undermine the overall green and digital levels of ambition of the already adopted Council implementing decisions approving the recovery and resilience plans.</i>		
30.	Rec. 10	(10) The recovery and resilience plan, including the REPowerEU chapter, should contribute to effectively addressing all or a significant subset of the challenges identified in the relevant country-specific recommendations, including the country-specific recommendations to be adopted under the 2022 Semester cycle which refer inter alia to the energy challenges that Member States are facing.	(10) The recovery and resilience plan, including the REPowerEU chapter, should contribute to effectively addressing all or a significant subset of the challenges identified in the relevant country-specific recommendations, including the country-specific recommendations to be adopted under the 2022 Semester cycle which refer inter alia to the energy challenges that Member States are facing.	(10) The recovery and resilience plan, including the REPowerEU chapter, should contribute to effectively addressing all or a significant subset of the challenges identified in the relevant country-specific recommendations, including the country-specific recommendations to be adopted under the 2022 Semester cycle which refer inter alia to the energy challenges that Member States are facing.	
31.	Rec. 11	(11) An effective transition towards green energy and a	(11) An effective transition towards green energy and a reduction of energy dependency	(11) An effective transition towards green energy and a reduction of energy dependency	

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		reduction of energy dependency involves significant digital investments. In light of Regulation (EU) 2021/241, Member States should provide an explanation of how the measures in the recovery and resilience plan, including those included in the REPowerEU chapter, are expected to contribute to the digital transition or the challenges resulting therefrom and whether they account for an amount contributing to the digital target based on the methodology for digital tagging. However, given the unprecedented urgency and importance of energy challenges faced by the Union, reforms and investments included in the REPowerEU chapter should not be taken into account when calculating the plan's total allocation for the purpose of applying the digital target requirement set by Regulation	involves significant digital investments. In light of Regulation (EU) 2021/241, Member States should provide an explanation of how the measures in the recovery and resilience plan, including those included in the REPowerEU chapter, are expected to contribute to the digital transition or the challenges resulting therefrom and whether they account for an amount contributing to the digital target based on the methodology for digital tagging. However, given the unprecedented urgency and importance of energy challenges faced by the Union, reforms and investments included in the REPowerEU chapter should not be taken into account when calculating the plan's total allocation for the purpose of applying the digital target requirement set by Regulation (EU) 2021/241. <i>Nonetheless,</i>	involves significant digital investments. In light of Regulation (EU) 2021/241, Member States should provide an explanation of how the measures in the recovery and resilience plan, including those included in the REPowerEU chapter, are expected to contribute to the digital transition or the challenges resulting therefrom and whether they account for an amount contributing to the digital target based on the methodology for digital tagging. However, given the unprecedented urgency and importance of energy challenges faced by the Union, reforms and investments included in the REPowerEU chapter should not be taken into account when calculating the plan's total allocation for the purpose of applying the digital target requirement set by Regulation (EU) 2021/241.	

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		(EU) 2021/241.	<i>Member States should endeavour to include, to the maximum extent possible, in the REPowerEU chapter measures that contribute to the digital target on the basis of the methodology for digital tagging.</i>		
32.	Rec. 11a (new)		<i>(11a) The excessive duration of administrative procedures is one of the main obstacles to the deployment of renewable energy projects in accordance with the objectives set for investments in renewables. These barriers include the complexity of the applicable rules for site selection and administrative authorisations for projects, the complexity and duration of the assessment of the environmental impacts of the projects, or the lack of sufficient staff of the permit-granting authorities. Further simplification and shortening of the administrative permit-granting processes,</i>		

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			<i>including shorter and clearer deadlines for decisions to be taken by competent authorities, is necessary to ensure that the Union achieves its energy and climate targets. In order to accelerate the permit-granting processes, the Commission should support Member States to identify areas particularly suitable for the deployment of renewable energy projects while fully applying the relevant environmental acquis, for which deadlines can be shorter.</i>		
33.	Rec. 12	(12) Pursuant to Article 18(4) point (q) of Regulation (EU) 2021/241, the Member States should also provide a summary of the consultation process of local and regional authorities and other relevant stakeholders, including, as relevant, from the agricultural sector, for reforms and investments included in the REPowerEU chapter. Such	(12) Pursuant to Article 18(4) point (q) of Regulation (EU) 2021/241, the Member States should also provide a <i>detailed report</i> of the <i>mandatory and adequate</i> consultation process of local and regional authorities, <i>social partners as well as NGOs</i> and other relevant stakeholders <i>relevant to reach the REPowerEU objectives</i> ,	(12) Pursuant to Article 18(4) point (q) of Regulation (EU) 2021/241, the Member States should also provide a summary of the consultation process of local and regional authorities and other relevant stakeholders, including, as relevant, from the agricultural sector, for reforms and investments included in the REPowerEU chapter. Such	

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		summaries should explain the outcome of those consultations and outline how the input received was reflected in REPowerEU chapters.	including, as relevant, from the agricultural sector, for reforms and investments included in the REPowerEU chapter. Such summaries should <i>depict the timeline and stages of those consultations, note the stakeholders consulted</i> , explain the outcome of those consultations and outline how the input received was reflected in REPowerEU chapters, <i>which input was not reflected and for which reason and how the local and regional authorities and other relevant stakeholders will be involved in the implementation of the REPowerEU chapter and its monitoring. Subject to national legal frameworks, Member States are invited to involve national parliaments in debates related to the modification of the plans. Union standards on public participation and in particular</i>	summaries should explain the outcome of those consultations and outline how the input received was reflected in REPowerEU chapters.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>the Code of Conduct on Partnership could serve as inspiration to the national authorities when conducting the consultation process.</i>		
34.	Rec. 13	(13) The application of the ‘do no significant harm’ principle is essential to ensure that the investments and reforms undertaken as part of the recovery from the pandemic are implemented in a sustainable manner. It should continue to apply to the reforms and investments supported by the Facility, with one targeted exemption to safeguard the EU’ immediate energy security concerns. Considering the objective of diversifying energy supplies away from Russian suppliers, the reforms and investments set out in those REPowerEU chapters which aim to improve energy infrastructure and facilities to meet immediate	(13) The application of the ‘do no significant harm’ principle is essential to ensure that the investments and reforms undertaken as part of the recovery from the pandemic are implemented in a sustainable manner. It should continue to apply to the reforms and investments supported by the Facility, with one targeted <i>and narrow exemption related to reforms and investments that are to be in operation by 31 December 2024</i> to safeguard the EU’ immediate energy security concerns, <i>provided that a set of cumulative conditions apply. The total amount of resources for reforms and investments benefiting from that exemption</i>	(13) The application of the ‘do no significant harm’ principle is essential to ensure that the investments and reforms undertaken as part of the recovery from the pandemic are implemented in a sustainable manner. It should continue to apply to the reforms and investments supported by the Facility, with one targeted <u>exemption derogation</u> to safeguard the EU’ immediate energy security concerns. Considering the objective of diversifying energy supplies away from Russian suppliers, the reforms and investments set out in those REPowerEU chapters which aim to improve energy infrastructure and facilities to meet immediate security of supply needs	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		security of supply needs for oil and gas should not be required to comply with the principle of ‘do no significant harm’ and should therefore be exempted from such assessment.	<i>should be limited to a maximum amount to be established by the Commission following a comprehensive needs-based assessment for immediate infrastructure needs. Such assessment should update the May 2022 estimates by the Commission according to which, to import sufficient LNG and pipeline gas from other suppliers, investments estimated at EUR 10 billion will be required by 2030 for a sufficient level of gas infrastructure, including LNG import terminals, pipelines, to connect underutilised LNG import terminals and the EU network, and reverse flow capacities.</i>	for oil and gas, <u>including storage facilities</u> , should not be required to comply with the principle of ‘do no significant harm’ and should therefore be exempted from such assessment. <u>When derogating from this principle, Member States should undertake best efforts to limit the adverse climate and environmental impact of the measures concerned. This targeted derogation should not hinder the overall progression towards the 2050 climate neutrality target.</u>	
35.	Rec. 13a (new)		<i>(13a) The REPowerEU chapters should be consistent with the National Energy and Climate Plans of that Member State and with the Union climate targets set out in Regulation (EU)</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>2021/1119.</i>		
36.	Rec. 13b (new)		<i>(13b) The REPowerEU chapter should include measures having a cross-border or multi-country dimension or effect. Close cooperation between the Commission and the Member States should be sought and achieved throughout the process. Moreover, Member States should be encouraged to co-operate among themselves as early as possible with a view to developing measures having a cross-border or multi-country dimension or effect to be included in the REPowerEU chapters.</i>		
37.	Rec. 14	(14) Further incentives should be provided for Member States to request loans, through the clarification of the loan allocation procedure. In accordance with Regulation (EU) 2021/241, Member States may request loans until 31 August 2023. An	(14) Further incentives should be provided for Member States to request loans, through the clarification of the loan allocation procedure. In accordance with Regulation (EU) 2021/241, Member States may request loans until 31 August 2023, <i>provided</i>	(14) Further incentives should be provided for Member States to request loans <u>through the clarification of the loan allocation procedure to ensure the uptake of the available funds by Member States while complying with the principles of</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		intention to submit a loan request should be communicated to the Commission 30 days after the entry into force of this Regulation so that the redistribution of the remaining funds can be conducted in an orderly manner.	<i>that they have informed the Commission of their intention to request such loan support.</i> An intention to submit a loan request should be communicated to the Commission 30 days after the entry into force of this Regulation so that the redistribution of the remaining funds can be conducted in an orderly manner <i>and for the Member States to request such support. When expressing the intention to request loan support and when submitting such loan request, Member States should act in good faith and, as far as possible, effectively request such support, so to ensure predictability and effectiveness of the redistribution. The Commission should inform, simultaneously, on equal terms and without undue delay, the European Parliament and the Council about the status of the loan requests and the proposed</i>	<u>equal treatment, solidarity, proportionality and transparency. In accordance with Regulation (EU) 2021/241, Member States may request loans until 31 August 2023. An intention to submit a loan request should be communicated. To this end, Member States should communicate to the Commission 30 their intention to submit or not a loan request 45 days after the entry into force of this Regulation so that the redistribution of the remaining funds can be conducted in an orderly manner. The Commission will present without undue delay an overview of the intentions expressed by the Member States and the proposed way forward for the distribution of the available resources. This should by no means prejudice the ability of Member States to</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>allocation of the loan supports.</i>	<u>request loan support until 31 August 2023 in conformity with Article 14 of Regulation (EU) 2021/241.</u>	
38.	Rec. 14a (new)		<i>(14 a) Member States are encouraged to submit the REPowerEU chapters as soon as possible and preferably within two months of the entry into force of this amending Regulation to foster synergies among the REPowerEU chapters in the national recovery and resilience plans. In order to ensure swift implementation, the Commission and the Council should conclude the assessment and approval of the recovery and resilience plans amended with the inclusion of the REPowerEU chapters as early as possible ideally within one month after the entry into force of this amending Regulation. Likewise, the Commission and the Member States are strongly encouraged to</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>conclude operational arrangements at the latest one month after the adoption of the Council implementing decision. To this effect, the Commission and the Member States are encouraged to build on the experience of the prior negotiations for the operational agreements already concluded.</i>		
39.	Rec. 15	(15) In addition, to incentivise a high level of ambition for reforms and investments to be included in the REPowerEU chapter, new dedicated funding sources should be provided.	(15) In addition, to incentivise a high level of ambition for reforms and investments to be included in the REPowerEU chapter, new dedicated funding sources should be provided.	(15) In addition, to incentivise a high level of ambition for reforms and investments to be included in the REPowerEU chapter, new dedicated funding sources should be provided.	
40.	Rec. 15a (new)		<i>(15 a) The Commission adopted a proposal for a Council regulation on an emergency intervention to address high energy prices that includes a solidarity contribution for the fossil industry applicable in all Member States. A proportion of the revenue generated by this new contribution could be made</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>available in the form of external assigned revenue for the benefit of the REPowerEU chapters commensurate to the needs for achieving the REPowerEU objectives.</i>		
41.	Rec. 16	(16) While extending the current intake rate of allowances to the Market Stability Reserve is needed to prevent in long term a significant increase of the surplus of allowances in the greenhouse gas emission allowance trading within the Union, the current economical and geopolitical situation requires the Union to mobilise available resources to rapidly diversify Union's energy supply and reduce dependence on fossil fuels before 2030. In this context, Decision (EU) 2015/1814 of the European Parliament and of the Council ¹¹	(16) The current economical and geopolitical situation requires the Union to mobilise available resources to rapidly diversify Union's energy supply and reduce dependence on fossil fuels before 2030. In this context, Directive 2003/87/EC of the European Parliament and of the Council ¹³ should be amended to frontload the auctioning of allowances from the cap towards reforms and investments contributing to REPowerEU objectives, in the Recovery and Resilience Facility framework. In keeping with the objectives of Directive 2003/87/EC, such revenues	(16) While extending the current intake rate of allowances to the Market Stability Reserve is needed to prevent in long term a significant increase of the surplus of allowances in the greenhouse gas emission allowance trading within the Union, The current economical and geopolitical situation requires the Union to mobilise available resources to rapidly diversify Union's energy supply and reduce dependence on fossil fuels before 2030. In this context, Decision (EU) 2015/1814 of the European Parliament and of the Council¹⁴ and Directive 2003/87/EC of the	

¹¹ Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC, OJ L 264/1

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		and Directive 2003/87/EC of the European Parliament and of the Council ¹² should be amended to extend the doubling of the 24% intake rate of the Market Stability Reserve until 2030, while allowing for an exceptional release and monetisation of a portion of allowances from the Market Stability Reserve and directing revenues towards reforms and investments contributing to REPowerEU objectives, in the Recovery and Resilience Facility framework.	should not support investments in fossil fuel infrastructure or facilities.	European Parliament and of the Council ¹⁵ should be amended to extend the doubling of the 24% intake rate of the Market Stability Reserve until 2030, <u>while allowing</u> allow for an exceptional release <u>and</u> monetisation of a portion of allowances from the Market Stability Reserve <u>Innovation Fund</u> <u>and of allowances allocated to Member States for auctioning</u> and directing to <u>direct</u> revenues towards reforms and investments contributing to REPowerEU objectives, in the Recovery and Resilience Facility framework. <u>The auctioning of Member State allowances should also be</u>	

¹³ 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 (OJ L 275, 25.10.2003, p. 32).

¹⁴ ~~Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC, OJ L 264/1~~

¹² 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

¹⁵ 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

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
				<u>frontloaded.</u>	
42.	Rec. 16a (new)		<i>(16 a) The current intake rate of allowances to the Market Stability Reserve is needed to prevent in the long term a significant increase of the surplus of allowances in the greenhouse gas emission allowance trading within the Union. Therefore, Decision (EU) 2015/1814 of the European Parliament and of the Council^{16a} and Directive 2003/87/EC should be amended to extend the doubling of the intake rate of the Market Stability Reserve to 24 % until 2030 and to reduce the upper and buffer thresholds in proportion to the reduction of the Union-wide quantity of allowances as from 2025.</i>		
43.	Rec. 16b (new)		<i>(16 b) The Commission should identify additional sources to complement the financing for the</i>		

^{16a} Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (OJ L 264, 9.10.2015, p. 1)

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>REPowerEU chapters, including by providing flexibility related to unspent funds.</i>		
44.	Rec. 16c (new)		<i>(16 c) For the allocation of the maximum financial contributions stemming from the new revenues for the REPowerEU chapters, the methodology set out in [Annexes I / II /II] should be updated to take into account of the new geopolitical situation and changed circumstances. Such indicators could include one or more of the following: energy dependency rate, in particular dependency on third countries, notably Russia; increase of energy-related costs of households for essential goods and services; share of fossil fuels in gross inland energy consumption.</i>		
45.	Rec. 17	(17) Regulation (EU) 2021/1060	<i>(17) In order to provide Member States and regions with sufficient</i>	(17) Regulation (EU) 2021/1060 of the European Parliament and of the	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		of the European Parliament and of the Council ¹⁷ should be amended to provide for the possibility to transfer up to 7.5% of resources of shared management programmes governed by that Regulation to the Facility for the achievement of the REPowerEU objectives, in addition to the existing transfer possibility of up to 5%. Such a possibility is justified by the need to cover REPowerEU objectives, providing Member States with	<i>flexibility in addressing the newly emerging challenges</i> , Regulation (EU) 2021/1060 of the European Parliament and of the Council ¹⁸ should be amended to provide for the possibility to <i>request</i> up to 7.5% of resources <i>under</i> shared management programmes <i>to contribute to</i> the REPowerEU objectives <i>as established in Regulation (EU) 2021/241 by supporting measures referred to in Article 21c(1)(b) thereof with the exception of fossil-free</i>	Council ¹⁹ should be amended to provide for the possibility, <u>at the request of the Member State concerned</u> , to transfer up to 7.5% of resources of shared management programmes governed by that Regulation to the Facility for the achievement of the REPowerEU objectives, in addition to the existing transfer possibility of up to 5%. Such a possibility is justified by the need to cover REPowerEU objectives, providing Member States with additional	

¹⁷ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

¹⁸ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

¹⁹ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		additional flexibility to address those urgent needs. Furthermore, the Facility allows for a fast disbursement of funds, making it particularly well suited for financing of urgent energy-related measures. Such transfers should be justified by a higher financial need linked to additional reforms and investments included in the REPowerEU chapter.	<i>hydrogen, in Article 21c(1)(c) thereof with the exception of facilities dedicated to transport fossil fuels, and in Article 21c(1)(d) thereof while simplifying procedural requirements linked to programme implementation</i> , in addition to the existing transfer possibility of up to 5%, <i>provided that the latter is fully exhausted</i> . Such ■ possibility is justified by the need to cover REPowerEU objectives, providing Member States <i>and regions</i> with additional flexibility <i>that is crucial</i> to address those urgent needs <i>and</i> should be justified by a higher financial need linked to additional ■ investments included in the REPowerEU chapter <i>of Regulation (EU) 2021/241</i> .	flexibility to address those urgent needs. Furthermore, the Facility allows for a fast disbursement of funds, making it particularly well suited for financing of urgent energy-related measures. Such transfers should be justified by a higher financial need linked to additional reforms and investments included in the REPowerEU chapter.	
46.	Rec. 17a (new)		<i>(17a) The EU ETS was established to create an efficient, predictable and market driven system for reducing emissions</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>and tackling the climate crises. While the amendment of Directive 2003/87/EC is justified by an exceptional situation, it remains important not to undermine trust in the EU ETS market through short-term interventions, and this amendment should therefore be seen as a one-off measure, which will not be repeated.</i>		
47.	Rec. 17b (new)		<i>(17b) In order to provide additional flexibility to Member States for the reallocation of resources with a view to providing tailor-made responses to the energy crisis, the Commission should assess the possibility of allowing financial transfers under the Investment for growth and jobs goal between the ERDF, the ESF and the Cohesion Fund for both programming periods.</i>		
48.	Rec. 18	(18) Regulation (EU) 2021/2115 of the European Parliament and	<i>Deleted</i>	(18) Regulation (EU) 2021/2115 of the European Parliament and of the	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		of the Council ²⁰ should also be amended to allow for a possibility to deliver up to 12.5% of the European Agricultural Fund for Rural Development through the Recovery and Resilience Facility. Such method of delivery is justified by complementarity and synergies between these instruments with regard to the objectives of reducing the use of synthetic fertilisers, or increasing production of sustainable biomethane or renewable energy, in accordance with the objectives of the Common Agricultural Policy set out in Article 39 of		Council ²¹ should also be amended to allow for a possibility, <u>at the request of the Member State concerned</u> , to deliver up to 12.5% of the European Agricultural Fund for Rural Development through the Recovery and Resilience Facility. Such method of delivery is justified by complementarity and synergies between these instruments with regard to the objectives of reducing the use of synthetic fertilisers, or increasing production of sustainable biomethane or renewable energy, in accordance with the objectives of the Common Agricultural Policy	

