



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0247(COD)**

Brussels, 22 April 2021

WK 5396/2021 INIT

LIMITE

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WORKING PAPER

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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Enlargement and Countries Negotiating Accession to the EU
N° prev. doc.:	WK 14652/20
Subject:	Draft IPA III Regulation: – examination of the outcome of the technical meeting on Article 11, held on 21 April 2021

At the technical VTC meeting on 21 April 2021, following internal consultations by the Commission, an updated compromise for line 311d was made as set out in the Annex.

Delegations are invited to consider and agree to the proposed compromise, in order to finalise discussions on this Article.

amended during the technical meeting on 21/04/2021

**Proposal for a Regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III):
outcome of the trilogue of 4 December 2020 + technical meetings on 14/12/2020 and 21/4/2021**

ARTICLE 11

The amendments made by the Council and the EP in the text of the draft Regulation compared to the Commission's proposal are marked as follows:

- the new text is marked in ***bold italics***;
- the deleted parts of the text are marked in ~~strikethrough~~.

Where full paragraphs of the Commission's proposal were not amended by the EP and/or the Council, they are not repeated in the columns reflecting their respective positions.

Lines in **dark green** are provisionally closed.

Lines in **light green** are provisionally closed, pending agreement on parts of them related to issues outside of the Article discussed.

Parts in **grey** are to be discussed at a later stage.

Parts in **yellow** are not agreed yet but an agreement could be reached at technical level.

Parts in **red** are not agreed and should be discussed during the Trilogue.

Line	1. COM proposal (14.6.2018, doc. 10184/19)	2. Council position (partial general approach of 19.03.2019, doc. 7539/19 + completed mandate of 28.10.2020, doc. 12373/20)	3. EP position (vote on 27.03.2019, doc. 7802/19)	4. Compromise proposals	5. Comments
307	CHAPTER V	<i>Completed mandate: Same as COM text</i>		CHAPTER V	<i>Provisionally agreed at the technical meeting on 13/11/2020</i>
308	EFSD+ AND BUDGETARY GUARANTEES	<i>Same as COM text</i>		EFSD+ AND BUDGETARY GUARANTEES	<i>Provisionally agreed at the technical meeting on 13/11/2020</i>
309	Article 11	<i>Same as COM text</i>		Article 11	<i>Provisionally agreed at the technical meeting on 13/11/2020</i>
310	Financial instruments and guarantee for external actions	<i>Same as COM text</i>		Financial instruments and guarantee for external	<i>Provisionally agreed at the</i>

Line	1. COM proposal (14.6.2018, doc. 10184/19)	2. Council position (partial general approach of 19.03.2019, doc. 7539/19 + completed mandate of 28.10.2020, doc. 12373/20)	3. EP position (vote on 27.03.2019, doc. 7802/19)	4. Compromise proposals	5. Comments
				actions	<i>technical meeting on 13/11/2020</i>
311	1. The beneficiaries listed in Annex I shall be eligible to the European Fund for Sustainable Development Plus (EFSD+) and to External Action Guarantee as provided for in Chapter IV of Title II of [NDICI Regulation]. To this end IPA III shall contribute to provisioning related to the guarantee for external actions referred to in Article 26 of [NDICI Regulation] proportionally to the investments carried out to the benefit of the beneficiaries listed in Annex I.	1. The beneficiaries listed in Annex I shall be eligible to the European Fund for Sustainable Development Plus (EFSD+) and to External Action Guarantee as provided for in Chapter IV of Title II of [NDICI Regulation] <i>mutatis mutandis</i> .		1. <i>In accordance with Article 26(6) of NDICI Regulation (EU) .../... [NDICI Regulation], the beneficiaries in Annex 1 shall be eligible for support through the European Fund for Sustainable Development Plus (EFSD+) and the External Action Guarantee (EAG). EFSD+ and EAG operations shall be financed from this Regulation as provided for in Chapter IV of Title II of Regulation (EU) .../... [NDICI Regulation] mutatis mutandis, subject to the special provisions of this article. To this end IPA III shall contribute to provisioning related to the guarantee for external actions referred to in Article 26 of [NDICI Regulation] proportionally to the investments carried out to the benefit of the beneficiaries listed in Annex</i>	<i>Provisionally agreed at the technical meeting on 26/11/2020.</i>

