



Brussels, 4.7.2016  
C(2016) 1950 final

**COMMISSION IMPLEMENTING DECISION**

**of 4.7.2016**

**on the adoption of the annual work programme for 2016 for a contribution to financial instruments under the Connecting Europe Facility**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING DECISION

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## on the adoption of the annual work programme for 2016 for a contribution to financial instruments under 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<sup>1</sup>, and in particular Article 17(1) and (4) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union, and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup> and in particular Article 84(2) thereof,

Whereas:

- (1) In order to ensure the implementation of Connecting Europe Facility – financial instruments, it is necessary to adopt a financing decision and the work programme for 2016. Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>3</sup> establishes detailed rules on financing decisions.
- (2) The Connecting Europe Facility ('CEF') Debt instrument is implemented by the EIB through indirect management in accordance with Article 58(1) (c) of Regulation (EU, Euratom) No 966/2012 and Regulation (EU) No 1316/2013 and as laid down in the Delegation Agreement between the Union and the EIB signed on 22 July 2015<sup>4</sup>. The CEF contribution to the Debt instrument should be without prejudice to the possibility for the Commission to implement the Debt instrument through indirect management with other entrusted entities.

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<sup>1</sup> OJ L 348, 20.12.2013, p. 129.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

<sup>3</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

<sup>4</sup> Commission Decision C(2015) 5172 final of 22 July 2015 on the conclusion of the Delegation Agreement between the European Union and the European Investment Bank in respect of the Debt Instrument under the Connecting Europe Facility.

- (3) Pursuant to Annex I, Part III, Point I.4 of the Regulation (EU) No 1316/2013 indirect management is to be used for the implementation of the Connecting Europe Facility Debt instrument.
- (4) A Broadband fund should be established under the CEF Equity instrument by direct management in accordance with Article 58(1) (a) of the Financial Regulation, by setting up a dedicated investment vehicle to allow the pooling of contributions from multiple investors, including a contribution from the EIB. If due to unexpected circumstances following the adoption of this Work Programme, the use of direct management becomes not feasible or sub-optimal, the Broadband fund may alternatively be implemented by indirect management. This is without prejudice to the choice of implementation mode(s) for potential other contributions to the CEF Equity instrument for the transport and energy sectors in subsequent years of the implementation of the CEF.
- (5) In order to allow for flexibility in the implementation of the work programme, it is appropriate to define the term "substantial change" within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Connecting Europe Facility Coordination Committee.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### *The work programme*

The annual work programme for the implementation of the financial instruments in the field of Connecting Europe Facility for 2016, as set out in the Annex, is adopted.

The work programme constitutes a financing decision within the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.

#### *Article 2*

##### *Union contribution*

The maximum Union contribution for the implementation of the programme for 2016 is set at EUR 230 262 000, and shall be financed from the appropriations entered in the following lines of the general budget of the Union for 2016:

(a) budget line 06 02 01 05: Creating an environment more conducive to private investment for transport infrastructure projects: EUR 66 354 000 (contribution to the Debt Instrument);

(b) budget line 09 03 02: Creating an environment more conducive to private investment for telecommunications infrastructure projects - CEF Broadband: EUR 90 000 000 (contribution to the Equity Instrument)<sup>5</sup>;

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<sup>5</sup> This amount is contingent upon the execution of transfers to the budget line in question.

(c) budget line 32 02 01 04: Creating an environment more conducive to private investment for energy projects: EUR 73 908 000 (contribution to the Debt Instrument).

*Article 3*

*Flexibility clause*

Cumulated changes to the allocations to specific actions, not exceeding 20% of the maximum contribution set in Article 2 of this Decision shall not be considered to be substantial within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, where those changes do not significantly affect the nature of the actions and objective of the work programme. The increase of the maximum contribution set in Article 2 of this Decision shall not exceed 20%.

The authorising officer responsible may adopt the changes referred to in the first paragraph in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 4.7.2016

*For the Commission*  
*Violeta BULC*  
*Member of the Commission*