²⁰ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

²¹ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		TFEU. The delivery via the Recovery and Resilience Facility should accelerate the disbursement of funds to beneficiaries from the agricultural sector which is vital considering the urgency of the energy-related objectives.		set out in Article 39 of TFEU. The delivery via the Recovery and Resilience Facility should accelerate the disbursement of funds to beneficiaries from the agricultural sector which is vital considering the urgency of the energy-related objectives.	
49.	Rec. 18a (new)			<u>(18a) Regulation (EU) 2021/1755 of the European Parliament and of the Council should also be amended to allow for the possibility, at the request of the Member State concerned, to transfer all or part of its provisional allocation from the resources of the Brexit Adjustment Reserve to the Recovery and Resilience Facility. The Covid-19 crisis, aggravated by the threat to the Union's energy security, has exacerbated the negative repercussions of the withdrawal of the United Kingdom from the Union in Member States, including their</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
				<u>regions and local communities, and sectors, in particular in those that are most adversely affected by the withdrawal. The measures to be funded under the Brexit Adjustment Reserve and the reforms and investments to be funded under the Recovery and Resilience Facility may serve similar purposes and have similar content. Both the Reserve and the Facility aim ultimately at mitigating the negative impacts on economic, social and territorial cohesion. In this context, whilst reforms and investments under the Facility must primarily aim at addressing the economic consequences of the pandemic, they may also contribute at countering unforeseen and adverse consequences in Member States and sectors that are worst affected by Brexit. Finally, commitments and</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
				<u>payment appropriations under both the Reserve and the Facility are entered over and above the ceilings of the multiannual financial framework (MFF). Under this scenario, and bearing in mind the global energy market disruption caused by the more recent geopolitical developments, it is appropriate to provide flexibility to Member States by allowing transfers from the Reserve to the Facility, which permit to cater for the objectives of both and ultimately bring about economic, social and territorial cohesion.</u>	
50.	Rec. 19	(19) Disbursements under REPowerEU shall be made following the rules of the Recovery and Resilience Facility until the end of 2026. Payments in relation to the resources transferred from shared management funds shall be subject to the availability of funds	(19) Disbursements under REPowerEU shall be made following the rules of the Recovery and Resilience Facility until the end of 2026. Payments in relation to the resources <i>requested under Article 26a of Regulation (EU) 2021/1060 shall be made following the rules of Regulation</i>	(19) Disbursements under REPowerEU shall be made following the rules of the Recovery and Resilience Facility until the end of 2026. Payments in relation to the resources transferred from shared management funds shall be subject to the availability of funds approved in the annual EU budget.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		approved in the annual EU budget.	<i>(EU) 2021/1060 and the respective fund-specific regulations and</i> shall be subject to the availability of funds approved in the annual EU budget.		
51.	Rec. 20	(20) A request for a dedicated funding for REPowerEU measures, including allocation from the Market Stability Reserve, transfers from the funds governed by Regulation (EU) 2021/1060 and allocated from European Agricultural Fund for Rural Development, submitted in a plan, should be justified by a higher financial need linked to additional reforms and investments included in the REPowerEU chapter.	(20) A request for a dedicated funding for REPowerEU measures, including <i>allowances for auctioning frontloaded within the EU ETS, under Article 26a of</i> Regulation (EU) 2021/1060 ■ should be justified by a higher financial need linked to additional reforms and investments included in the REPowerEU chapter.	(20) A request for a dedicated funding for REPowerEU measures, including allocation from <u>auctioning of ETS allowances the</u> Market Stability Reserve , transfers from the funds governed by Regulation (EU) 2021/1060 and allocated from European Agricultural Fund for Rural Development, submitted in a plan, should be justified by a higher financial need linked to <u>additional</u> reforms and investments included in the REPowerEU chapter.	
52.	Rec. 20a (new)		<i>(20 a) To ensure that the financial support is frontloaded to better respond to the current energy crisis, upon request of a Member State to be submitted together with the REPowerEU</i>	<u>(20a) To ensure that the financial support is frontloaded to better respond to the current energy crisis, upon request of a Member State to be submitted together with the REPowerEU chapter in</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>chapter in a revised recovery and resilience plan, an amount of up to 20 % of the additional funding required to finance its REPowerEU chapter can be paid in the form of a pre-financing within, to the extent possible and subject to availability of funds, two months after the adoption by the Commission of the legal commitments.</i>	<u>a modified recovery and resilience plan, an amount of the additional funding required to finance measures of its REPowerEU chapter can be paid in the form of a pre-financing within, to the extent possible, two months after the adoption by the Commission of the legal commitment referred to in Article 23 of Regulation (EU) 2021/241, subject to available resources.</u>	
53.	Rec. 20b (new)			<u>(20b) In order to comply with the multiannual financial framework payment ceilings, a capping should be established for payments corresponding to the pre-financing for amounts transferred under the provisions of Regulation (EU) 2021/1060 and Regulation (EU) 2021/2115.</u>	
54.	Rec. 21	(21) The Commission should monitor the implementation of reforms and investments outlined in the REPowerEU chapter and	(21) The Commission should monitor the implementation of reforms and investments outlined in the REPowerEU chapter and	(21) The Commission should monitor the implementation of reforms and investments outlined in the REPowerEU chapter and	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		their contribution to the REPowerEU objectives, as established in Regulation (EU) 2021/241.	their contribution to the REPowerEU objectives, as established in Regulation (EU) 2021/241.	their contribution to the REPowerEU objectives, as established in Regulation (EU) 2021/241.	
55.	Rec. 22	(22) Recent geopolitical events have affected prices of energy and construction materials and have also caused shortages in the global supply chains. These developments may have a direct impact on the capacity to implement some investments included in the recovery and resilience plans. To the extent that Member States can demonstrate that such developments make a specific milestone or target, either totally or partially, no longer achievable, such situations may be invoked as objective circumstances under Article 21. These developments cannot constitute objective circumstances for revising reforms, as reforms are generally not cost dependent. In addition,	(22) Recent geopolitical events have <i>considerably</i> affected prices of energy, <i>food</i> and construction materials and have also caused shortages in the global supply chains, <i>resulted in increased inflation and generated new challenges, including risk of energy poverty and higher cost of living</i> . These developments may have a direct impact on the capacity to implement <i>measures</i> included in the recovery and resilience plans. To the extent that Member States can demonstrate that such developments make a specific milestone or target, either totally or partially, no longer achievable, such situations may be invoked as objective circumstances under Article 21. <i>Moreover, to the extent Member</i>	(22) Recent geopolitical events have affected prices of energy and construction materials and have also caused shortages in the global supply chains. These developments may have a direct impact on the capacity to implement some investments included in the recovery and resilience plans. To the extent that Member States can demonstrate that such developments make a specific milestone or target, either totally or partially, no longer achievable, such situations may be invoked as objective circumstances under Article 21. These developments cannot constitute objective circumstances for revising reforms, as reforms are generally not cost dependent. In addition, no request for amendments should undermine	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		no request for amendments should undermine the overall implementation of the recovery and resilience plans.	<i>States can demonstrate that the achievement of a specific milestone or target conflicts with the achievement of the Facility's objectives including the REPowerEU objectives, such situations may also be invoked as objective circumstances under Article 21.</i> In addition, no request for amendments should undermine the overall implementation of the recovery and resilience plans. <i>Member States should also ensure that proposals to amend their recovery and resilience plans respond to challenges stemming from recent geopolitical events;</i>	the overall implementation of the recovery and resilience plans.	
56.		HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
57.	Article 1 Title	Article 1	<i>Article 1</i>	<i>Article 1</i>	
58.	Article 1 - para 1 - introductory part	Regulation (EU) 2021/241 is amended as follows:	Regulation (EU) 2021/241 is amended as follows:	Regulation (EU) 2021/241 is amended as follows:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
59.	Article 1 - para 1 - point 1 - introductory part	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following:	(1) In Article 4, paragraph 1 is replaced by the following:	
60.	Article 1 - para 1 - point 1 <i>Regulation (EU) 2021/241 Article 4 – paragraph 1</i>	‘1. In line with the six pillars referred in Article 3 of this Regulation, the coherence and synergies they generate, and in the context of the COVID-19 crisis, the general objective of the Facility shall be to promote the Union’s economic, social and territorial cohesion by improving the resilience, crisis preparedness, adjustment capacity and growth potential of the Member States, by mitigating the social and economic impact of that crisis, in particular on women, by contributing to the implementation of the European Pillar of Social Rights, by supporting the green transition, by contributing to the achievement of the Union’s 2030	‘1. In line with the six pillars referred in Article 3 of this Regulation, the coherence and synergies they generate, and in the context of the COVID-19 crisis, the general objective of the Facility shall be to promote the Union’s economic, social and territorial cohesion by improving the resilience, crisis preparedness, adjustment capacity and growth potential of the Member States, by mitigating the social and economic impact of that crisis, in particular on women, by contributing to the implementation of the European Pillar of Social Rights, by supporting the green transition, by contributing to the achievement of the Union’s 2030 climate targets	‘1. In line with the six pillars referred in Article 3 of this Regulation, the coherence and synergies they generate, and in the context of the COVID-19 crisis, the general objective of the Facility shall be to promote the Union’s economic, social and territorial cohesion by improving the resilience, crisis preparedness, adjustment capacity and growth potential of the Member States, by mitigating the social and economic impact of that crisis, in particular on women, by contributing to the implementation of the European Pillar of Social Rights, by supporting the green transition, by contributing to the achievement of the Union’s 2030 climate targets set out in point (11) of Article 2 of	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		climate targets set out in point (11) of Article 2 of Regulation (EU) 2018/1999, and by complying with the objective of EU climate neutrality by 2050 and of the digital transition, by increasing the resilience of the Union energy system through a decrease of dependence on fossil fuels and diversification of energy supplies at Union level ('REPowerEU objectives') thereby contributing to the upward economic and social convergence, restoring and promoting sustainable growth and the integration of the economies of the Union, fostering high quality employment creation, and contributing to the strategic autonomy of the Union alongside an open economy and generating European added value.'	set out in point (11) of Article 2 of Regulation (EU) 2018/1999, by complying with the objective of EU climate neutrality by 2050 and of the digital transition, by increasing the resilience, <i>security and sustainability</i> of the Union energy system through a <i>significant</i> decrease of dependence on fossil fuels and <i>through increasing the uptake of renewables, energy efficiency and energy storage capacity and</i> diversification of energy supplies at Union level ('REPowerEU objectives') thereby contributing to the upward economic and social convergence, restoring and promoting sustainable growth and the integration of the economies of the Union, fostering high quality employment creation, and contributing to the strategic autonomy of the Union alongside an open economy and generating European added value.'	Regulation (EU) 2018/1999, and by complying with the objective of EU climate neutrality by 2050 and of the digital transition, by increasing the resilience of the Union energy system through a decrease of dependence on fossil fuels and diversification of energy supplies at Union level ('REPowerEU objectives') thereby contributing to the upward economic and social convergence, restoring and promoting sustainable growth and the integration of the economies of the Union, fostering high quality employment creation, and contributing to the strategic autonomy of the Union alongside an open economy and generating European added value.'	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
61.	Article 1 - para 1 - point 2 introductory part <i>Regulation (EU) 2021/241 - Article 14</i>	(2) Article 14 is amended as follows:	(2) Article 14 is amended as follows:	(2) Article 14 is amended as follows:	
62.	Article 1 - para 1 - point 2 - point -a (new) - introductory part <i>Regulation (EU) 2021/241 - Article 14</i>		(-a) paragraph 2 is replaced by the following		
63.	Article 1 - para 1 - point 2 - point -a (new)		"A Member State may request loan support at the time of the submission of <i>a recovery</i> and resilience plan referred to in Article 18, or at a different moment in time until 31 August		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 14 - para 2</i>		<i>2023, as a rule provided that they have informed the Commission of their intention to request such loan support within 30 days after [the entry into force of this amending Regulation]. In the latter case, the request shall be accompanied by a revised recovery and resilience plan, including additional milestones and targets. The Commission may grant a loan to a Member State which has not expressed its intention to request such support within 30 days after [the entry into force of this amending Regulation] subject to the availability of resources following the approval of the loan support requests by the Member States which have expressed their intention within 30 days after [the entry into force of this amending Regulation]. "</i>		
64.	Article 1 - para 1 -	(a) In paragraph 3, the following point is inserted after point (b):	(a) In paragraph 3, the following point is inserted after point (b):	(a) In paragraph 3, the following point is inserted after point (b):	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	point 2 - point a - introductory part <i>Regulation (EU) 2021/241 Article 14 - para 3</i>				
65.	Article 1 - para 1 - point 2 - point a <i>Regulation (EU) 2021/241 Article 14 - para 3</i>	‘(ba) where applicable, the reforms and investments in line with Article 21c(1);’;	‘(ba) where applicable, the reforms and investments in line with Article 21c(1);’;	‘(ba) where applicable, the reforms and investments in line with Article 21c (1) ;’;	
66.	Article 1 - para 1 - point 2 - point b introductory part <i>Regulation</i>	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>n (EU) 2021/241 Article 14 - para 4</i>				
67.	Article 1 - para 1 - point 2 - point b <i>Regulation (EU) 2021/241 - Article 14 - para 4</i>	‘4. The loan support to the recovery and resilience plan of the Member State concerned shall not be higher than the difference between the total costs of the recovery and resilience plan, as revised where relevant, and the maximum financial contribution referred to in Article 11, including, where relevant, the revenue referred to in Article 21a as well as, where relevant, resources from shared management programmes to support REPowerEU objectives referred to in Article 21b. ’	‘4. The loan support to the recovery and resilience plan of the Member State concerned shall not be higher than the difference between the total costs of the recovery and resilience plan, as revised where relevant, and the maximum financial contribution referred to in Article 11, including, where relevant, the revenue referred to in Article 21a as well as, where relevant, resources from shared management programmes to support REPowerEU objectives referred to in Article 21b.’	‘4. The loan support to the recovery and resilience plan of the Member State concerned shall not be higher than the difference between the total costs of the recovery and resilience plan, as revised where relevant, and the maximum financial contribution referred to in Article 11, including, where relevant, the revenue referred to in Article 21a as well as, where relevant, resources from shared management programmes to support REPowerEU objectives referred to in Article 21b. ’	
68.	Article 1 - para 1 - point 2 - point c - introductory part	(c) paragraph 6 is replaced by the following:	(c) paragraph 6 is replaced by the following:	(c) paragraph 6 is replaced by the following:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 - Article 14 - para 6</i>				
69.	Article 1 - para 1 - point 2 - point c <i>Regulation (EU) 2021/241 - Article 14 - para 6</i>	‘6. By derogation from paragraph 5, subject to the availability of resources, in exceptional circumstances the amount of the loan support may be increased, considering the needs of the requesting Member State, as well as requests for loan support already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency. To facilitate the application of these principles, Member States shall communicate to the Commission within 30 days after [the entry into force of this amending Regulation],	‘6. By derogation from paragraph 5, subject to the availability of resources, in exceptional circumstances the amount of the loan support may be increased, considering the needs of the requesting Member State, as well as requests for loan support already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency. To facilitate the application of these principles, Member States shall communicate to the Commission within 30 days after [the entry into force of this amending Regulation], whether they intend to request loan support. <i>Once a Member State</i>	‘6. By derogation from paragraph 5, subject to the availability of resources, in exceptional circumstances the amount of the loan support may be increased, considering the needs of the requesting Member State, as well as requests for loan support already submitted or planned to be submitted by other Member States, while applying the principles of equal treatment, solidarity, proportionality and transparency. To facilitate the application of these principles, Member States shall communicate to the Commission within 30 45 days after [the entry into force of this amending Regulation], whether <u>or not</u> they intend to request loan support.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		whether they intend to request loan support.’	<i>expresses its intention to request loan support, the Commission shall notify, without undue delay, the European Parliament and the Council, simultaneously and on equal terms. Within 60 days after [the entry into force of this amending Regulation], the Commission shall communicate, without undue delay, to the European Parliament and the Council, simultaneously and on equal terms the proposed allocation of the loan supports to the Member States which have expressed their intention.’</i>	<u>This shall not prejudice the ability of Member States to request loan support until 31 August 2023. The Commission shall present without undue delay an overview of the intentions expressed by the Member States and the proposed way forward for the distribution of the available resources.’</u>	
70.	Article 1 - para 1 - point 2a (new) - introductory part <i>Regulation (EU) 2021/241- Article 17</i>		<i>(2 a) In Article 17, paragraph 2 is replaced by the following:</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- <i>para 2</i>				
71.	Article 1 - para 1 - point 2a (new) <i>Regulation (EU) 2021/241 - Article 17 - para 2</i>		"2. Measures started from 1 February 2020 onwards shall be eligible provided that they comply with the requirements <i>set out</i> in this Regulation, with the exception of measures included in the REPowerEU chapters, which may only start as from 1 February 2022. "		
72.	Article 1 - para 1 - point 2b (new) - introductory part <i>Regulation (EU) 2021/241- Article 18 – para 4 - point h</i>		<i>(2b) In Article 18, paragraph 4 point (h) is replaced by the following:</i>		
73.	Article 1 - para 1 - point 2b (new)		"(h) an indication of whether the measures included in the recovery and resilience plan comprise cross-border or multi-country projects. <i>With respect to the</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241- Article 18 – para 4 - point h</i>		<i>REPowerEU chapters, a confirmation that at least 35 % of the grants and at least 35 % of the loans, as applicable, to be used under the REPowerEU chapter are allocated to measures having a cross-border or multi-country dimension or effect, even if carried out by one Member State, and shall contribute to the objectives outlined in Article 21c(1), unless a derogation is granted to the Member State pursuant to Article 21c(1a);"</i>		
74.	Article 1 - para 1 - point 2c (new) introductory part <i>Regulation (EU) 2021/241- Article 18 – para 4 - point da (new)</i>		<i>(2c) In Article 18, paragraph 4 point (da) is inserted:</i>		
75.	Article 1 -		<i>"(da) an explanation that the</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	para 1 - point 2c (new) <i>Regulation (EU) 2021/241- Article 18 – para 4 - point da (new)</i>		<i>measures under Article 21c(1)(a) meet the conditions set out in Article 21c(4) and (4a);"</i>		
76.	Article 1 - para 1 - point 3 - introductory part <i>Regulation (EU) 2021/241- Article 18 – para 4 - point q</i>	(3) In Article 18 (4) (q) the following sentence is inserted:	(3) In Article 18 (4) (q) the following sentence is inserted:	(3) In Article 18 (4) (q) the following sentence is inserted:	
77.	Article 1 - para 1 - point 3	‘(q) for the preparation and, where available, for the implementation of the recovery	‘(q) for the preparation and, where available, for the implementation of the recovery and resilience	‘(q) for the preparation and, where available, for the implementation of the recovery and resilience plan,	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241- Article 18 – para 4 - point q</i>	and resilience plan, a summary of the consultation process, conducted in accordance with the national legal framework, of local and regional authorities, social partners, civil society organisations, youth organisations and other relevant stakeholders, and how the input of the stakeholders is reflected in the recovery and resilience plan; in particular, the summary of the consultation process shall explain the outcome of the consultations with local and regional authorities and other relevant stakeholders on reforms and investments included in the REPowerEU chapter and outline how the input received was reflected in the REPowerEU chapter;	plan, a <i>detailed report</i> of the consultation process, <i>which shall be mandatory, adequate and</i> conducted in accordance with the national legal framework, of local and regional authorities, social partners, civil society organisations, youth organisations and other relevant stakeholders, and how the input of the stakeholders is reflected in the recovery and resilience plan; in particular, the <i>detailed report</i> of the consultation process shall <i>depict the timeline and the stages</i> the outcome of the consultations with local and regional authorities, <i>the social partners as well as the NGOs</i> and other relevant stakeholders <i>relevant to reach the REPowerEU objectives, note the stakeholders consulted, explain the outcome of these consultations</i> on reforms and investments included in the REPowerEU chapter, outline how	a summary of the consultation process, conducted in accordance with the national legal framework, of local and regional authorities, social partners, civil society organisations, youth organisations and other relevant stakeholders, and how the input of the stakeholders is reflected in the recovery and resilience plan; in particular, the summary of the consultation process shall explain the outcome of the consultations with local and regional authorities and other relevant stakeholders on reforms and investments included in the REPowerEU chapter and outline how the input received was reflected in the REPowerEU chapter;	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			the input received was reflected in the REPowerEU chapter, <i>which input was not reflected and for which reason and how the local and regional authorities and other relevant stakeholders will be involved in the implementation of the REPowerEU chapter and its monitoring;</i>		
78.	Article 1 - para 1 - point 4 - introductory part <i>Regulation (EU) 2021/241 - Article 19 – para 3</i>	(4) In Article 19(3), the following point is inserted:	(4) In Article 19(3), the following <i>points are</i> inserted:	(4) In Article 19(3), the following point is inserted:	
79.	Article 1 - para 1 - point 4 - point -da (new)		<i>'(-da)for the measures under Article 21c(1)(a) meeting the cumulative conditions set out in Article 21c(4):</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241- Article 19 – para 3</i>				
80.	Article 1 - para 1 - point 4 - point -da (new) - indent 1 <i>Regulation (EU) 2021/241- Article 19 – para 3</i>		<i>- whether the measure is necessary meet immediate security of supply needs as identified in Article 21c(1)(a);</i>		
81.	Article 1 - para 1 - point 4 - point -da (new) - indent 2 <i>Regulation</i>		<i>- whether there is no adequate clean technology alternative in terms of costs or timeline of implementation to reach the REPowerEU objectives under Article 21c(1)(a);</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>n (EU) 2021/241- Article 19 – para 3</i>				
82.	Article 1 - para 1 - point 4 - point -da (new) - indent 3 <i>Regulation (EU) 2021/241 - Article 19 – para 3</i>		<i>- whether the potential harm to the EU's environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 is narrowed to the strict unavoidable extent;</i>		
83.	Article 1 - para 1 - point 4 - point -da (new) - indent 4 <i>Regulation (EU) 2021/241 - Article 19</i>		<i>- whether the potential harm to the EU's environmental objectives is mitigated by accompanying measures, or other measures contributing to the REPowerEU objectives, and the integrity of EU's 2030 and 2050 climate targets is not jeopardised;</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	– <i>para 3</i>				
84.	Article 1 - para 1 - point 4 - point -da (new) - indent 5 <i>Regulation (EU) 2021/241 - Article 19 – para 3</i>		<i>- whether the measure is to be in operation by 31 December 2024;'</i>		
85.	Article 1 - para 1 - point 4 - point da <i>Regulation (EU) 2021/241 - Article 19 – para 3</i>	‘(da) whether the reforms and investments referred to in Article 21c(1) effectively contribute towards the diversification of the Union’s energy supply or reduction of dependence on fossil fuels before 2030.’;	‘(da) whether the reforms and investments referred to in Article 21c(1) effectively contribute towards energy security , the diversification of the Union’s energy supply, increase of energy storage capacities or significant or reduction of dependence on fossil fuels before 2030, towards the Union’s 2030 targets including energy efficiency and renewable energy and towards	‘(da) whether the reforms and investments referred to in Article 21c(1) effectively contribute towards the diversification of the Union’s energy supply or reduction of dependence on fossil fuels before 2030.’;	

