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NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509 ('NRPP Regulation')

- Partial general approach

In doc. 9808/26 INIT, a new recital (27-a) is added and should read:

(27-a) The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. To strengthen the protection of fundamental rights as well as the rule of law, effective mechanisms for their protection should be established in the implementation of the Fund.

Given the overlap between the scope of the Charter of Fundamental Rights and the principles of the rule of law, as well as the need to ensure the protection of the financial interests of the Union and the importance of the financial effects of the measures that may need to be adopted, it is necessary to ensure uniform conditions for their

implementation, hence implementing powers should be conferred on the Council, which should act on the basis of a Commission proposal.

In doc. 9808/26 INIT, a new recital (27-aa) is added and should read:

(27-aa) Where the application of the conditionalities established in Articles 8 and 9 of this Regulation draws on the Commission's annual Rule of Law Report, it is essential that such application be grounded in objective and verifiable criteria, in accordance with the principles of legal certainty, proportionality and equal treatment. To that end the preparation of the Rule of Law Report, used among other documents for the purpose of the assessment under Articles 8 and 9, should draw primarily on official documents and reports from international organisations and national authorities, as well as on the case-law of the Court of Justice of the European Union and of national courts. The preparation of the Rule of Law report should involve close and structured engagement with the authorities of the Member States.

In doc. 9808/26 INIT, Article 3, paragraph 1, point (b) should read:

(b) to support the Union's defense capabilities, resilience, preparedness, civil protection and security across all regions by:

(i) reinforcing the Union's defence industrial base, **supporting defence infrastructure**, military mobility, in particular by developing dual-use TEN-T infrastructure, **mobility corridors, and missing links**.

(ii) strengthening the Union's preparedness to crises and disasters, **including hybrid threats, in particular** by mainstreaming the principle of 'preparedness by design';

(iii) strengthening the Union's security **and civil protection**, by improving threat detection, prevention and response threat detection capabilities, including by strengthening **and protecting** critical ~~energy and transport~~ infrastructure and cybersecurity.

In doc. 9808/26 INIT, Article 8, paragraph 4 should read:

4. Where the Commission concludes that the Charter horizontal condition is not fulfilled, it shall **propose to the Council** ~~adopt~~ an implementing decision determining the non-fulfilment of the Charter horizontal condition and identifying the specific measures of the NRP Plan **and the Interreg plan** affected by the non-fulfilment, within two months of receiving the Member State's observations referred to in paragraph 3.

The Council shall adopt the implementing decision within four weeks of the adoption of the Commission proposal.

In doc. 9808/26 INIT, Article 8, paragraph 6 should read:

6. The Member State concerned shall inform the Commission as soon as it considers that the Charter horizontal condition has been fulfilled. The Commission shall assess that information within two months from receipt. Where the Commission considers that the Charter horizontal condition has been fulfilled **in full or in part**, it shall **propose to the Council to** ~~repeal or amend~~ the decision referred to in paragraph 4. **The Council shall adopt the implementing decision within four weeks of the adoption of the Commission proposal.**

■

In doc. 9808/26 INIT, Article 8, paragraph 8 should be deleted:

8. ■

In doc. 9808/26 INIT, Article 35b, paragraph 2 should read:

- [2. Article 10(2)(a)(ii) [CFP ringfenced amount] shall only finance interventions in paragraph 1, points (a) to (d).]**