Line	1. COM proposal (14.6.2018, doc. 10184/19)	2. Council position (partial general approach of 19.03.2019, doc. 7539/19 + completed mandate of 28.10.2020, doc. 12373/20)	3. EP position (vote on 27.03.2019, doc. 7802/19)	4. Compromise proposals	5. Comments
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311a		<i>With regard to the External Action Guarantee, To this end IPA III shall contribute to provisioning related to the guarantee for external actions referred to in Article 26 of [NDICI Regulation] proportionally to the investments carried out to the benefit of the beneficiaries listed in Annex I.</i>		-----	<i>Provisionally agreed at the technical meeting on 26/11/2020: No text; covered by previous amendment</i>
311b		<i>2. In the management of the EFSD+ operations for the Western Balkans, the Commission shall be advised by a specific strategic board.</i>		<i><u>2. In the management of the EFSD+ operations for the Western Balkans, the Commission shall be advised by a specific strategic board.</u></i>	<i>Provisionally agreed at the technical meeting on 26/11/2020.</i>
311c		<i>3. This specific strategic board shall advise the Commission on the strategic orientation of investments for the Western Balkans, in accordance with the policy framework and objectives defined in this Regulation.</i>		<i><u>3. This strategic board shall advise the Commission on the strategic orientation of investments for the Western Balkans under EFSD+, and contribute to their alignment with the guiding principles, policy framework and objectives set out in this Regulation.</u></i>	<i>Provisionally agreed at the technical meeting on 26/11/2020.</i>

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				<u><i>It shall also support the Commission in setting overall investment goals for the Western Balkans as regards the use of the External Action Guarantee to support EFSD+ operations and monitor an appropriate and diversified thematic coverage for investment windows.</i></u>	
311d		<i>In addition to the current representatives in the Western Balkans Investment Framework, this strategic board shall include all Member States. Participation in the strategic board may be open to other relevant stakeholders. The strategic board shall decide on the inclusion of any new stakeholder or observer to the strategic board. The strategic board shall be chaired by the Commission, and shall, to the extent possible, adopt opinions by consensus. Participation in the</i>		<i>3. The strategic board shall include representatives of the Commission, of all Member States and the European Investment Bank.</i> <i><u>The European Parliament shall have observer status. Participation in the strategic board may be open to other relevant stakeholders. The strategic board shall decide on the inclusion of any new member or observer.</u></i> <i><u>Without prejudice to specific arrangements on co-chairing, the strategic board shall be chaired by</u></i>	Provisionally agreed at the technical meeting on 14/12/2020. <u>COM: to check with the Legal Service</u> <u>New compromise proposal:</u> <u>Delete: "The strategic board shall decide on the inclusion of any new member or observer."</u> <u>NEW (insert before "The</u>

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		<i>meetings of the strategic board shall be voluntary. Before its first meeting, the Commission shall propose the rules of procedure for the adoption by the strategic board, including rules on participation and on the designation of co-chairs.</i>		<p><u>the Commission, and shall, to the extent possible, adopt opinions by consensus.</u></p> <p><u>Participation in the meetings of the strategic board shall be voluntary.</u></p> <p><u>Before its first meeting, the Commission shall propose the rules of procedure for the adoption by the strategic board, including rules on participation of representatives in the Western Balkans Investment Framework, role of observers and on the designation of co-chairs.</u></p> <p><u>The minutes and agendas of the meetings of the strategic board shall, following their adoption, be made public</u></p>	<p>minutes")</p> <p>"The rules of procedures shall establish the conditions for the inclusion of new members or [EP: new] observers".</p> <p>Council to check</p>
311e				4. The Commission shall report annually to the strategic board about the progress made in respect of the implementation of the operations covering the Western Balkans.	Provisionally agreed at the technical meeting on 26/11/2020.