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			<i>the Union's climate neutrality objective</i> ';		
86.	Article 1 - para 1 - point 4 - point -fa (new) <i>Regulation (EU) 2021/241 - Article 19 – para 3</i>		<i>'(fa) whether at least 35 % of the grants and at least 35 % of the loans, as applicable, to be used under the REPowerEU chapter are allocated to measures having a cross-border or multi-country dimension or effect, even if carried out by one Member State, and shall contribute to the objectives outlined in Article 21c(1), unless a derogation is granted to the Member State pursuant to Article 21c(1a);</i>		
87.	Article 1 - para 1 - point 4 - point ka (new) <i>Regulation (EU) 2021/241 - Article 19 – para 3</i>		<i>'(ka) whether the consultation process referred to in Article 18(4)(q) related to the measures referred to in Article 21c(1) is adequate and the pertinent input from the relevant stakeholders is properly reflected in the substance of the REPowerEU chapter as well as whether the detailed report of the consultation process depicts the</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>timeline and the stages of the consultations, notes the stakeholders consulted, explains the outcome of these consultations, and outlines how the input received was reflected in the REPowerEU chapter, which input was not reflected and for which reason and how the relevant stakeholders will be involved in the implementation of the REPowerEU chapter and its monitoring;</i>		
88.	Article 1 - para 1 - point 4a (new) - introductory part <i>Regulation (EU) 2021/241 - Article 21 - para 1</i>		<i>(4 a) In Article 21, paragraph 1 is replaced by the following</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
89.	Article 1 - para 1 - point 4a <i>Regulation (EU) 2021/241- Article 21 - para 1</i>		‘1. Where the recovery and resilience plan including relevant milestones and targets is no longer achievable, either partially or totally, by the Member State concerned because of objective circumstances, <i>including the crisis caused by Russia's military aggression against Ukraine, or where new measures are required to tackle the effects of this crisis</i> , the Member State concerned may make a reasoned request to the Commission to make a proposal to amend or replace the Council implementing decisions referred to in Article 20(1) and (3). To that end, the Member State may propose an amended or a new recovery and resilience plan. Member States may request technical support for the preparation of such proposal under the Technical Support Instrument. ’		
90.	Article 1 -		<i>(4 b) In Article 21, paragraph 2</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	para 1 - point 4b (new) - introductory part <i>Regulation (EU) 2021/241 - Article 21 - para 2</i>		<i>is replaced by the following:</i>		
91.	Article 1 - para 1 - point 4b <i>Regulation (EU) 2021/241 - Article 21 - para 2</i>		‘2. Where the Commission considers that the reasons put forward by the Member State concerned justify an amendment of the relevant recovery and resilience plan, the Commission shall assess the amended or new recovery and resilience plan in accordance with Article 19 and shall make a proposal for a new Council implementing decision in accordance with Article 20(1) within one month of the official submission of the request. The Member State concerned and the Commission may agree to extend		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			that deadline by a reasonable period if necessary. The Council shall adopt the new implementing decision, as a rule, within four weeks of the adoption of the Commission proposal. ’		
92.	Article 1 - para 1 - point 5 - introductory part <i>Regulation (EU) 2021/241 - Article 23 - para 1</i>	(5) In Article 23, paragraph 1 is replayed by the following:	(5) In Article 23, paragraph 1 is replayed by the following:	(5) In Article 23, paragraph 1 is replayed by the following:	
93.	Article 1 - para 1 - point 5 <i>Regulation (EU) 2021/241 - Article 23 - para 1</i>	‘Once the Council has adopted an implementing decision as referred to in Article 20(1), the Commission shall conclude an agreement with the Member State concerned constituting an individual legal commitment within the meaning of the Financial Regulation. For each Member State the legal	‘Once the Council has adopted an implementing decision as referred to in Article 20(1), the Commission shall conclude an agreement with the Member State concerned constituting an individual legal commitment within the meaning of the Financial Regulation. For each Member State the legal	‘Once the Council has adopted an implementing decision as referred to in Article 20(1), the Commission shall conclude an agreement with the Member State concerned constituting an individual legal commitment within the meaning of the Financial Regulation. For each Member State the legal	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		commitment shall not exceed the total of the financial contribution referred to in point (a) of Article 11(1) for 2021 and 2022, the updated financial contribution referred to in Article 11(2) for 2023 and the amount calculated under Article 21a(2). '	commitment shall not exceed the total of the financial contribution referred to in point (a) of Article 11(1) for 2021 and 2022, the updated financial contribution referred to in Article 11(2) for 2023 and the amount calculated under Article 21a(2). '	commitment shall not exceed the total of the financial contribution referred to in point (a) of Article 11(1) for 2021 and 2022, the updated financial contribution referred to in Article 11(2) for 2023 and the amount calculated under Article 21a(2). '	
94.	Article 1 - para 1 - point 6 - introductory part <i>Regulation (EU) 2021/241</i>	(6) The following Chapter is inserted after Chapter III:	(6) The following Chapter is inserted after Chapter III:	(6) The following Chapter is inserted after Chapter III:	
95.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241</i>	'CHAPTER IIIa	'CHAPTER IIIa	'CHAPTER IIIa	
96.	Article 1 -	REPowerEU	REPowerEU	REPowerEU	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	para 1 - point 6 <i>Regulation (EU) 2021/241</i>				
97.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241</i>	<i>Article 21a</i>	<i>Article 21a</i>	<i>Article 21a</i>	
98.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241</i>	New revenue	<i>Use of revenues generated by the EU Emissions Trading System (EU ETS)</i>	New revenue	
99.	Article 1 - para 1 - point 6 <i>Regulation (EU)</i>	(1) EUR 20 000 000 000 in current prices shall be available, in line with Article 10e(4) of Directive 2003/87/EC, for implementation under this Regulation to increase the	(1) EUR 20 000 000 000 in current prices shall be available, in line with Article 10e(4) of Directive 2003/87/EC, for implementation under this Regulation to increase the	(1) EUR 20 000 000 000 in current prices shall be available <u>as additional non-repayable financial support under the Facility</u> , in line with <u>accordance</u> with Article 10e(4) of Directive	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	2021/241 - Article 21a – para 1	resilience of the Union energy system through a decrease of dependence on fossil fuels and diversification of energy supplies at Union level. That amount shall be made available in the form of external assigned revenue within the meaning of Article 21(5) of the Financial Regulation.	resilience , security and sustainability of the Union energy system through a significant decrease of dependence on fossil fuels and diversification of energy supplies, increase energy storage capacities at Union level and by boosting investments in energy efficiency and renewable energy generation, thereby contributing to ensuring affordable energy in the Union. That amount shall be made available in the form of external assigned revenue within the meaning of Article 21(5) of the Financial Regulation.	2003/87/EC, for implementation under this Regulation to increase the resilience of the Union energy system through a decrease of dependence on fossil fuels and diversification of energy supplies at Union level. That amount shall be made available in the form of external assigned revenue within the meaning of Article 21(5) of the Financial Regulation.	
100.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 - Article 21a – para 2</i>	(2) The share of the resources referred to in paragraph 1 available for each Member State shall be calculated on the basis of the indicators defined for the maximum financial contribution, as set out in the methodology in Annex II for 70% of the amount and methodology set out in Annex III for 30% of the amount.	(2) The share of the resources referred to in paragraph 1 available for each Member State shall be calculated on the basis of the indicators defined for the maximum financial contribution, as set out in the methodology in Annex II for 70% of the amount and methodology set out in Annex III for 30% of the amount.	(2) The share of the resources referred to in paragraph 1 available for each Member State shall be calculated on the basis of the indicators defined for the maximum financial contribution, as set out in the methodology in Annex II IVa for 70% of the amount and methodology set out in Annex III for 30% of the	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
				<u>amount.</u>	
101.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 - Article 21a – para 3</i>	(3) The amount referred to in paragraph 1 shall be allocated exclusively to measures referred to in Article 21c(1).	(3) The amount referred to in paragraph 1 shall be allocated exclusively to measures referred to in Article 21c(1).	(3) The amount referred to in paragraph 1 shall be allocated exclusively to measures referred to in Article 21c(1). <u>It may also cover expenses referred to in Article 6 (2) of this Regulation.</u>	
102.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 - Article 21a – para 4</i>	(4) Commitment appropriations covering the amount referred to in paragraph 1 shall be made available automatically up to the respective amounts referred to in that paragraph as of [the date of entry into force of this amending Regulation].	(4) Commitment appropriations covering the amount referred to in paragraph 1 shall be made available automatically up to the respective amounts referred to in that paragraph as of [the date of entry into force of this amending Regulation].	(4) Commitment appropriations covering the amount referred to in paragraph 1 shall be made available automatically up to the respective amounts referred to in that paragraph as of [the date of entry into force of this amending Regulation].	
103.	Article 1 - para 1 - point 6 <i>Regulation (EU)</i>	(5) Each Member State may submit to the Commission a request for allocation of an amount not exceeding its share, by including in its plan the reforms and investments	(5) Each Member State may submit to the Commission a request for allocation of an amount not exceeding its share, by including in its plan the reforms and investments	(5) Each Member State may submit to the Commission a request for allocation of an amount not exceeding its share, by including in its plan the reforms and investments described in	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>2021/24 - Article 21a – para 5</i>	described in Article 21c(1) and indicating their estimated costs.	described in Article 21c(1) and indicating their estimated costs.	Article 21c (1) and indicating their estimated costs.	
104.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 - Article 21a – para 6</i>	(6) The Council implementing decision adopted pursuant to Article 20(1) following a proposal from the Commission shall lay down the amount of the revenue referred to in Article 10e (1) of Directive 2003/87/EC allocated to the Member State following the application of paragraph 2, to be paid in instalments, subject to available funding, in accordance with Article 24 of this Regulation, once the Member State has satisfactorily fulfilled the milestones and targets identified in relation to the implementation of the measures referred to in Article 21c (1).	(6) The Council implementing decision adopted pursuant to Article 20(1) following a proposal from the Commission shall lay down the amount of the revenue referred to in Article 10e (1) of Directive 2003/87/EC allocated to the Member State following the application of paragraph 2, to be paid in instalments, subject to available funding, in accordance with Article 24 of this Regulation, once the Member State has satisfactorily fulfilled the milestones and targets identified in relation to the implementation of the measures referred to in Article 21c (1).	(6) The Council implementing decision adopted pursuant to Article 20(1) following a proposal from the Commission shall lay down the amount of the revenue referred to in Article 10e (1) of Directive 2003/87/EC allocated to the Member State following the application of paragraph 2, to be paid in instalments, subject to available funding, in accordance with Article 24 of this Regulation, once the Member State has satisfactorily fulfilled the milestones and targets identified in relation to the implementation of the measures referred to in Article 21c (1) .	
105.	Article 1 - para 1 - point 6	Article 21b	Article 21b	<i>Article 21b</i>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 - Article 21b</i>				
106.	Article 1 - para 1 - point 6 - title <i>Regulation (EU) 2021/241 - Article 21b</i>	Resources from shared management programmes to support REPowerEU objectives	Resources from shared management programmes to support REPowerEU objectives	Resources from shared management programmes to support REPowerEU objectives	
107.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 - Article 21b - para 1</i>	(1) Resources allocated to Member States under shared management may, at their request, be transferred or allocated to the Facility subject to the conditions set out in Article 26a of Regulation (EU) 2021/1060 and Article 81a of Regulation (EU) 2021/2115.	(1) <i>Within the</i> resources allocated to <i>them</i> under shared management <i>Member States</i> may request <i>to support measures referred to in Article 21c(1)(b) of this Regulation with the exception of fossil-free hydrogen, in Article 21c(1)(c) of this Regulation with the exception of facilities</i>	(1) Resources allocated to Member States under shared management may, at their request, be transferred or allocated to the Facility subject to the conditions set out in Article 26a of Regulation (EU) 2021/1060, and Article 81a of Regulation (EU) 2021/2115 <u>and Article 4a of Regulation (EU) 2021/1755.</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		Those resources shall be used exclusively for the benefit of the Member State concerned.	<i>dedicated to transport fossil fuels, and in Article 21c(1)(d) of this Regulation</i> subject to the conditions set out in Article 26a of Regulation (EU) 2021/1060. Those resources shall be used exclusively for the benefit of the Member State concerned.	Those resources shall be used exclusively for the benefit of the Member State concerned.	
108.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21b - para 1 - point a</i>	(a) Resources may be transferred under Article 26a of Regulation (EU) 2021/1060 to support measures referred to in Article 21c(1) of this Regulation, provided that the Member State has already requested transfers from a given Fund up to the ceiling of 5% in accordance with the first and second sub-paragraphs of Article 26(1).	(a) Resources may be <i>requested</i> under Article 26a of Regulation (EU) 2021/1060 to support measures referred to in <i>Article 21c(1)(b) of this Regulation with the exception of fossil-free hydrogen, in Article 21c(1)(c) of this Regulation with the exception of facilities dedicated to transport fossil fuels, and in Article 21c(1)(d) of this Regulation</i> , provided that the Member State has already requested transfers from a given Fund up to the ceiling of 5% in accordance with the first and second sub-paragraphs of Article 26(1).	(a) Resources may be transferred under Article 26a of Regulation (EU) 2021/1060 to support measures referred to in Article 21c(1) of this Regulation, provided that the Member State has already requested transfers from a given Fund up to the ceiling of 5% in accordance with the first and second sub-paragraphs of Article 26(1).	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
109.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21b - para 1 - point b</i>	(b) Resources allocated under Article 81a of Regulation (EU) 2021/2115 shall support measures in Article 21c(1)(b) of this Regulation for farm investments for the benefit of farmers or groups of farmers, in particular to contribute reducing the use of synthetic fertilisers, increasing production of renewable energy and sustainable biomethane, and boosting energy efficiency.	<i>Deleted</i>	(b) Resources allocated under Article 81a of Regulation (EU) 2021/2115 shall support measures in Article 21c(1 b)(b) of this Regulation for farm investments for the benefit of farmers or groups of farmers, in particular to contribute reducing the use of synthetic fertilisers, increasing production of renewable energy and sustainable biomethane, and boosting energy efficiency.	
110.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 - Article 21b - para 1 - point ba (new)</i>			<u>(ba) Resources may be transferred under Article 4a of Regulation (EU) 2021/1755 to support measures referred to in Article 21c of this Regulation.</u>	
111.	Article 1 - para 1 - point 6	(2) Payments shall be made in accordance with Article 24 of this Regulation and subject to	<i>(2) Resources requested under paragraph 1 shall be implemented in accordance with</i>	(2) Payments shall be made in accordance with Article 24 of this Regulation and subject to available	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241- Article 21b - para 2</i>	available funding.	<i>the provisions set out in Regulation (EU) 2021/1060 and the fund-specific regulation of the respective shared management fund. Related</i> payments shall be made in accordance with Article 91 of Regulation (EU) 2021/1060 subject to available funding.	funding.	
112.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241- Article 21b - para 3</i>	(3) The Commission shall implement those resources directly in accordance with Article 62(1), first subparagraph, point (a) of the Financial Regulation.	(3) The Commission shall implement those resources <i>under shared management</i> in accordance with Article 62(1), first subparagraph, point (b) of the Financial Regulation.	(3) The Commission shall implement those resources directly in accordance with Article 62(1), first subparagraph, point (a) of the Financial Regulation.	
113.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241</i>	<i>Article 21c</i>	<i>Article 21c</i>	<i>Article 21c</i>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Article 21c</i>				
114.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c</i>	The REPowerEU chapter in the recovery and resilience plans	The REPowerEU chapter in the recovery and resilience plans	The REPowerEU chapter in the recovery and resilience plans	
115.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 1</i>	(1) The recovery and resilience plan submitted to the Commission after [the entry into force of this amending Regulation] shall contain a REPowerEU chapter. The REPowerEU chapter shall outline reforms and investments, with their corresponding milestones and targets, other than measures referred in paragraph 2 (a), aiming to contribute to the REPowerEU objectives, by:	(1) The recovery and resilience plan submitted to the Commission after [the entry into force of this amending Regulation] shall contain a REPowerEU chapter. <i>The submission of the REPowerEU chapters shall be made as soon as possible after the entry into force of this amending Regulation. Where relevant, measures contained in the REPowerEU chapter shall give adequate priority to the needs of those affected by energy poverty as well as to the</i>	(1) <u>Any</u> The recovery and resilience plan submitted to the Commission after [the entry into force of this amending Regulation] <u>that requires the use of additional funding under Article 14, Article 21a or Article 21b of this Regulation,</u> shall contain a REPowerEU chapter. The REPowerEU chapter shall outline reforms and investments <u>to be funded by the Facility,</u> with their corresponding milestones and targets, other than <u>those measures</u> referred <u>to</u> in <u>paragraph 2 (a),</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>reduction of vulnerabilities during the coming winter seasons.</i> The REPowerEU chapter shall outline reforms and investments, <i>from 1 February 2022 onwards</i> , with their corresponding milestones and targets, <i>an explanation of the contribution to address energy poverty and of the reduction of dependence towards fossil-fuel, in particular from Russia, and quantification of the energy savings</i> , other than measures referred in paragraph 2 (a), aiming to contribute to the REPowerEU objectives, by:	<u>the already adopted Council Implementing Decision, unless the measures are scaled-up.</u>	
116.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 1b (new)</i>			<u>(1b) Reforms and investments in the REPowerEU chapter shall aiming aim</u> to contribute to the REPowerEU objectives, by <u>at least one of the following</u> :	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
117.	Article 1 - para 1 - point 6	(a) improving energy infrastructure and facilities to meet immediate security of supply needs for oil and gas, notably to enable diversification of supply in the interest of the Union as a whole,	(a) improving energy infrastructure and facilities to meet immediate security of supply needs for gas, <i>including LNG,</i> notably to enable diversification of supply in the interest of the Union as a whole, <i>while ensuring that the relevant infrastructures are hydrogen ready,</i>	(a) improving energy infrastructure and facilities to meet immediate security of supply needs for oil and gas, notably to enable diversification of supply in the interest of the Union as a whole,	
118.	Article 1 - para 1 - point 6	(b) boosting energy efficiency in buildings, decarbonising industry, increasing production and uptake of sustainable biomethane and renewable or fossil-free hydrogen and increasing the share of renewable energy,	(b) boosting energy efficiency <i>and savings</i> in buildings, <i>including via investment schemes targeted to vulnerable households, SMEs and micro-enterprises,</i>	(b) boosting energy efficiency in buildings <u>and critical energy infrastructure,</u> decarbonising <u>industry the economy,</u> increasing production and uptake of sustainable biomethane and renewable or fossil-free hydrogen and increasing the share of renewable energy,	
119.	Article 1 - para 1 - point 6		<i>(ba)</i> decarbonising industry, <i>increasing energy storage capacity,</i> increasing production and uptake of sustainable biomethane, <i>renewable energy, renewable fuels of non-biological origin (RFNBOs),</i> and renewable or fossil-free hydrogen and		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>speeding up permitting processes for plants producing renewable energy, including the improvement of related electricity generation and other infrastructure, including by accelerating permitting procedures,</i>		
120.	[EP version] Article 1 - para 1 - point 6		<i>(bb) addressing energy poverty, in particular through measures benefitting vulnerable and low-income households,</i>	<u>(da) addressing energy poverty and incentivising reduction of energy demand.</u>	
121.	Article 1 - para 1 - point 6		<i>(bc) incentivising reduction of energy demand, including by upscaling existing energy savings solutions,</i>		
122.	Article 1 - para 1 - point 6		<i>(bd) boosting low-carbon energy sources within the Union,</i>		
123.	Article 1 - para 1 - point 6	(c) addressing internal and cross-border energy transmission bottlenecks and supporting zero emission transport and its infrastructure, including railways,	(c) addressing internal and energy interconnectors and cross-border energy transmission bottlenecks, including the connection of grids to new renewable energy sources, and supporting zero emission	(c) addressing internal and cross-border energy transmission and distribution bottlenecks and supporting zero emission transport and its infrastructure, including railways,	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			transport and its infrastructure <i>in a just and inclusive way</i> , including railways, <i>thereby contributing to ensuring affordable energy and transport in the Union</i> ,		
124.	Article 1 - para 1 - point 6	(d) supporting the objectives in points (a), (b) and (c) through an accelerated requalification of the workforce towards green skills, as well as support of the value chains in key materials and technologies linked to the green transition.	(d) supporting the objectives in points (a), (b) and (c) through an accelerated requalification of the workforce towards green <i>and the related digital skills and energy transition, including for the administrative implementation of those objectives</i> , as well as support of the value chains in key materials and technologies linked to the green transition <i>and the use of sustainable construction materials and products, thereby reducing the dependency on primary critical raw materials relevant to the energy transition</i> .	(d) supporting the objectives in points (a), (b) and (c) through an accelerated requalification of the workforce towards green skills, as well as support of the value chains in key materials and technologies linked to the green transition ^{1,2}	
125.	Article 1 - para 1 - point 6			<u>(1a) By way of derogation from paragraph 1, measures referred to in the already adopted Council Implementing Decision</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21c - para 1a (new)</i>			<u>of the Member State concerned contributing to the REPowerEU objectives may be included in the REPowerEU chapter, if the Member State concerned is subject to a decrease of the maximum financial contribution in accordance with Article 11 (2).</u>	
126.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 1a (new)</i>		<i>(1a) At least 35 % of the grants and at least 35% of the loans, as applicable, to be used under the REPowerEU chapter shall be allocated to measures having a cross-border or multi-country dimension or effect, even if carried out by one Member State, and shall contribute to the objectives outlined in Article 21c(1). By way of derogation, the Commission may grant a derogation from this requirement to a Member State in one of the following instances:</i>		
127.	Article 1 - para 1 - point 6		<i>(a) the Member State can demonstrate that other measures included in its REPowerEU chapter would better address the</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21c - paragraph 1a - point a (new)</i>		<i>objectives outlined in Article 21c(1), or</i>		
128.	Article 1 - paragraph 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - paragraph 1a - point b (new)</i>		<i>(b) the Member State can demonstrate that there are no enough realistic projects available having cross-border or multi-country dimension or effect, or</i>		
129.	Article 1 - paragraph 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para</i>		<i>(c) the Member State concerned is granted an exception from this minimum requirement in the supra-national energy security needs assessment referred to in Article 21ca, or</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>1a - point c (new)</i>				
130.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 1a - point d (new)</i>		<i>(d) the Member State can demonstrate that no measures having cross-border or multi-country dimension or effect can be finalised in the lifetime of the Facility.</i>		
131.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 2</i>	(2) The REPowerEU chapter shall also contain:	(2) The REPowerEU chapter shall also contain:	(2) The REPowerEU chapter shall also contain	
132.	Article 1 - para 1 - point 6	(a) Where applicable, a description of reforms and	(a) Where applicable, a <i>detailed</i> description of reforms and	(a) Where applicable, a description of reforms and	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21c - para 2 - point a</i>	investments in the already adopted Council implementing decisions that are expected to contribute to the REPowerEU objectives;	investments in the already adopted Council implementing decisions that are expected to contribute to the REPowerEU objectives;	investments in the already adopted Council implementing decisions that are expected to contribute to the REPowerEU objectives;	
133.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 2 - point b</i>	(b) an outline of other measures contributing to the REPowerEU objectives with a corresponding calendar, to be implemented from 1 February 2022 until 31 December 2026 without financial support under the Facility;	(b) an outline of other measures, <i>including national and EU-funded complementary or accompanying measures</i> , contributing to the REPowerEU objectives with a corresponding calendar <i>and financial allocation</i> , to be implemented from 1 February 2022 until 31 December 2026 without financial support under the Facility;	(b) an outline of other measures contributing to the REPowerEU objectives with a corresponding calendar, to be implemented from 1 February 2022 until 31 December 2026 without financial support under the Facility;	
