Commission Delegated Regulation (EU) 2016/1649 of 8 July 2016 supplementing Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2016/1649

of 8 July 2016

supplementing Regulation (EU) No 1316/2013 of the European Parliament and of the Council establishing the Connecting Europe Facility

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010[(1)], and in particular Article 21 thereof,

Whereas:

(1) On 7 January 2014 the Commission adopted Delegated Regulation (EU) No 275/2014[(2)] establishing transport funding priorities for the purpose of the multiannual and annual work programmes.

(2) By its judgement of 17 March 2016 in Case C-286/14 *European Parliament v Commission* the Court of Justice of the European Union annulled Delegated Regulation (EU) No 275/2014 and ordered that the effects of that Regulation be maintained until the entry into force, within a reasonable period, which may not exceed six months from the date of delivery of the judgment, of a new act intended to replace it.

(3) According to Article 21(3) of Regulation (EU) No 1316/2013, the transport funding priorities should take into account the eligible actions contributing to projects of common interest in accordance with Regulation (EU) No 1315/2013 of the European Parliament and of the Council[(3)] listed under Article 7(2) of Regulation (EU) No 1316/2013.

(4) The eligible actions listed in Article 7(2) of Regulation (EU) No 1316/2013 are further detailed in Articles 10 and 11 of that Regulation providing the maximum applicable funding rates for those actions. It is therefore appropriate to refer to the actions as listed in those Articles in order to detail the transport funding priorities.

(5) Projects of common interest as listed in Part I of Annex I to Regulation (EU) No 1316/2013 are eligible to the multiannual work programmes referred to in Article 17(3) of that Regulation. Projects not listed in Part I of Annex I but eligible as per Article 7(2) of that Regulation are eligible to the annual work programmes.

Changes to legislation: Commission Delegated Regulation (EU) 2016/1649 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) Pursuant to Article 4(2) of Regulation (EU) No 1316/2013 laying down the specific transport sectoral objectives, and considering that Article 21(3) of that Regulation empowers the Commission to adopt delegated acts in accordance with its Article 26 detailing, for the transport sector, the funding priorities to be reflected in the work programmes, this Delegated Regulation sets out such priorities to be reflected in multi-annual or annual work programmes in accordance with Article 17(3) of the said Regulation.

(7) Considering that financial instruments are to receive Union contribution under the annual work programmes, it is appropriate to include hereby a corresponding priority.

(8) Programmes support actions listed in Article 5(2)(b) of Regulation (EU) No 1316/2013, consisting of technical and administrative assistance expenses incurred by the Commission for the management of the Connecting Europe Facility and capped at 1 % of the financial envelope, will not be covered by the work programmes. However the programme support actions contributing to projects of common interest as provided for in Article 7(2) and referred to in Article 5(2)(a) of Regulation (EU) No 1316/2013 will be covered by the work programmes and are included hereby with a corresponding priority.

(9) All resources referred in Article 5(1)(a) of Regulation (EU) No 1316/2013, including the resources transferred from the Cohesion Fund will be covered under the same work programmes. According to Article 11 of that Regulation, the resources transferred from the Cohesion Fund will be subject to specific calls for proposals.

(10) In order to allow for the timely adoption of the implementing acts provided for in Article 17(3) of Regulation (EU) No 1316/2013 to ensure legal continuity of the Connecting Europe Facility — Transport sector — programme, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes the funding priorities to be reflected in the multiannual and annual work programmes referred to in Article 17 of Regulation (EU) No 1316/2013 for the duration of the Connecting Europe Facility for eligible actions under Article 7(2) of that Regulation, as set out in the Annex.

Article 2

This Regulation shall enter into force on the first day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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Done at Brussels, 8 July 2016.

For the Commission

The President

Jean-Claude JUNCKER