



Council of the European Union  
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**WK 10067/2020 INIT**

**LIMITE**

**FSTR  
REGIO  
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CADREFIN**

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**WORKING PAPER**

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**WORKING DOCUMENT**

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From: Presidency  
To: Working Party on Structural Measures  
Subject: Just Transition Fund Regulation: Presidency's compromise proposal

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In view of the Structural Measures Working Party on 28 September, delegations will find attached a working paper prepared by the Presidency with a compromise proposal on the JTF Regulation. Changes to the previous document (WK 9640/20) are indicated in bold underlined for additions and strikethrough for deletions.

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WK 10067/2020 INIT

**LIMITE**

**EN**

## Regulation establishing the Just Transition Fund

### Article 3b

#### Conditional access to resources<sup>1</sup>

1. Where a Member State has not made a commitment to implement the objective of achieving a climate-neutral EU by 2050, only 50% of the annual amounts for that Member State referred to in Article 3(3) and 3a(3) shall be made available for programming and included in the priorities.

By way of derogation from Article 6(1), the remaining 50% of the annual amounts shall not be included in the priorities. In such cases, the programmes supported from the JTF and submitted in accordance with Article 16 [new CPR] shall include only 50% of the annual JTF amounts in the table referred to in Article 17(3)(f)(ii) [new CPR]. The table referred to in Article 17(3)(f)(i) [new CPR] shall identify separately the amounts available for programming and the amounts that shall not be programmed.

Budgetary commitments will be made on the basis of the table referred to in Article 17(3)(f)(i) **[new CPR]**. Article 99 [new CPR] shall apply to both programmed commitments and non-programmed commitments. The commitments related to the non-programmed amounts cannot be used for payments and shall not be included in the basis for the calculation of the pre-financing in accordance with Article 84 [new CPR] until they are made available in accordance with paragraph 3.

2. The Commission shall only approve programmes containing a JTF priority or any amendment to it, where the programmed allocation part is in line with paragraph 1.

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<sup>1</sup> *An additional recital is added: (new) In order to ensure the effective use of the JTF resources, access to the JTF should be limited to 50% of the national allocation for those Member States that have not yet committed to implement the objective of achieving a climate-neutral EU by 2050, in line with the objectives of the Paris Agreement, the other 50% being made available for programming upon acceptance of such a commitment. ~~In order to clarify the implementation in this respect, specific arrangements for programming and budgetary management should be set out.~~*

3. As soon as the Member State has committed to implement the objective of achieving a climate-neutral EU by 2050, it may submit a request for the amendment of each programme supported from the JTF in accordance with Article 19(1) [new CPR] and include the amounts which had not been programmed. The Commission shall proceed in accordance with Article 19 [new CPR].

**[Without prejudice to the decommitment principles and rules as set out in Article 99**

**[new CPR].]** The commitments constituted for the amounts that had not been programmed in accordance with paragraph 1 shall also be made available accordingly. Where the Member State has not committed to implement the objective of achieving a climate-neutral EU by 2050 before 31 December 2026, the amounts stemming from Article 3a(3) that had not been made available for programming shall be decommitted. Where the Member State has not committed to implement the objective of achieving a climate-neutral EU by 2050 before 31 December 2030, the resources stemming from Article 3(3) that had not been made available for programming shall be decommitted.

**[To the extent that the pre-financing paid and payment applications submitted cover both programmed and non-programmed amounts that have been committed in the programme, no decommitment shall take place.]**