134.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para</i>	(c) an explanation on how the combination of the measures referred to in paragraph 1 and points (a) and (b) of this paragraph is coherent, effective and expected to contribute to the REPowerEU objectives, including a quantification of the	(c) <i>a detailed assessment of the coherence of each measure referred to in paragraph 1 with the other measures in the plan</i> and an explanation on how the combination of the measures referred to in paragraph 1 and points (a) and (b) of this	an explanation on how the combination of the measures of the REPowerEU chapter and points (a) and (b) of this paragraph is are coherent, effective and expected to contribute to the REPowerEU objectives, including a	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	2 - point c	energy savings.	paragraph is coherent, effective and expected to contribute to the REPowerEU objectives, including a quantification of the energy savings;	quantification of the energy savings with the efforts of the Member State concerned to achieve the REPowerEU objectives, taking into account the measures in the already adopted Council Implementing Decision	
135.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 2 - point ca (new)</i>		<i>(ca) a qualitative explanation of how the measures in the REPowerEU chapter are expected to contribute to the green transition, including biodiversity, or to addressing the challenges resulting there from; the 37 % climate target shall be calculated separately for the REPowerEU chapter and the rest of the recovery and resilience plan.</i>		
136.	Article 1 - para 1 - point 6 <i>Regulation (EU)</i>	(3) The estimated costs of the reforms and investments of the REPowerEU chapter under paragraph 1 shall not be taken into account for the calculation of the plan's total allocation under	(3) The estimated costs of the reforms and investments of the REPowerEU chapter under paragraph 1 shall not be taken into account for the calculation of the plan's total allocation under	(3) The estimated costs of the reforms and investments of the REPowerEU chapter under paragraph 1 shall not be taken into account for the calculation of the plan's total allocation under	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	2021/241 Article 21c - para 3	Article 18(4), point (f) and Article 19(3), point (f).	Article 18(4), point (f) and Article 19(3), point (f). <i>Notwithstanding this provision, the Commission shall encourage Member States to propose measures in the REPowerEU chapters that facilitate, to the extent possible, reaching at least the digital target of the Facility.</i>	Article 18(4), point (f) and Article 19(3), point (f).	
137.	Article 1 - para 1 - point 6 Regulation (EU) 2021/241 Article 21c - para 4	(4) By way of derogation from Articles 5(2), 17(4), 18(4) point (d) and 19(3) points (d), the principle of “do no significant harm” within the meaning of Article 17 of Regulation (EU) 2020/852 shall not apply to the reforms and investments expected to contribute to the REPowerEU objectives under paragraph 1, point (a) of this Article.	(4) The principle of “do no significant harm” within the meaning of Article 17 of Regulation (EU) 2020/852 shall apply to the reforms and investments expected to contribute to the REPowerEU objectives under paragraph 1, point (a) of this Article, <i>unless the following cumulative conditions apply:</i>	(4) By way of derogation from Articles 5(2), 17(4), 18(4) point (d) and 19(3) points (d), the principle of “do no significant harm” within the meaning of Article 17 of Regulation (EU) 2020/852 shall not apply, <u>where a justification is provided by the Member State concerned to the Commission,</u> to the reforms and investments expected to contribute to the REPowerEU objectives under paragraph 1 <u>b</u> , point (a) of this Article.	
138.	Article 1 - para 1 - point 6		<i>(a) the measure is necessary meet immediate security of supply needs as identified in Article</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21c - para 4 - point a (new)</i>		<i>21c(1)(a); and</i>		
139.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 4 - point b (new)</i>		<i>(b) there is no adequate clean technology alternative in terms of costs or timeline of implementation to reach the REPowerEU objectives under Article 21c(1)(a); and</i>		
140.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para</i>		<i>(c) the potential harm to the EU's environmental objectives is mitigated by accompanying measures, or other measures contributing to the REPowerEU objectives, and the integrity of EU's 2030 and 2050 climate targets is not jeopardised; and</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>4 - point c (new)</i>				
141.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 4 - point d (new)</i>		<i>(d) the measure is to be in operation by 31 December 2024.</i>		
142.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 4 a (new) - introductory part</i>		<i>(4a) The measures benefiting from the exemption from the requirement of Article 5(2) of Regulation (EU) 2021/241 as detailed in paragraph 4 of this Article shall be submitted to the following assessment:</i>		
143.	Article 1 - para 1 - point 6		<i>— whether there is no adequate clean technology alternative in terms of costs or timeline of</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21c - para 4 a (new) - indent 1</i>		<i>implementation to reach the REPowerEU objectives under Article 21c(1)(a);</i>		
144.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 4 a (new) - indent 2</i>		<i>—whether the potential harm to the EU's environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 is narrowed to the strict unavoidable extend;</i>		
145.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para</i>		<i>— whether the potential harm to the EU's environmental objectives is mitigated by accompanying measures, or other measures contributing to the REPowerEU objectives, and the integrity of EU's 2030 and 2050 climate targets is not</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>4 a (new) - indent 3</i>		<i>jeopardised;</i>		
146.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 4 a (new) - indent 4</i>		<i>— whether the measure is to be in operation by 31 December 2024.</i>		
147.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 4 b (new)</i>		<i>(4b) The total amount of resources for reforms and investments aiming to contribute to the REPowerEU objectives in accordance with Article 21c(1)(a) of this Regulation shall be limited to a maximum amount of EUR [] billion, established by the Commission following a comprehensive needs-based assessment for immediate infrastructure needs. The amount of revenue made available in accordance with</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>Article 10e(1) of Directive 2003/87/EC [revenues generated by the EU Emissions Trading System] shall not contribute to reforms and investments under Article 21c(1)(a) of this Regulation.</i>		
148.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c - para 5 - introductory part</i>	(5) The provisions of this Regulation shall be applicable mutatis mutandis to the reforms and investments of the REPowerEU chapter, unless provided otherwise.	(5) The provisions of this Regulation shall be applicable mutatis mutandis to the reforms and investments of the REPowerEU chapter, <i>except for investments of the REPowerEU chapter financed by requested resources under Article 26a of Regulation (EU) 2021/1060 and the fund-specific rules apply.</i>	(5) The provisions of this Regulation shall be applicable mutatis mutandis to the reforms and investments of the REPowerEU chapter, unless provided otherwise.	
149.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a</i>		<i>Article 21ca</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>(new)</i>				
150.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a (new)</i>		<i>Supra-national energy security needs assessment</i>		
151.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a (new) - para 1</i>		<i>1. The Commission shall conduct an assessment of the needs to secure energy supply in the Union as a whole, prior to the approval of any recovery and resilience plan containing the REPowerEU chapter. That assessment shall aim to provide a supra-national perspective of the Union energy-security needs to facilitate the most efficient use of resources to reach the REPowerEU objectives. To that end, the Commission shall, at the latest by ... [one month after the entry into force of this amending</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>Regulation] draw up a report identifying and evaluating the most urgent infrastructure and investment needs to secure energy supply in the Union as a whole, including mainly cross-border or multi-country projects.</i>		
152.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a (new) - para 2</i>		<i>2. The report referred to in paragraph 1 shall cover at least the following:</i>		
153.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a (new) -</i>		<i>(a) the risk of energy-supply interruptions in each Member State in the short and medium-term; and</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>para 2 - point b</i>				
154.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a (new) - para 2 - point b</i>		<i>(b) the most relevant infrastructure and investment needs to secure energy supply in the Union as a whole, including a cross-border and multi-country dimension.</i>		
155.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a - para 3 (new)</i>		<i>3. Member States shall contribute to the elaboration of the report referred to in paragraph 1 by providing information on national energy security needs and projects as requested by the Commission.</i>		
156.	Article 1 - para 1 - point 1a		<i>(1a) The following Article is inserted:</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	(new) <i>Regulation (EU) 2021/241 - Article 13 a (new)</i>				
157.	[EP version] Article 1 - para 1 - point 1a (new) <i>Regulation (EU) 2021/241 - Article 13 a (new)</i>		<i>Article 13 a</i>	<u><i>Article 21ca</i></u>	
158.	[EP version] Article 1 - para 1 - point 1a (new) <i>Regulation (EU)</i>		<i>REPowerEU pre-financing</i>	<u>REPowerEU pre-financing</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	2021/241 - Article 13 a (new)				
159.	[EP version] Article 1 - para 1 - point 1a (new) Regulation (EU) 2021/241 - Article 13 a (new)		<i>The recovery and resilience plan containing a REPowerEU chapter may be accompanied by a request for pre-financing. Subject to the adoption by the Council of the implementing decision referred to in Articles 20(1) and 21(2) by 31 December 2023, the Commission shall make a pre-financing payment of an amount of up to 20 % of the additional funding requested to finance its REPowerEU chapter, under Articles 12 and 21a.”</i>	<u>(1) The recovery and resilience plan containing a REPowerEU chapter may be accompanied by a request for pre-financing. Subject to the adoption by the Council of the implementing decision referred to in Articles 20(1) and 21(2) by 31 December 2023, the Commission shall make a pre-financing payment of an amount of up to 15% of the additional funding requested to finance its REPowerEU chapter, under Article 12, Article 14, Article 21a and Article 21b.</u>	
160.	Article 1 - para 1 - point 6 Regulation (EU) 2021/241 Article 21c a			<u>(2) The total pre-financing payments for resources transferred under the conditions set out in Regulation (EU) 2021/1060 and Regulation (EU) 2021/2115 shall not exceed EUR 1 billion.</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>(new) - para 2</i>				
161.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a - para 3 (new)</i>			<u>(3) By derogation from Article 116 (1) of the Financial Regulation, the Commission shall make the corresponding payment within, to the extent possible, two months after the adoption by the Commission of the legal commitment referred to in Article 23, subject to available resources.</u>	
162.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21c a - para 4 (new)</i>			<u>(4) The payment of pre-financing for resources referred in paragraph 2 shall be made following receipt of information from all Member States on whether or not they intend to request pre-financing of such resources, and, where necessary, on a pro-rata basis to respect the total ceiling of EUR 1 billion.</u>	
163.	Article 1 - para 1 - point 6			<u>(5) In cases of pre-financing under paragraph 1, the financial contribution and, where applicable, the amount of the</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21c a - para 5 (new)</i>			<u>loan to be paid as referred to in point (a) or point (h) of Article 20(5), respectively, shall be adjusted proportionally.</u>	
164.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21d</i>	Article 21d	Article 21d	<i>Article 21d</i>	
165.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21d</i>	Monitoring implementation of REPowerEU chapters	Monitoring implementation of REPowerEU chapters	Monitoring implementation of REPowerEU chapters	
166.	Article 1 - para 1 - point 6	(1) The Commission shall monitor the implementation of the measures outlined in the	(1) The Commission shall monitor the implementation of the measures outlined in the	(1) <u>In accordance with Article 29, The the</u> Commission shall monitor the implementation of the	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21d - para 1</i>	REPowerEU chapter and their contribution to the REPowerEU objectives.	REPowerEU chapter and their contribution to the REPowerEU objectives. <i>To that end, within ... [two months after the entry into force of this amending Regulation], the Commission shall amend the delegated acts referred to in Article 29(4)(a) and Article 30(2) for the purpose of including additional indicators and information relevant to the REPowerEU objectives. The proposed additional indicators shall be limited to the objectives listed in Article 21c(1). The procedure set out in Article 33 shall apply to the adoption and entry into force of the amendment to the delegated acts.</i>	measures outlined in the REPowerEU chapter and their contribution to the REPowerEU objectives <u>using already existing monitoring tools in the context of RRF.</u>	
167.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241</i>	(2) The Commission shall provide information on the progress of implementation of the REPowerEU chapter in the annual report to the European Parliament and the Council, in accordance with Article 31.'	(2) The Commission shall provide information on the progress of implementation of the REPowerEU chapter <i>through a dedicated section</i> in the annual report to the European Parliament and the Council, in accordance	(2) The Commission shall provide information on the progress of implementation of the REPowerEU chapter in the annual report to the European Parliament and the Council, in accordance with Article 31.'	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Article 21d - para 2</i>		<i>with Article 31, including through lessons learned after assessing the data available on final beneficiaries and examples of best practices, as well as through regular and transparent information exchanges at the Recovery and Resilience Dialogue.</i>		
168.	Article 1 - para 1 - point 6 <i>Regulation (EU) 2021/241 Article 21d - para 2 a (new)</i>		<i>(2a) By ... [two years from the entry into force of this amending Regulation], the Commission shall provide the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions with an independent evaluation report on the implementation of the REPowerEU chapters and their contributions to the REPowerEU objectives and the objectives of the Facility.</i>		
169.	Article 1 - para 1 - point 6		<i>(2b) Each Member State shall create an easy to use and public portal containing real-time data</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Article 21d - para 2 b (new)</i>		<i>on the implementation of measures included in the REPowerEU chapters, including final recipients and beneficiaries.</i>		
170.	Article 1 - para 1 - point 7	(7) Annex V is amended in accordance with the Annex I to this Regulation.	(7) Annex V is amended in accordance with the Annex I to this Regulation.	(7) Annex V is amended in accordance with the Annex I to this Regulation.	
171.	Article 1 - para 1 - point 7 A (new)			<u>(7a) Annex IVa is inserted after Annex IV in accordance with Annex Ia to this Regulation.</u>	
172.	Article 2 - title	Article 2	Article 2	<i>Article 2</i>	
173.	Article 2 - para 1	Regulation (EU) 2021/1060, is amended as follows:	Regulation (EU) 2021/1060, is amended as follows:	Regulation (EU) 2021/1060, is amended as follows:	
174.	Article 2 - para 1 - point 1 <i>Regulation (EU) 2021/1060 Article 11</i>	(1) In Article 11(1), the following point is added:	(1) In Article 11(1), the following point is added:	(1) In Article 11(1), the following point is added:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- para 1				
175.	Article 2 - para 1 - point 1 <i>Regulation (EU) 2021/1060 Article 11 - para 1 - point e</i>	‘(e) where applicable, the breakdown of financial resources by category of region drawn up in accordance with Article 108(2) and the amounts of allocations proposed to be transferred pursuant to Articles 26, 26a and 111, including a justification for such transfers;’	‘(e) where applicable, the breakdown of financial resources by category of region drawn up in accordance with Article 108(2) and the amounts of allocations proposed to be <i>requested pursuant to Article 26a or to be transferred pursuant to Article 26, or pursuant to Article 111,</i> including a justification;’	‘(e) where applicable, the breakdown of financial resources by category of region drawn up in accordance with Article 108(2) and the amounts of allocations proposed to be transferred pursuant to Articles 26, 26a and 111, including a justification for such transfers;’	
176.	Article 2 - para 1 - point 2 <i>Regulation (EU) 2021/1060 Article 23 - para 3 - point g</i>	(2) In Article 22(3)(g), the following point is added:	(2) In Article 22(3)(g), the following point is added:	(2) In Article 22(3)(g), the following point is added:	
177.	Article 2 - para 1 - point 2 <i>Regulation (EU)</i>	‘(i) a table specifying the total financial allocations for each of the Funds and, where applicable, for each category of region for the whole programming period and by year, including any	‘(i) a table specifying the total financial allocations for each of the Funds and, where applicable, for each category of region for the whole programming period and by year, including any amounts	‘(i) a table specifying the total financial allocations for each of the Funds and, where applicable, for each category of region for the whole programming period and by year, including any amounts	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>2021/1060 Article 22 – para 3 – point g – point i</i>	amounts transferred pursuant to Article 26, Article 26a or 27;’	<i>requested pursuant to Article 26a or transferred pursuant to Article 26 or pursuant to Article 27;’</i>	transferred pursuant to Article 26, Article 26a or 27;’	
178.	Article 2 - para 1 - point 2 a (new) <i>Regulation (EU) 2021/1060 Article 24</i>		<i>(2a) In Article 24, the following paragraph is added:</i>		
179.	Article 2 - para 1 - point 2 a (new) <i>Regulation (EU) 2021/1060 Article 24 – para 7 a (new)</i>		<i>7a. For programmes supported by the ERDF, Cohesion Fund or ESF+, the Member State or the managing authority may request, until 31 December 2025, an amount of up to 7,5% of the budget of the initial national allocation to be contributed for the financing of measures supporting the objectives of the REPowerEU as referred to in Article 21c(1)(b) of Regulation (EU) 2021/241 with the exception</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>of fossil-free hydrogen, in Article 21c(1)(c) of Regulation (EU) 2021/241 with the exception of facilities dedicated to transport fossil fuels, and in Article 21c(1)(d) of Regulation (EU) 2021/241. For programmes supported by the ERDF, Cohesion Fund or ESF+, such contributions shall only be made within the same programme and shall require a Commission decision amending the programme. They shall comply with all regulatory requirements and shall be approved in advance by the monitoring committee. The Member State or the managing authority shall communicate the revised financial tables and the revised programme to the Commission.</i>		
180.	Article 2 - para 1 - point 3	(3) In Article 26(1), the following is inserted after the end of the first sub-paragraph :	(3) In Article 26(1), the following is inserted after the end of the first sub-paragraph :	(3) In Article 26(1), the following is inserted after the end of the first sub-paragraph:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/1060 Article 26 – para 1</i>				
181.	Article 2 - para 1 - point 3 <i>Regulation (EU) 2021/1060 Article 26 – para 1</i>	‘Where the Partnership Agreement has been approved and one or more programmes have not yet been adopted, a transfer to the Recovery and Resilience Facility in accordance with Regulation (EU) 2021/241 may be requested through notification of a revision of the information referred to in Article 11(1) points (c), (e) and (h) in accordance with Article 69(9).’	‘Where the Partnership Agreement has been approved and one or more programmes have not yet been adopted, a transfer to the Recovery and Resilience Facility in accordance with this Article may be requested through notification of a revision of the information referred to in Article 11(1) points (c), (e) and (h) in accordance with Article 69(9).’	‘Where the Partnership Agreement has been approved and one or more programmes have not yet been adopted, a transfer to the Recovery and Resilience Facility in accordance with Regulation (EU) 2021/241 may be requested through notification of a revision of the information referred to in Article 11(1) points (c), (e) and (h) in accordance with Article 69(9).’	
182.	Article 2 - para 1 - point 4 <i>Regulation (EU) 2021/1060 Article 26 – para 1</i>	(4) In Article 26 (1), the following new sub-paragraph is inserted:	(4) In Article 26 (1), the following new sub-paragraph is inserted:	(4) In Article 26 (1), the following new sub-paragraph sub-paragraphs is are inserted:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
183.	Article 2 - para 1 - point 4	2. By way of derogation from Article 40(2), point (d) and the paragraph above, the monitoring committee shall be consulted on the programme amendment, where such amendment is strictly limited to what is necessary for the purposes of the transfer to the Recovery and Resilience Facility.	<i>Deleted</i>	‘2. By way of derogation from Article 40(2), point (d) and the paragraph above, the monitoring committee shall be consulted on the programme amendment, where such amendment is strictly limited to what is necessary for the purposes of the transfer to the Recovery and Resilience Facility.	
184.	Article 2 - para 1 - point 4	‘3. Where the Partnership Agreement has been approved and the transfer is requested as part of a programme submission, the resulting inconsistency shall not be taken into account when assessing the programme pursuant to Article 23(1).’	‘3. Where the Partnership Agreement has been approved and the transfer is requested as part of a programme submission, the resulting inconsistency shall not be taken into account when assessing the programme pursuant to Article 23(1).’	‘3. Where the Partnership Agreement has been approved and the transfer is requested as part of a programme submission, the resulting inconsistency shall not be taken into account when assessing the programme pursuant to Article 23(1).’	
185.	Article 2 - para 1 - point 4 a (new)			<u>(4a) In Article 26 (5), the following sentence is inserted at the end of the paragraph:</u>	
186.	Article 2 - para 1 - point 4 a - subpara 1			<u>‘For transfers to the Recovery and Resilience Facility, resources of current calendar years may be transferred if such request for</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	(new)			<u>transfer is submitted before 1 November of that given year.'</u>	
187.	Article 2 - para 1 - point 4 b - (new)			<u>(4b) Article 26 (6) is replaced by the following:</u>	
188.	Article 2 - para 1 - point 4 b - point 6 (new)			<u>'6. JTF resources, including any resources transferred from the ERDF and the ESF+ in accordance with Article 27, shall not be transferable to other Funds or instruments pursuant to paragraphs 1 to 5 of this Article, with the exception of the Recovery and Resilience Facility.'</u>	
189.	Article 2 – para 5 -	(5) The following Article is inserted:	(5) The following Article is inserted:	(5) The following Article is inserted:	
190.	Article 2 - para 1 - point 5 <i>Regulation (EU) 2021/1060 Article</i>	‘Article 26a	‘Article 26a	‘Article 26a	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	26a				
191.	Article 2 - para 1 - point 5 <i>Regulation (EU) 2021/1060 Article 26a - title</i>	Transfer to the Recovery and Resilience Facility	<i>Support for the REPowerEU objectives</i>	Transfer to the Recovery and Resilience Facility	
192.	Article 2 - para 1 - point 5 <i>Regulation (EU) 2021/1060 Article 26a - para 1</i>	(1) Member States submitting to the Commission a recovery and resilience plan containing a REPowerEU chapter in accordance with Regulation (EU) 2021/241 may request the transfer of up to 7.5% of their initial national allocation of each Fund to the Recovery and Resilience Facility, provided that the Member State has already requested transfers from that specific Fund up to the ceiling of 5% in accordance with the first and second sub-paragraphs of Article 26(1). The transfer request	(1) Member States submitting to the Commission a recovery and resilience plan containing a REPowerEU chapter in accordance with Regulation (EU) 2021/241 may request that up to 7.5% of their initial national allocation of each Fund be contributed to the REPowerEU objectives as established in Regulation (EU) 2021/241 by supporting measures referred to in Article 21c(1)(b) thereof with the exception of fossil-free hydrogen, in Article 21c(1)(c) thereof with the exception of facilities dedicated to transport	(1) Member States submitting to the Commission a recovery and resilience plan containing a REPowerEU chapter in accordance with Regulation (EU) 2021/241 may request the transfer of up to 7.5% of their initial national allocation of each Fund to the Recovery and Resilience Facility, provided that the Member State has already requested transfers from that specific Fund up to the ceiling of 5% in accordance with the first and second sub-paragraphs of Article 26(1). The transfer request shall be made either in the Partnership Agreement, including	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		shall be made either in the Partnership Agreement, including through the notification of a revision of the information referred to in Article 11(1) points (c), (e) and (h) in accordance with Article 69(9) or in a request for an amendment of a programme. Where the request for transfer concerns an amendment of a programme, only resources of future calendar years may be transferred. Such transfers shall be additional to the possibility of transfer of resources envisaged under Article 26 of this Regulation.	<i>fossil fuels, and in Article 21c(1)(d) thereof</i> , provided that the Member State has already requested transfers from that specific Fund up to the ceiling of 5% in accordance with the first and second sub-paragraphs of Article 26(1). Where the Partnership Agreement has not yet been approved , the request for supporting REPowerEU objectives shall be made either in the Partnership Agreement, including through the notification of a revision of the information referred to in Article 11(1) points (c), (e) and (h) in accordance with Article 69(9) or in a request for an amendment of a programme. Where the request concerns an amendment of a programme, only resources of future calendar years may be <i>requested</i> . The possibility of such a request shall be additional to the possibility of transfer of resources envisaged	through the notification of a revision of the information referred to in Article 11(1) points (c), (e) and (h) in accordance with Article 69(9) or in a request for an amendment of a programme. Where the request for transfer concerns an amendment of a programme, only resources of future current calendar years may be transferred <u>if such request for transfer is submitted before 1 November of that given year.</u> Such transfers shall be additional to the possibility of transfer of resources envisaged under Article 26 of this Regulation.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			under Article 26 of this Regulation.		
193.	Article 2 - para 1 - point 5 <i>Regulation (EU) 2021/1060 Article 26a - para 2</i>	(2) Transferred resources shall be implemented in accordance with the provisions of Regulation (EU) 2021/241 and shall be used for the benefit of the Member State concerned.	(2) Transferred resources <i>under Article 26 of this Regulation</i> shall be implemented in accordance with the provisions of Regulation (EU) 2021/241. ■ Resources requested under Article 26a of this Regulation shall be <i>implemented in accordance with Regulation (EU) 2021/1060 and the provisions set out in the fund-specific regulation of the respective shared management fund. Transferred resources or requested resources supporting REPowerEU objectives shall be exclusively</i> used for the benefit of the Member State concerned.	(2) Transferred resources shall be implemented in accordance with the provisions of Regulation (EU) 2021/241 and shall be used for the benefit of the Member State concerned.	
194.	Article 2 - para 1 - point 5 <i>Regulation (EU)</i>	(3) Where the Partnership Agreement has been approved, and the transfer is requested before the approval of one or more programmes, the resulting inconsistency between the Partnership Agreement and the	(3) Where the Partnership Agreement has been approved, and the <i>request for supporting REPowerEU objectives is submitted</i> before the approval of one or more programmes, the resulting inconsistency between	(3) Where the Partnership Agreement has been approved, and the transfer is requested before the approval of one or more programmes, the resulting inconsistency between the Partnership Agreement and the	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	2021/1060 Article 26a - para 3	programmes shall not be taken into account when assessing the programme pursuant to Article 23(1). In such cases the Member State concerned shall submit a revision of the information referred to in Article 11(1) points (c), (e) and (h), which shall constitute a request for transfer within the meaning of this Article.	the Partnership Agreement and the programmes shall not be taken into account when assessing the programme pursuant to Article 23(1). In such cases the Member State concerned shall submit a revision of the information referred to in Article 11(1) points (c), (e) and (h), including a summary of a mandatory consultation with partners in line with Article 8(1) , which shall constitute a request for supporting REPowerEU objectives within the meaning of this Article.	programmes shall not be taken into account when assessing the programme pursuant to Article 23(1). In such cases the Member State concerned shall submit a revision of the information referred to in Article 11(1) points (c), (e) and (h), which shall constitute a request for transfer within the meaning of this Article.	
195.	Article 2 - para 1 - point 5 Regulation (EU) 2021/1060 Article 26a - para 3 a (new)		<i>(3a) By way of derogation from Article 13, approved Partnership Agreements shall not be amended and amendments to the programmes shall not entail the amendment of the approved Partnership Agreements.</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
196.	Article 2 - para 1 - point 5 <i>Regulation (EU) 2021/1060 Article 26a - para 4</i>	(4) Where a programme need to be amended for the purpose of transfers set out in this Article, by way of derogation from Article 24(2) and (4), the Commission shall adopt or refuse the amendment as regards the transfer and the resulting changes to the programme within one month after the date of submission of the programme by the Member State. By way of derogation from Article 40(2), point (d), the monitoring committee shall be consulted on the programme amendment. Requests for an amendment of a programme shall set out the total amount transferred for each year by Fund and by category of region, where applicable.	(4) Where a programme <i>needs</i> to be amended for the purpose of <i>a request for supporting REPowerEU objectives</i> set out in this Article, by way of derogation from Article 24(2) and (4), the Commission shall adopt or refuse the amendment as regards <i>that request</i> and the resulting changes to the programme within one month after the date of submission of the programme by the Member State. █ Requests for an amendment of a programme shall set out the total amount <i>contributed to the achievement of the REPowerEU objectives</i> for each year by Fund and by category of region, where applicable.	(4) Where a programme need to be amended for the purpose of transfers set out in this Article, by way of derogation from Article 24(2) and (4), the Commission shall adopt or refuse the amendment as regards the transfer and the resulting changes to the programme within one month after the date of submission of the programme by the Member State. By way of derogation from Article 40(2), point (d), the monitoring committee shall be consulted on the programme amendment. Requests for an amendment of a programme shall set out the total amount transferred for each year by Fund and by category of region, where applicable.	
197.	Article 2 - para 1 - point 5	(5) JTF resources, including any resources transferred from the ERDF and the ESF+ in accordance with Article 27, shall not be transferable to the	(5) JTF resources, including any resources transferred from the ERDF and the ESF+ in accordance with Article 27, shall not be transferable to the	(5) JTF resources, including any resources transferred from the ERDF and the ESF+ in accordance with Article 27, shall not be transferable to the	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/1060 Article 26a - para 5</i>	Recovery and Resilience Facility pursuant to this Article.	Recovery and Resilience Facility <i>and shall not be requested for supporting REPowerEU objectives</i> pursuant to this Article.	Recovery and Resilience Facility pursuant to this Article. In accordance with Article 26(6), JTF resources allocated under Regulation (EU) 2020/2094 according to Article 4 of Regulation (EU) 2021/1056 may be transferred to the Recovery and Resilience Facility pursuant to this Article.	
198.	Article 2 - para 1 - point 5 <i>Regulation (EU) 2021/1060 Article 26a - para 6</i>	(6) Where the Commission has not entered into a legal commitment for resources transferred in accordance with paragraph 1, the corresponding uncommitted resources may be transferred back to the Fund from which they have been initially transferred and allocated to one or more programmes, in accordance with the provisions in Article 26(7), 26(8) and 26(9).’	<i>Deleted</i>	(6) Where the Commission has not entered into a legal commitment for resources transferred in accordance with paragraph 1, the corresponding uncommitted resources may be transferred back to the Fund from which they have been initially transferred and allocated to one or more programmes, in accordance with the provisions in Article 26(7), 26(8) and 26(9).’	
199.	Article 2 - para 1 - point 5		<i>(6a) Expenditure incurred and paid for measures referred to in Article 21c(1)(b) of Regulation (EU) 2021/241 with the exception</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/1060 Article 26a - para 6 a (new)</i>		<i>of fossil-free hydrogen, in Article 21c(1)(c) thereof with the exception of facilities dedicated to transport fossil fuels, and in Article 21c(1)(d) thereof shall be counted towards the share of the climate targets and the climate adjustment mechanism in accordance with Article 6 of this Regulation.</i>		
200.	Article 2 - para 1 - point 5 a (new) - introductory part <i>Regulation (EU) 2021/1060 Article 112</i>		<i>(5a) In Article 112, the following paragraph is added:</i>		
201.	Article 2 - para 1 - point 5 a		<i>6a. Where a Member State decides to request resources under Article 26a of this Regulation, by way of derogation</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/1060</i> Article 112 - para 6 a (new)		<i>from Article 112(3) and (4) a co-financing rate of up to 100 % may be applied to expenditure declared in payment applications in the accounting years starting on 1 July 2022 and ending on 30 June 2026 for one or more priority axes in a programme supported by the ERDF, the ESF+ or the Cohesion Fund, for the financing of measures supporting the objectives of REPowerEU referred to in Article 21c(1)(b) of Regulation (EU) 2021/241 with the exception of fossil-free hydrogen, in Article 21c(1)(c) of that Regulation with the exception of facilities dedicated to transport fossil fuels, and in Article 21c(1)(d) of that Regulation.</i>		
202.	Article 2 - para 1 - point 5 a <i>Regulation (EU) 2021/1060</i> Article		<i>A request for a modification of the co-financing rate shall be submitted as an amendment of a programme in accordance with Article 24 and shall be accompanied by a revised programme.</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>112 - para 6 a - subpara 1 (new)</i>				
203.	Article 2 - para 1 - point 6	(6) Annexes II and V are amended in accordance with the Annex II to this Regulation.	(6) Annexes II and V are amended in accordance with the Annex II to this Regulation.	(6) Annexes II and V are amended in accordance with the Annex II to this Regulation.	
204.	Article 2 a (new)		Article 2a		
205.	Article 2 a - title (new)		<i>Regulation (EU) No 1303/2013 is amended as follows:</i>		
206.			<i>(1) In Article 60, the following paragraphs are added:</i>		
207.	Article 2 a (new) <i>Regulation (EU) No 1303/2013 Article 60 - para 2 a (new)</i>		<i>2a. By way of derogation from Article 60(1) and the first and fourth subparagraphs of Article 120(3), at the request of a Member State, a co-financing rate of 100 % may be applied to expenditure for fostering energy crisis response capacities in accordance with the "REPowerEU objectives" and support for vulnerable households and micro-, small</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>and medium enterprises from 1 February 2022 for one or more priority axes in a programme supported by the ERDF, the ESF or the Cohesion Fund.</i>		
208.	Article 2 a (new) <i>Regulation (EU) No 1303/2013 Article 60 - para 2 a - subpara 1 (new)</i>		<i>Requests for modification of the co-financing rate shall be submitted in accordance with the procedure for the amendment of programmes set out in Article 30 and shall be accompanied by a revised programme or programmes.</i>		
209.	Article 2 a (new) <i>Regulation (EU) No 1303/2013 Article 60 - para 2 a - subpara 2 (new)</i>		<i>The co-financing rate of 100 % shall apply only if the relevant amendment of the operational programme is approved by the Commission before the submission of the final application for an interim payment in accordance with Article 135(2).</i>		
210.	Article 2 a (new)		<i>2b. In response to the energy crisis resulting from the Russian</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) No 1303/2013 Article 60 - para 2 b (new)</i>		<i>aggression towards Ukraine, the resources available for the 2014-2020 programming period for the Investment for growth and jobs goal may, at the request of a Member State, be transferred between the ERDF, the ESF and the Cohesion Fund, irrespective of the percentages referred to in points (a) to (d) of Article 92(1). For the purpose of those transfers, the requirements laid down in Article 92(4) shall not apply.</i>		
211.	Article 2 a (new) <i>Regulation (EU) No 1303/2013 Article 60 - para 2 b - subpara 1 (new)</i>		<i>Resources transferred between the ERDF, the ESF and the Cohesion Fund under this paragraph shall be implemented in accordance with the rules of the Fund to which they are transferred.</i>		
212.	Article 3	Article 3	<i>Deleted</i>	<i>Article 3</i>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
213.	Article 3 - para 1	Regulation (EU) 2021/2115 is amended as follows:	<i>Deleted</i>	Regulation (EU) 2021/2115 is amended as follows:	
214.	Article 3 - para 1 - point 1	(1) The following Article is inserted:	<i>Deleted</i>	(1) The following Article is inserted:	
215.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81a (new)</i>	Article 81a	<i>Deleted</i>	<i>Article 81a</i>	
216.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81a (new)</i>	Use of EAFRD delivered through the Recovery and Resilience Facility	<i>Deleted</i>	Use of EAFRD delivered through the Recovery and Resilience Facility	
217.	Article 3 - para 1 - point 1 <i>Regulation</i>	(1) Member States submitting to the Commission a recovery and resilience plan containing a REPowerEU chapter in	<i>Deleted</i>	(1) Member States submitting to the Commission a recovery and resilience plan containing a REPowerEU chapter in accordance	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>n (EU) 2021/2115 - Article 81 a - para 1</i>	accordance with Regulation (EU) 2021/241 of the European Parliament and of the Council may allocate, in the proposal for a CAP Strategic Plan referred to in Article 118 or in the request for amendment of a CAP Strategic Plan referred to in Article 119, up to 12.5% of its initial allocation for the EAFRD to the Recovery and Resilience Facility.		with Regulation (EU) 2021/241 of the European Parliament and of the Council may allocate, in the proposal for a CAP Strategic Plan referred to in Article 118 or in the request for amendment of a CAP Strategic Plan referred to in Article 119, up to 12.5% of its <u>initial</u> allocation for the EAFRD to the Recovery and Resilience Facility, <u>including the amount transferred to EAFRD in accordance with Article 103.</u>	
218.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81 a - para 2</i>	(2) Member States shall determine the total amount contributed for each year. In case of request for amendment of a CAP Strategic Plan, those amounts shall concern only future years.	<i>Deleted</i>	(2) Member States shall determine the total amount contributed for each year. In case of request for amendment of a CAP Strategic Plan, <u>those amounts shall concern only future years</u> <u>resources of current calendar years may be allocated if such request for allocation is submitted before 1 November of that given year.</u>	
219.	Article 3 - para 1 -	(3) Where a CAP Strategic plan needs to be amended for the	<i>Deleted</i>	(3) Where a CAP Strategic plan needs to be amended for the	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	point 1 <i>Regulation (EU) 2021/2115 - Article 81 a - para 3</i>	purpose of transfers set out in this Article, by way of derogation from Article 119(6), the Commission shall adopt or refuse the amendment containing the allocation and the resulting changes to the CAP Strategic Plan within one month after the date of submission of the request by the Member State. The amendment shall not count for the maximum number of requests for amendment provided for in Art. 119 (7).		purpose of transfers set out in this Article, by way of derogation from Article 119(6), the Commission shall adopt or refuse the amendment containing the allocation and the resulting changes to the CAP Strategic Plan within one month after the date of submission of the request by the Member State. The amendment shall not count for the maximum number of requests for amendment provided for in Art. 119 (7).	
220.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81 a - para 4</i>	(4) Member States may revise the proposed CAP Strategic Plans for the purpose of allocation set out in this Article, at any time before their approval by the Commission.	<i>Deleted</i>	(4) Member States may revise the proposed CAP Strategic Plans for the purpose of allocation set out in this Article, at any time before their approval by the Commission.	
221.	Article 3 - para 1 - point 1	(5) The EAFRD allocation delivered through the Recovery	<i>Deleted</i>	(5) The EAFRD allocation delivered through the Recovery and Resilience Facility, in	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/2115 - Article 81 a - para 5</i>	and Resilience Facility, in accordance with paragraph 1, shall be fully included:		accordance with paragraph 1, shall be fully included:	
222.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81 a - para 5 - point a</i>	(a) in the calculation of the minimum financial allocation referred in Article 93 (1) and shall for the purpose of Article 93 (3) be considered as an intervention referred to in Article 93 (2). 100% of the allocated expenditure will be taken into account for the calculation referred to in Article 93(2);	Deleted	(a) in the calculation of the minimum financial allocation referred in Article 93 (1) and shall for the purpose of Article 93 (3) be considered as an intervention referred to in Article 93 (2). 100% of the allocated expenditure will be taken into account for the calculation referred to in Article 93(2);	
223.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81 a - para 5 - point b</i>	(b) in the calculation of the reduction of the minimum financial allocation for eco-schemes as defined in Article 97(2) and shall for the purpose of Article 97 (3) be considered as an intervention in accordance with Articles 70, 72, 73 and 74.	Deleted	(b) in the calculation of the reduction of the minimum financial allocation for eco-schemes as defined in Article 97(2) and shall for the purpose of Article 97 (3) be considered as an intervention in accordance with Articles 70, 72, 73 and 74.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
224.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81a - para 6</i>	(6) Where the Commission has not entered into a legal commitment for resources allocated in accordance with paragraph 1, the corresponding uncommitted resources may be transferred back to the EAFRD.	<i>Deleted</i>	(6) Where the Commission has not entered into a legal commitment for resources allocated in accordance with paragraph 1, the corresponding uncommitted resources may be transferred back to the EAFRD.	
225.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81a - para 5 - point a</i>	(a) To this end, the Member State shall submit a request for a CAP Strategic Plan amendment in accordance with Article 119, at the latest 4 months before the time limit for commitments set out in the first subparagraph of Article 114(2) of the Financial Regulation. Such amendment shall not count for the maximum number of requests for amendment provided for in Art. 119 (7).	<i>Deleted</i>	(a) To this end, the Member State shall submit a request for a CAP Strategic Plan amendment in accordance with Article 119, at the latest 4 months before the time limit for commitments set out in the first subparagraph of Article 114(2) of the Financial Regulation. Such amendment shall not count for the maximum number of requests for amendment provided for in Art. 119 (7).	
226.	Article 3 - para 1 - point 1	(b) Resources transferred back to the EAFRD shall be implemented in accordance with the rules set	<i>Deleted</i>	(b) Resources transferred back to the EAFRD shall be implemented in accordance with the rules set out in this Regulation as from the date	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/2115 - Article 81a - para 5 - point b</i>	out in this Regulation as from the date of submission of the request for programme amendment according to point (a) above.		of submission of the request for programme amendment according to point (a) above.	
227.	Article 3 - para 1 - point 1 <i>Regulation (EU) 2021/2115 - Article 81a - para 5 - point c</i>	(c) For the resources transferred back to the EAFRD in accordance with paragraph 6 of this Article, the decommitment time limit as defined Article 34(1) of Regulation (EU) 2021/2116 shall start in the year in which the corresponding budgetary commitments are made.	Deleted	(c) For the resources transferred back to the EAFRD in accordance with paragraph 6 of this Article, the decommitment time limit as defined Article 34(1) of Regulation (EU) 2021/2116 shall start in the year in which the corresponding budgetary commitments are made.	
228.	Article 3 - para 2 <i>Regulation (EU) 2021/2115 - Article 112 - para 2</i>	In Article 112(2), point (d) is replaced by the following:	Deleted	(2) In Article 112(2), point (d) is replaced by the following:	
229.	Article 3 - para 2	‘(d) where relevant, transfer of Member State’s allocations from the EAFRD for support under	Deleted	‘(d) where relevant, transfer of Member State’s allocations from the EAFRD for support under	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/2115 - Article 112 - para 2 - point d</i>	InvestEU or the RRF in accordance with Article 81 or 81a of this Regulation respectively, under Regulation (EU) 2021/783 or under Regulation (EU) 2021/817 in accordance with Article 99 of this Regulation;’		InvestEU or the RRF in accordance with Article 81 or 81a of this Regulation respectively, under Regulation (EU) 2021/783 or under Regulation (EU) 2021/817 in accordance with Article 99 of this Regulation;’	
230.	Article 3 a (new)			<u>Article 3a</u>	
231.	Article 3 a - para 1			<u>Regulation (EU) 2021/1755 is amended as follows:</u>	
232.	Article 3 a - para 1 - point 1			<u>(1) The following Article is inserted:</u>	
233.	Article 3 a - para 1 - point 1 <i>Regulation (EU) 2021/1755 - Article 4a (new)</i>			<u>'Article 4a</u>	
234.	Article 3 a			<u>Transfer to the Recovery and</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- para 1 - point 1 <i>Regulation (EU) 2021/1755</i> - Article 4a (new)			<u>Resilience Facility</u>	
235.	Article 3 a - para 1 - point 1 <i>Regulation (EU) 2021/1755</i> - Article 4a (new)			<u>(1) By 1 March 2023, Member States may submit to the Commission a reasoned request to transfer to the Recovery and Resilience Facility all or part of the amounts of the provisional allocation set out in the implementing act referred to in Article 4(5). If the transfer request is approved, the Commission shall amend the implementing act referred to in Article 4 (5) to reflect the adjusted amounts following the transfers.</u>	
236.	Article 3 a - para 1 - point 1			<u>(2) Where the transfers affect the instalments already paid or to be paid as pre-financing, the Commission shall amend the</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/1755 - Article 4a (new)</i>			<u>implementing act referred to in Article 9(1) accordingly for the Member State concerned. Where appropriate, the Commission shall recover all or part of the 2021 and 2022 instalments paid to that Member State as pre-financing, in accordance with the Financial Regulation. In that case the recovered amounts shall be transferred to the Recovery and Resilience Facility for the exclusive benefit of the Member State concerned.</u>	
237.	Article 3 a - para 1 - point 1 <i>Regulation (EU) 2021/1755 - Article 4a (new)</i>			<u>(3) Where a Member State chooses to transfer all or part of its provisional allocation to the Recovery and Resilience Facility in accordance with this Article, the amounts to be spent for the purpose referred to in Article 4(4) first subparagraph shall be proportionately reduced.</u>	
238.	Article 3 a - para 1 - point 1			<u>(4) Where a Member State chooses to transfer all of its provisional allocation to the</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/1755 - Article 4a (new)</i>			<u>Recovery and Resilience Facility, Article 10 (1) shall not apply. Article 10 (2) shall not apply to the amounts transferred to the Recovery and Resilience Facility.'</u>	
239.	Article 4	Article 4	<i>Article 4</i>	<i>Article 4</i>	
240.	Article 4 - para 1 (new) - introductory part <i>Directive 2003/87/EC</i>	(1) In Directive 2003/87/EC, the following Article is inserted:	<i>Directive 2003/87/EC is amended as follows:</i>	<u>(1)</u> In Directive 2003/87/EC, the following Article is inserted:	
241.	Article 4 - para 1 <i>Directive 2003/87/EC</i>		(1) the following Article is inserted:		
242.	Article 4 - para 1 <i>Directive 2003/87/EC</i>	Article 10e	Article 10e	<i>'Article 10e</i>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>C - Article 10e</i>				
243.	Article 4 - para 1 <i>Directive 2003/87/E C - Article 10e</i>	<i>Recovery and Resilience Facility</i>	<i>Recovery and Resilience Facility</i>	<i>Recovery and Resilience Facility</i>	
244.	Article 4 - para 1 <i>Directive 2003/87/E C - Article 10e - para 1</i>	(1) For the period until 31 December 2026, the allowances released pursuant to Article 1(6) of Decision (EU) 2015/1814 shall be auctioned until the amount of revenue obtained from such auctioning has reached EUR 20 billion. This revenue shall be made available to the Recovery and Resilience Facility established by Regulation (EU) 2021/241 and shall be implemented in accordance with the provisions of that Regulation.	(1) For the period until 31 December 2025 , the allowances referred to in Article 10(3), second subparagraph , shall be auctioned until the amount of revenue obtained from such auctioning has reached EUR 20 billion. The revenue referred to in the first subparagraph of this paragraph shall be made available to the Recovery and Resilience Facility established by Regulation (EU) 2021/241 for the purpose of contributing to the REPowerEU objectives as set out in Article 21c(1) of that Regulation and shall be implemented in accordance with	(1) For the period until 31 December 2026, <u>the allowances released pursuant to Article 1(6) of Decision (EU) 2015/1814 and the allowances auctioned pursuant to paragraph 1a and 1b of this Article</u> shall be auctioned until the total amount of revenue obtained from such auctioning has reached EUR 20 billion. This revenue shall be made available to the Recovery and Resilience Facility established by Regulation (EU) 2021/241 and shall be implemented in accordance with the provisions of that Regulation.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			the provisions of that Regulation.		
245.	Article 4 0 para 1 <i>Directive 2003/87/E C - Article 10 - para 3- point -1 (new)</i>		<i>(-1) In Article 10(3), the following subparagraph is inserted after the first subparagraph:</i>		
246.	Article 4 - para 1 <i>Directive 2003/87/E C - Article 10e - para 1a (new)</i>			<u>(1a) By derogation from Article 10a paragraph 8, for a period until 31 December 2026, a part of the allowances referred to in that paragraph shall be auctioned to support the objectives of Article 21c of Regulation (EU) 2021/241, until the amount of revenue obtained from such auctioning has reached EUR 15 000 000 000.</u>	
247.	[Council reference] Article 4 - para 1 <i>Directive</i>		<i>“By way of derogation from the first subparagraph of this paragraph and as an extraordinary and one-time measure, for the period until 31 December 2025, a number of</i>	<u>(1b) For the period until 31 December 2026, a number of allowances from the quantity which would otherwise be auctioned by the Member States pursuant to Article 10(1), fourth</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	2003/87/E C - Article 10e - para 1 b (new)		<i>allowances shall be deducted from the volume of allowances to be auctioned from 1 January 2027 to 31 December 2030 by Member States in accordance with paragraph 2 of this Article and shall be auctioned over the period until 31 December 2025 in accordance with Article 10e, until the amount of revenue obtained from such auctioning has reached EUR 20 billion.”</i>	<u>subparagraph under Article 10(2), from 1 January 2027 to 31 December 2030, shall be auctioned to support the objectives of Article 21c of Regulation (EU) 2021/241, until the amount of revenue obtained from such auctioning has reached EUR 5 000 000 000. Those allowances shall, in principle, be auctioned in equal annual volumes over the relevant period.</u>	
248.	Article 4 - para 1 Directive 2003/87/E C - Article 10e - para 2	(2) The Commission shall ensure that the allowances destined for the Recovery and Resilience Facility are auctioned in accordance with the principles and modalities laid down in Article 10(4) of Directive 2003/87/EC and in accordance with Article 24 of Commission Regulation (EU) No 1031/2010 ^[1] .	(2) The Commission shall ensure that the allowances destined for the Recovery and Resilience Facility are auctioned in accordance with the principles and modalities laid down in Article 10(4) of Directive 2003/87/EC and in accordance with Article 24 of Commission Regulation (EU) No 1031/2010 ^[1] .	(2) The Commission shall ensure that the allowances destined for the Recovery and Resilience Facility, <u>including for pre-financing payments, where appropriate, in accordance with Article 21ca of Regulation (EU) 2021/241</u> , are auctioned in accordance with the principles and modalities laid down in Article 10(4) of Directive 2003/87/EC and in accordance with Article 24 of Commission Regulation (EU) No 1031/2010 ^[1] .	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
249.	Article 4 - para 1 <i>Directive 2003/87/E C - Article 10e - para 3</i>	(3) The European Investment Bank (EIB) shall be the auctioneer for the allowances to be auctioned pursuant to this Article on the auction platform appointed pursuant to Article 26(1) of Commission Regulation (EU) No 1031/2010 ^[2] and shall provide the auction revenues to the Commission.	(3) The European Investment Bank (EIB) shall be the auctioneer for the allowances to be auctioned pursuant to this Article on the auction platform appointed pursuant to Article 26(1) of Commission Regulation (EU) No 1031/2010 ^[2] and shall provide the auction revenues to the Commission.	(3) The European Investment Bank (EIB) shall be the auctioneer for the allowances to be auctioned pursuant to this Article on the auction platform appointed pursuant to Article 26(1) of Commission Regulation (EU) No 1031/2010 ^[2] and shall provide the auction revenues to the Commission.	
250.	Article 4 - para 1 <i>Directive 2003/87/E C - Article 10e - para 4</i>	(4) The proceeds from auctioning those allowances shall constitute external assigned revenue for the purpose of Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.’	(4) The proceeds from auctioning those allowances shall constitute external assigned revenue for the purpose of Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.’	(4) The proceeds from auctioning those allowances shall constitute external assigned revenue for the purpose of Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.’	
251.	Article 5	Article 5	Article 5	Article 5	
252.	Article 5 - title <i>Decision (EU) 2015/1814</i>	Amendments to Decision (EU) 2015/1814	Amendments to Decision (EU) 2015/1814	Amendments to Decision (EU) 2015/1814	
253.	Article 5 - para 1	Article 1 of Decision (EU)	Article 1 of Decision (EU)	Article 1 of Decision (EU)	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Decision (EU) 2015/1814 - Article 1</i>	2015/1814 is amended as follows:	2015/1814 is amended as follows:	<u>2015/1814 is amended as follows:</u>	
254.	Article 5 - para 1 - point 1 <i>Decision (EU) 2015/1814 Article 1 - para 5 - subpara 1</i>	In paragraph 5, first subparagraph, the third sentence is replaced by the following:	In paragraph 5, <i>the</i> first subparagraph ■ is replaced by the following:	<u>In paragraph 5, first subparagraph, the third sentence is replaced by the following:</u>	
255.	Article 5 - para 1 - point 1 <i>Decision (EU) 2015/1814 Article 1 - para 5 - subpara 2</i>	‘By way of derogation from the first and second sentences, until 31 December 2030, the percentages and the 100 million allowances referred to in those sentences shall be doubled.’	<i>‘In any given year, if the total number of allowances in circulation is between 700 million and 921 million, a number of allowances equal to the difference between the total number of allowances in circulation, as set out in the most recent publication as referred to in paragraph 4 of this Article,</i>	<u>‘By way of derogation from the first and second sentences, until 31 December 2030, the percentages and the 100 million allowances referred to in those sentences shall be doubled.’</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<p><i>and 700 million, shall be deducted from the volume of allowances to be auctioned by the Member States under Article 10(2) of Directive 2003/87/EC and shall be placed in the reserve over a period of 12 months beginning on 1 September of that year. If the total number of allowances in circulation is above 921 million, the number of allowances to be deducted from the volume of allowances to be auctioned by the Member States under Article 10(2) of Directive 2003/87/EC and to be placed in the reserve over a period of 12 months beginning on 1 September of that year shall be equal to 12 % of the total number of allowances in circulation.</i> By way of derogation from the <i>last sentence</i>, until 31 December 2030, the <i>percentage shall be doubled. As from 2025, the thresholds referred to in this</i></p>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>subparagraph shall be reduced in proportion to the reduction of the Union-wide quantity of allowances referred to in Article 9 of Directive 2003/87/EC in the same year.'</i>		
256.	Article 5 - para 1 - point 2	In paragraph 6, the following subparagraph is added:	<i>Deleted</i>	<u>In paragraph 6, the following subparagraphs is are added:</u>	
257.	Article 5 - para 1 - point 1 - subpara 1	‘By way of derogation from the first subparagraph, for a period until 31 December 2026, a number of allowances shall be released from the reserve and auctioned in accordance with Article 10e of Directive 2003/87/EC, until the amount of revenue obtained from such auctioning has reached EUR 20 billion.’	<i>Deleted</i>	<u>‘By way of derogation from the first subparagraph, for a period until 31 December 2026, a number of allowances shall be released from the reserve and auctioned in accordance with Article 10e of Directive 2003/87/EC, until the amount of revenue obtained from such auctioning has reached EUR 20 billion.’</u>	
258.	Article 5 a (new)		<i>Article 5a</i>		
259.	Article 5 a - title (new)		<i>Entry into force</i>		
260.	[EP		<i>This Regulation shall enter into</i>	<u>This Regulation shall enter into</u>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>version]</i> Article 5 a - para 1 (new)		<i>force on the day following that of its publication in the Official Journal of the European Union.</i>	<u>force on the day following that of its publication in the Official Journal of the European Union.</u>	
261.	Article 6	Article 6	<i>Article 6</i>	<i>Article 6</i>	
262.	Article 6 - para 1	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
263.	Article 6 - para 2	Done at Brussels,	Done at Brussels,	Done at Brussels,	
264.	Article 6	For the European Parliament For the Council	<i>For the European Parliament The President</i>	<i>For the European Parliament For the Council</i>	
265.	Article 6	The President The President	<i>For the Council The President</i>	<i>The President The President</i>	
266.					
267.					
268.					
269.					
270.					
271.					
272.	Annex I	<u>ANNEX I</u>	<u>ANNEX I</u>	<u>ANNEX I</u>	
273.					
274.	Annex I - para 1	Annex V of Regulation 2021/241	Annex V of Regulation 2021/241 is amended as follows:	Annex V of Regulation 2021/241 is amended as follows:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
		is amended as follows:			
275.	Annex I - para 1 - point a	(a) In section 2, the following point is added:	(a) In section 2, the following points are added:	(a) In section 2, the following point is added:	
276.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 1</i>	‘2.12. The measures referred to in Article 21c (1) and (2) are expected to effectively contribute towards the Union’s security of supply for the Union as a whole, notably through a diversification of energy supply or reduction of dependence on fossil fuels before 2030.’.	‘2.12. The measures referred to in Article 21c (1) and (2) are expected to effectively contribute towards the Union’s security of supply for the Union as a whole, notably through a diversification of energy supply, increase of energy storage capacities or significant or reduction of dependence on fossil fuels before 2030, towards the Union’s 2030 targets including energy efficiency and renewable energy and towards the EU’s climate neutrality objective. Where relevant, measures contained in the REPowerEU chapter shall give adequate priority to the needs of those affected by energy poverty as well as to the reduction of vulnerabilities during the nearest winter	‘2.12. The measures referred to in Article 21c (1) and (2) are expected to effectively contribute towards the Union’s security of supply for the Union as a whole, notably through a diversification of energy supply or reduction of dependence on fossil fuels before 2030’.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>seasons.</i>		
277.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 2</i>	When assessing the measures referred to in Article 21c (1) under this criterion, the Commission shall take into account the following elements:	When assessing the measures referred to in Article 21c (1) under this criterion, the Commission shall take into account the following elements:	When assessing the measures referred to in Article 21c (4) under this criterion, the Commission shall take into account <u>the specific challenges and the additional funding under the Facility available to the Member State concerned take</u> . <u>The Commission shall consider</u> the following elements:	
278.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3</i>	Scope	Scope	Scope	
279.	Annex I - para 1 - point a <i>Regulation</i>	— the implementation of the envisaged measures is expected to significantly contribute to the improvement of energy	— the implementation of the envisaged measures is expected to significantly contribute to the improvement of energy infrastructure and facilities to	— the implementation of the envisaged measures is expected to <u>effectively significantly</u> contribute to the improvement of energy infrastructure and facilities to meet	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>n (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3 - indent 1</i>	infrastructure and facilities to meet immediate security of supply needs for oil and gas, notably to enable diversification of supply in the interest of the Union as a whole,	meet immediate security of supply needs for gas, <i>including LNG</i> , notably to enable diversification of supply in the interest of the Union as a whole, <i>while ensuring that the relevant infrastructures are hydrogen ready</i> ,	immediate security of supply needs for oil and gas, notably to enable diversification of supply in the interest of the Union as a whole,	
280.	<i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3 - indent 1 - subpara 2</i>	or	or	or	
281.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3</i>	— the implementation of the envisaged measures is expected to significantly contribute to boosting energy efficiency in buildings, decarbonising industry, increasing production and uptake of sustainable biomethane and renewable or fossil free hydrogen and increasing the share of renewable energy,	— the implementation of the envisaged measures is expected to significantly contribute to boosting energy efficiency <i>and savings</i> in buildings, <i>including via investment schemes targeted to vulnerable households, SMEs and micro-enterprises</i> ,	— the implementation of the envisaged measures is expected to <u>effectively significantly</u> contribute to boosting energy efficiency in buildings <u>and critical energy infrastructure</u> , decarbonising industry, increasing production and uptake of sustainable biomethane and renewable or fossil free hydrogen and increasing the share	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- <i>indent 2</i>			of renewable energy,	
282.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3 - indent 2 - subpara 2</i>	or	or	or	
283.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3 - indent 3</i>		— decarbonising industry, increasing energy storage capacity , increasing production and uptake of sustainable biomethane, renewable energy, renewable fuels of non-biological origin (RFNBOs) , renewable or fossil free hydrogen and speeding up permitting processes for plants producing renewable energy, including the improvement of related electricity		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>generation and other infrastructure, including by accelerating permitting procedures,</i>		
284.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 - subpara 3 - indent 3 - subpara 2</i>		<i>or</i>		
285.	[EP version] Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V -</i>		<i>— addressing energy poverty, in particular through measures benefitting vulnerable and low-income households,</i>	<i><u>— the implementation of the envisaged measures is expected to effectively contribute to addressing energy poverty and incentivising reduction of energy demand,</u></i>	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Section 2 - point 2.12 -subpara 3 - indent 3 a (new)</i>				
286.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3 - indent 3 - subpara 2a (new)</i>		<i>or</i>		
287.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12</i>		<i>— incentivising reduction of energy demand, including by upscaling existing energy savings solutions,</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	-subpara 3 - indent 3b (new)				
288.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 -subpara 3 - indent 3b (new) - subpara 2</i>		or		
289.	[EP version] Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 -</i>	— the implementation of the envisaged measures is expected to address energy infrastructure bottlenecks, in particular by constructing cross-border links with other Member States, or supports zero-emission transport and its infrastructure, including railways,	— the implementation of the envisaged measures is expected to address energy infrastructure bottlenecks, including the connection of grids to new renewable energy sources , in particular by constructing cross-border links with other Member States, or supports zero-emission transport and its infrastructure in	— the implementation of the envisaged measures is expected to address energy infrastructure bottlenecks, in particular by constructing cross-border links with other Member States, or supports zero-emission transport and its infrastructure, including railways,	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>point 2.12 - subpara 3 - indent 4</i>		<i>a just and inclusive way,</i> including railways, <i>thereby contributing to ensuring affordable energy and transport in the Union,</i>		
290.	<i>[EP version] Annex I - para 1 - point a Regulation (EU) 2021/241 Annex V - Section 2 - point 2.12 - subpara 3 - indent 4 - subpara 2</i>	or	or	or	
291.	<i>[EP version] Annex I - para 1 - point a Regulation</i>	— the implementation of the envisaged measures is expected to significantly contribute to supporting a requalification of the workforce towards green skills, as well as supporting value chains in	— the implementation of the envisaged measures is expected to significantly contribute to supporting a requalification of the workforce towards green <i>and the related digital</i> skills <i>and energy</i>	— the implementation of the envisaged measures is expected to <u>effectively significantly</u> contribute to supporting a requalification of the workforce towards green skills, as well as supporting value chains	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>n (EU) 2021/241 Annex V - Section 2 - point 12 - subpara 2 - indent 5</i>	key materials and technologies linked to the green transition,	<i>transition, including for the administrative implementation of those objectives</i> , as well as supporting value chains in key materials and technologies linked to the green transition <i>and the use of sustainable construction materials and products, thereby reducing the dependency on primary critical raw materials relevant to the energy transition,</i>	in key materials and technologies linked to the green transition,	
292.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 - subpara 2 - indent 5 - subpara 2</i>	and	and	and	
293.	Annex I - para 1 -	— whether the measures and explanation, provided under	— whether the measures and explanation, provided under	— whether the measures, provided under Article 21c (1) are	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 - subpara 2 - indent 6</i>	Article 21c (1) are complementary to each other and significantly contribute, together with measures under Article 21c(2), points (a) and (b), to achieve the Union's diversification of energy supply or reduction of dependence on fossil fuels before 2030.'	Article 21c (1) are complementary to each other and significantly contribute, together with measures under Article 21c(2), points (a) and (b), to achieve <i>energy security</i> , the Union's diversification of energy supply, <i>increase of energy storage capacities</i> or <i>significant</i> or reduction of dependence on fossil fuels before 2030, <i>towards the Union's 2030 targets including energy efficiency and renewable energy and towards the EU's climate neutrality objective.</i>	complementary to each other and significantly contribute, together with measures under Article 21c(2), points (a) and (b), to achieve the Union's diversification of energy supply or reduction of dependence on fossil fuels before 2030. coherent with the efforts of the Member State concerned to achieve the REPowerEU objectives, taking into account the measures in the already adopted Council Implementing Decision.'	
294.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 - subpara 3</i>	Rating	Rating	Rating	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
295.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 - subpara 4</i>	A – to a large extent	A – to a large extent	A – to a large extent	
296.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 - subpara 5</i>	B – to a medium extent	B – to a medium extent	B – to a medium extent	
297.	Annex I - para 1 - point a <i>Regulation (EU)</i>	C – to a small extent	C – to a small extent	C – to a small extent	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>2021/241 Annex V - Section 2 - point 12 - subpara 6</i>				
298.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a (new)</i>		<i>2.12a. The consultation process as referred to in Article 18(4)(q) related to the measures referred to in Article 21c(1) is adequate and the pertinent input from the relevant stakeholders is properly reflected in the substance of the REPowerEU chapter.</i>		
299.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 1</i>		<i>The Commission shall take into account the following elements for the assessment of this criterion</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
300.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3</i>		<i>Scope:</i>		
301.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 1</i>		<i>— the consultation process as referred to in Article 18(4)(q) related to the measures referred to in Article 21c(1) is adequate</i>		
302.	Annex I - para 1 - point a		<i>and</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 1 subpara 1 (new)</i>				
303.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 2 (new)</i>		<i>— the detailed consultation report depicts the timeline and the stages of the consultations, notes the stakeholders consulted and explains the outcome of these consultations,</i>		
304.	Annex I - para 1 - point a		<i>and</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 2 - subpara 2 (new)</i>				
305.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 3 (new)</i>		<i>— the pertinent input from the relevant stakeholders is properly reflected in the substance of the REPowerEU chapter</i>		
306.	Annex I - para 1 - point a		<i>and</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 2 - subpara 2 (new)</i>				
307.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 4 (new)</i>		<i>— the Members State has provided information on which input was not reflected and for which reason,</i>		
308.	Annex I - para 1 - point a		<i>and</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 4 - subpara 2 (new)</i>				
309.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 3 - indent 5 (new)</i>		<i>— the Member State has provided information on how the local and regional authorities and other relevant stakeholders will be involved in the implementation of the REPowerEU chapter and its monitoring.</i>		
310.	Annex I - para 1 - point a		<i>Rating</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 4</i>				
311.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 5</i>		<i>A – to a large extent</i>		
312.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V -</i>		<i>B – to a medium extent</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Section 2 - point 12 a - subpara 6</i>				
313.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 a - subpara 7</i>		<i>C – to a small extent</i>		
314.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 b (new)</i>		<i>2.12b. Unless a derogation is granted to the Member State pursuant to Article 21c(1a), at least 35 % of the grants and at least 35 % of the loans, as applicable, to be used under the REPowerEU chapter is allocated to measures having a cross-border or multi-country dimension or effect, even if carried out by one Member State,</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
			<i>and shall contribute to the objectives outlined in Article 21c(1).</i>		
315.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 b - subpara 2 (new)</i>		<i>Rating</i>		
316.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 b- subpara 3 (new)</i>		<i>A – At least 35 % of the grants and at least 35 % of the loans, as applicable, to be used under the REPowerEU chapter is allocated to measures having a cross-border or multi-country dimension or effect, unless a derogation is granted</i>		
317.	Annex I -		<i>C – Less than 35 % of the grants</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 b- subpara 4 (new)</i>		<i>or less than 35% of the loans, as applicable, to be used under the REPowerEU chapter is allocated to measures having a cross-border or multi-country dimension or effect, without a derogation being granted</i>		
318.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c (new)</i>		<i>2.12c. The measures under Article 21c(1)(a) meeting the cumulative conditions set out in Article 21c(4) fulfil the requirements of Article 21c(4a).</i>		
319.	Annex I - para 1 - point a <i>Regulation (EU)</i>		<i>The Commission shall take into account the following elements for the assessment of this criterion</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>2021/241 Annex V - Section 2 - point 12 c - subpara 2 (new)</i>				
320.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 3 (new)</i>		Scope:		
321.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c</i>		<i>– there is no adequate clean technology alternative in terms of costs or timeline of implementation to reach the REPowerEU objectives under Article 21c(1)(a);</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- subpara 3 - indent 1 (new)				
322.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 3 - indent 1 (new)</i>		<i>and</i>		
323.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 3 - indent 2 (new)</i>		<i>– the potential harm to the EU's environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 is narrowed to the strict unavoidable extent;</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
324.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 3 - indent 2 (new)</i>		<i>and</i>		
325.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 3 - indent 3 (new)</i>		<i>– the potential harm to the EU's environmental objectives is mitigated by accompanying measures, or other measures contributing to the REPowerEU objectives, and the integrity of EU's 2030 and 2050 climate targets is not jeopardised;</i>		
326.	Annex I - para 1 -		<i>and</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 3 - indent 3 (new)</i>				
327.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 3 - indent 4 (new)</i>		<i>– the measure is to be in operation by 31 December 2024.</i>		
328.	Annex I - para 1 - point a		<i>Rating</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 4 (new)</i>				
329.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V - Section 2 - point 12 c - subpara 5 (new)</i>		<i>A – all the measures under Article 21c (1) (a) meeting the cumulative conditions set out in Article 21c(4) fulfil the requirements of Article 21c(4a)</i>		
330.	Annex I - para 1 - point a <i>Regulation (EU) 2021/241 Annex V -</i>		<i>C – one or more measures under Article 21c (1) (a) meeting the cumulative conditions set out in Article 21c(4) do not fulfil the requirements of Article 21c(4a)’</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	<i>Section 2 - point 12 c - subpara 5 (new)</i>				
331.	Annex I - para 1 - point b	(b) In section 3 the part which starts with the words “As a result of the assessment process, and taking into account the ratings” is replaced by the following:	(b) In section 3 the part which starts with the words “As a result of the assessment process, and taking into account the ratings” is replaced by the following:	(b) In section 3 the part which starts with the words “As a result of the assessment process, and taking into account the ratings” is replaced by the following:	
332.	Annex I - para 1 - point b - subpara 2	‘As a result of the assessment process, and taking into account the ratings:	‘As a result of the assessment process, and taking into account the ratings:	‘As a result of the assessment process, and taking into account the ratings:	
333.	Annex I - para 1 - point b - subpara 2 - point a	(a) The recovery and resilience plan complies satisfactorily with the assessment criteria:	(a) The recovery and resilience plan complies satisfactorily with the assessment criteria:	(a) The recovery and resilience plan complies satisfactorily with the assessment criteria:	
334.	Annex I - para 1 - point b - subpara 2 - point a - subpara 2	If the final ratings for the criteria under point 2 include scores with:	If the final ratings for the criteria under point 2 include scores with:	If the final ratings for the criteria under point 2 include scores with:	
335.	Annex I - para 1 - point b - subpara 2	— an A for criteria 2.2, 2.3, 2.5, 2.6 and 2.12;	— an A for criteria 2.2, 2.3, 2.5, 2.6, 2.12, 2.12a, 2.12b and 2.12c ;	— an A for criteria 2.2, 2.3, 2.5, 2.6 and 2.12;	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- point a - subpara 2 - indent 1				
336.	Annex I - para 1 - point b - subpara 2 - point a - subpara 3	and for the other criteria:	and for the other criteria:	and for the other criteria:	
337.	Annex I - para 1 - point b - subpara 2 - point a - subpara 2 - indent 2	— all As,	— all As,	— all As,	
338.	Annex I - para 1 - point b - subpara 2 - point a - subpara 4	or	or	Or	
339.	Annex I - para 1 - point b - subpara 2 - point a -	— no majority of Bs over As and no Cs.	— no majority of Bs over As and no Cs.	— no majority of Bs over As and no Cs.	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	subpara 2 - indent 3				
340.	Annex I - para 1 - point b - subpara 2 - point b	(b) The recovery and resilience plan does not comply satisfactorily with the assessment criteria:	(b) The recovery and resilience plan does not comply satisfactorily with the assessment criteria:	(b) The recovery and resilience plan does not comply satisfactorily with the assessment criteria:	
341.	Annex I - para 1 - point b - subpara 2 - point b - supara 2	If the final ratings for the criteria under point 2 include scores with:	If the final ratings for the criteria under point 2 include scores with:	If the final ratings for the criteria under point 2 include scores with:	
342.	Annex I - para 1 - point b - subpara 2 - point b - indent 1	— not an A in criteria 2.2, 2.3, 2.5, 2.6 and 2.12;	— not an A in criteria 2.2, 2.3, 2.5, 2.6, 2.12, 2.12a, 2.12b and 2.12c ;	— not an A in criteria 2.2, 2.3, 2.5, 2.6 and 2.12;	
343.	Annex I - para 1 - point b - subpara 2 - point b - subpara 3	and for the other criteria:	and for the other criteria:	and for the other criteria:	
344.	Annex I - para 1 - point b - subpara 2	— a majority of Bs over As,	— a majority of Bs over As,	— a majority of Bs over As,	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- point b - indent 2				
345.	Annex I - para 1 - point b - subpara 2 - point b - subpara 4	or	or	Or	
346.	Annex I - para 1 - point b - subpara 2 - point b - indent 3	— at least one C.’	— at least one C.’	— at least one C.’	
347.					
348.	ANNEX Ia (new)			<u>ANNEX Ia (new)</u>	
349.				Annex IVa is inserted after Annex IV of Regulation (EU) 2021/241 as follows:	
350.				‘This Annex sets out the methodology for calculating the allocation share of the resources in the form of additional non-repayable financial support under the Facility referred to in Article 21a (1) available for each Member	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
				State. The method takes into account, with regard to each Member State:	
351.				<ul style="list-style-type: none"> — the population; — the inverse of the GDP per capita; — the gross fixed capital formation price deflator; — the share of fossil fuels in gross inland energy consumption. 	
352.				<p>To avoid excessive concentration of resources:</p> <ul style="list-style-type: none"> — the inverse of the GDP per capita is capped at a maximum of 160% of the Union weighted average; — the inverse of the GDP per capita is capped at a maximum of 55% of the Union weighted average if the GDP per capita of the Member State concerned is above 130% of EU-27 average; — a minimum allocation share is set at 0,15% — a maximum allocation share is set at 13,80%. 	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
353.				The allocation key applied to the amount referred to in Article 21a (1), ρ_i is defined as follows:	
354.				$\rho_i = \begin{cases} 0,0015 & \omega_i \leq 0,0015 \\ 0,138 & \omega_i \geq 0,138 \end{cases}$ $\omega_i = \frac{\omega_i}{\sum_{i=1}^q \omega_i} \left[\sum_{i=1}^q (0,0015 - \omega_i) - \sum_{i=1}^q (\omega_i - 0,138) \right] \quad 0,0015 < \omega_i < 0,138$	
355.				where Member States i to z are the Member States benefitting from a minimum allocation share and Member States i to q are the Member States benefitting from a maximum allocation share.	
356.				where $\omega_i = \frac{\tau_i + \mu_i + \psi_i}{3}$	
357.				where $\tau_i = \frac{\sigma_{i,2021}}{\sum_{i=1}^{27} \sigma_{i,2021}}$ and $\mu_i = \frac{\sigma_{i,2021} \times \frac{FFGIC_{i,2020}}{FFGIC_{EU,2020}}}{\sum_{i=1}^{27} \sigma_{i,2021} \times \frac{FFGIC_{i,2020}}{FFGIC_{EU,2020}}}$ and $\psi_i = \frac{\sigma_{i,2021} \times \frac{GFCF_{i,2022Q2/2021Q2}}{GFCF_{EU,2022Q2/2021Q2}}}{\sum_{i=1}^{27} \sigma_{i,2021} \times \frac{GFCF_{i,2022Q2/2021Q2}}{GFCF_{EU,2022Q2/2021Q2}}}$,	
358.				where $\sigma_{i,2021} = \frac{pop_{i,2021}}{pop_{EU,2021}} \times \min \left\{ \frac{GDP_{EU,2021}^{PC}}{GDP_{i,2021}^{PC}}; 1,6 \right\}$ for Member States i with $\frac{GDP_{i,2021}^{PC}}{GDP_{EU,2021}^{PC}} \leq 1,3$ and	
359.				$\sigma_{i,2021} = \frac{pop_{i,2021}}{pop_{EU,2021}} \times$	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
				$\min \left\{ \frac{GDP_{EU,2021}^{PC}}{GDP_{i,2021}^{PC}}; 0,55 \right\}$ for Member States i with $\frac{GDP_{i,2021}^{PC}}{GDP_{EU,2021}^{PC}} > 1,3$	
360.				Defining ²² :	
361.					
362.				$pop_{i,2021}$ – as the 2021 total population (national accounts) in Member State i;	
363.				$pop_{EU,2021}$ – as the 2021 total population (national accounts) in the EU-27 Member States;	
364.				$GDP_{EU,2021}^{PC}$ – as the 2021 weighted average of the nominal GDP per capita (euro) of the EU-27 Member States;	
365.				$GDP_{i,2021}^{PC}$ – as the 2021 nominal GDP per capita (euro) of Member State i;	
366.				$FFGIC_{i,2020}$ – as the 2020 share of fossil fuels in gross inland energy consumption of Member State i;	

²² All data in this Regulation is from Eurostat. Cut-off date 20 September 2022 for historical data used for the application of the allocation key in this annex. Fossil fuels include solid fossil fuels, manufactured gases, peat and peat products, oil shale and oil sands, oil and petroleum products (excluding biofuel portion), natural gas and non-renewable waste.

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
367.				$FFGIC_{EU,2020}$ – as the 2020 weighted average share of fossil fuels in gross inland energy consumption of the EU-27 Member States;	
368.				$GFCF_{i,2022Q2/2021Q2}$ – as the ratio of 2022 Q2 gross fixed capital formation price index (implicit deflator, 2015=100, national currency, seasonally and calendar adjusted data) of Member State i and 2021 Q2 Gross fixed capital formation price index (implicit deflator, 2015=100, national currency, seasonally and calendar adjusted data) of Member State i;	
369.				$GFCF_{EU,2022Q2/2021Q2}$ – as the ratio of 2022 Q2 gross fixed capital formation price index (implicit deflator, 2015=100, national currency, seasonally and calendar adjusted data) of the EU-27 aggregate and 2021 Q2 gross fixed capital formation price index (implicit deflator, 2015=100,	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2			Compromise
				national currency, seasonally and calendar adjusted data) of the EU-27 aggregate.			
370.				The application of the methodology to the amount referred to in Article 21a (1) will result in the following share and amount per Member State:			
371.				Member State	Share as % of total	Amount (in EUR 1 000, current prices)	
				Belgium	1,41%	282 139	
				Bulgaria	2,40%	480 047	
				Czechia	3,41%	681 565	
				Denmark	0,65%	130 911	
				Germany	10,45 %	2 089 555	
				Estonia	0,42%	83 423	
				Ireland	0,45%	89 598	
				Greece	3,85%	769 222	
				Spain	12,93 %	2 586 147	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2			Compromise
				France	11,60 %	2 320 955	
				Croatia	1,35%	269 441	
				Italy	13,80 %	2 760 000	
				Cyprus	0,26%	52 487	
				Latvia	0,62%	123 983	
				Lithuania	0,97%	194 020	
				Luxembo urg	0,15%	30 000	
				Hungary	3,51%	701 565	
				Malta	0,15%	30 000	
				Netherlan ds	2,28%	455 042	
				Austria	1,05%	210 620	
				Poland	13,80 %	2 760 000	
				Portugal	3,52%	704 420	
				Romania	7,00%	1 399 326	
				Slovenia	0,58%	116 910	
				Slovakia	1,83%	366 959	
				Finland	0,56%	112 936	
				Sweden	0,99%	198 727	
				EU27	100,0 0%	20 000 000	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
				,	
372.		<u>ANNEX II</u>	<u>ANNEX II</u>	<u>ANNEX II</u>	
373.	Annex II - para 1 <i>Regulation (EU) 2021/1060 Annex II - para 4 - point - 2</i>	(1) In paragraph 4.2 of Annex II of Regulation (EU) 2021/1060, the following is inserted:	<i>Deleted</i>	(1) In paragraph 4.2 of Annex II of Regulation (EU) 2021/1060, the following is inserted:	
374.	Annex II - para 1 - subpara 1 <i>Regulation (EU) 2021/1060 Annex II - para 4.2</i>	‘Reference: Articles 26(1) and 26a CPR’	<i>Deleted</i>	‘Reference: Articles 26(1) and 26a CPR’	
375.	Annex II - para 2 <i>Regulation (EU) 2021/1060 - Annex V</i>	(2) In paragraph 3.1 of Annex V of Regulation (EU) 2021/1060, the following is inserted:	(2) In paragraph 3.1 of Annex V of Regulation (EU) 2021/1060 is amended as follows:	(2) In paragraph 3.1 of Annex V of Regulation (EU) 2021/1060, the following is inserted:	

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	- <i>para 3.1</i>				
376.	Annex II - para 2 - point a (new) <i>Regulation (EU) 2021/1060 - Annex V - para 3.1 - table column 1</i>		(a) the following is inserted:		
377.	Annex II - para 2 - point a - para 1 <i>Regulation (EU) 2021/1060 - Annex V - para 3.1 - subpara 2</i>	‘Reference: Articles 14, 26, 26a and 27 CPR’	‘Reference: Articles 14, 26, 26a and 27 CPR’	‘Reference: Articles 14, 26, 26a and 27 CPR’	
378.	Annex II -		<i>(b) the first table is amended as</i>		

Nr.	Ref.	Commission proposal	EP	Council ST 12662/22 REV 2	Compromise
	para 2 - point b (new) <i>Regulation (EU) 2021/1060 - Annex V - para 3.1 - table column 1 - row 1 a (new)</i>		<i>follows:</i>		
379.	Annex II - para 2 - point b (new) <i>Regulation (EU) 2021/1060 - Annex V - para 3.1 - table column 2 - row 3 a (new)</i>		<div>Programme amendment related to</div> <div> <input type="checkbox"/> contribution to InvestEU <input type="checkbox"/> transfer to instruments under direct or indirect management <input type="checkbox"/> transfer between ERDF, ESF+, Cohesion Fund or to another Fund or Funds <input checked="" type="checkbox"/> <i>support for the REPowerEU</i> </div>		

Nr.	Ref.	Commission proposal	EP			Council ST 12662/22 REV 2	Compromise
					<i>objectives</i>		
380.	Annex II - point 3 - para 1	(3) In footnote 1 of paragraph 3.1 of Annex V of Regulation (EU) 2021/1060, the following is inserted:	(c) In footnote 1, the following is inserted:			(3) In footnote 1 of paragraph 3.1 of Annex V of Regulation (EU) 2021/1060, the following is inserted:	
381.	Annex II - point 3 - para 2	‘ ¹ Applicable only to programme amendments in accordance with Articles 14, 26, and 26a except complementary transfers to the JTF in accordance with Article 27 CPR. Transfers shall not affect the annual breakdown of financial appropriations at the MFF level for a Member State. ’	‘ ¹ Applicable only to programme amendments in accordance with Articles 14, 26, and 26a except complementary transfers to the JTF in accordance with Article 27 CPR.■ ’			‘ ¹ Applicable only to programme amendments in accordance with Articles 14, 26, and 26a except complementary transfers to the JTF in accordance with Article 27 CPR. Transfers shall not affect the annual breakdown of financial appropriations at the MFF level for a Member State. ’	