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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2018/1504 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 2 October 2018
repealing Regulation (EU) No 256/2014 concerning the notification to the Commission of
investment projects in energy infrastructure within the European Union

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The European Parliament, the Council and the Commission agreed to cooperate in order to update and simplify Union legislation by means of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽³⁾.
- (2) In order to clean-up and reduce the volume of Union legislation, it is necessary to identify legislation that is obsolete or no longer fit for purpose. Repealing such legislation keeps the legislative framework transparent, clear and easy to use.
- (3) Regulation (EU) No 256/2014 of the European Parliament and of the Council ⁽⁴⁾ requires Member States to notify the Commission of investment projects on which construction or decommissioning work has started or on which a final investment decision has been taken.
- (4) The obligations under Regulation (EU) No 256/2014 concerning the notification of investment projects, and certain information and data relating to such notification, were previously laid down in Council Regulation (EU, Euratom) No 617/2010 ⁽⁵⁾. The Court of Justice annulled Regulation (EU, Euratom) No 617/2010 ⁽⁶⁾, holding that it should have been adopted on another legal basis, but its effects were maintained until Regulation (EU) No 256/2014 entered into force.

⁽¹⁾ OJ C 227, 28.6.2018, p. 103.

⁽²⁾ Position of the European Parliament of 3 July 2018 (not yet published in the Official Journal) and Council decision of 27 September 2018.

⁽³⁾ OJ L 123, 12.5.2016, p. 1.

⁽⁴⁾ Regulation (EU) No 256/2014 of the European Parliament and of the Council of 26 February 2014 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union, replacing Council Regulation (EU, Euratom) No 617/2010 and repealing Council Regulation (EC) No 736/96 (OJ L 84, 20.3.2014, p. 61).

⁽⁵⁾ Council Regulation (EU, Euratom) No 617/2010 of 24 June 2010 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union and repealing Regulation (EC) No 736/96 (OJ L 180, 15.7.2010, p. 7).

⁽⁶⁾ Judgment of the Court of Justice of 6 September 2012 in Case C-490/10, Parliament v Council, ECLI:EU:C:2012:525.

- (5) Regulation (EU, Euratom) No 617/2010 was intended to provide the Commission with data and information on planned developments in production, transmission and storage capacities as well as on projects in the energy sectors. It was intended to give the Commission an overall picture of the development of investment in energy infrastructure in the Union.
- (6) Since the creation of the obligations laid down in Regulation (EU, Euratom) No 617/2010 and Regulation (EU) No 256/2014, there have been three reporting exercises: in 2011, 2013 and 2015. Furthermore, the Commission arranged for an external study to be undertaken following three reporting exercises by Member States which took place under Regulation (EU) No 256/2014. Consequently, enough time has elapsed and sufficient experience has been gained for the Commission to be able to carry out an evidence-based critical analysis of whether Regulation (EU) No 256/2014 has delivered the expected results.
- (7) In 2016, the Commission carried out the review provided for in Article 11 of Regulation (EU) No 256/2014, including a stakeholder consultation covering all planning and reporting obligations in the energy sector. The Commission came to the conclusion that there were significant overlaps between Member States' reporting obligations under Regulation (EU) No 256/2014 and Member States' obligations to report to the European network of transmission system operators for electricity ('ENTSO-E') and the European network for transmission system operators for gas ('ENTSOG'). It also became apparent that the quality and appropriateness of the information and data received were often poor, and that that information and data had become available to the Commission via other sources, such as the European network of transmission system operators ('ENTSOs'), the ten-year network development plans ('TYNDPs'), the annual reports of Transmission System Operators and utility companies, and national development plans. Furthermore, it was noted that the Commission has direct access to market data via its Energy Market Observation System ('EMOS').
- (8) Regulation (EU) No 256/2014 has therefore not delivered the expected results in terms of quantity, quality and appropriateness of data and information received by the Commission.
- (9) Regulation (EU) No 256/2014 should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 256/2014 is repealed.

Article 2

This Regulation shall enter into force on the twentieth 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.

Done at Strasbourg, 2 October 2018.

For the European Parliament

The President

A. TAJANI

For the Council

The President

J. BOGNER-STRAUSS

II

(Non-legislative acts)

DECISIONS

DECISION (EU) 2018/1505 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 12 September 2018****on the mobilisation of the European Union Solidarity Fund to provide assistance to Bulgaria, Greece, Lithuania and Poland**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽¹⁾, and in particular Article 4(3) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽²⁾, and in particular point 11 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union Solidarity Fund ('the Fund') aims to enable the Union to respond in a rapid, efficient and flexible manner to emergency situations in order to show solidarity with the population of regions struck by natural disasters.
- (2) The Fund is not to exceed a maximum annual amount of EUR 500 000 000 (2011 prices), as laid down in Article 10 of Council Regulation (EU, Euratom) No 1311/2013 ⁽³⁾.
- (3) On 11 January 2018, Bulgaria submitted an application to mobilise the Fund, following a flooding caused by intense rainfall and violent storms of 25 and 26 October 2017.
- (4) On 11 October 2017, Greece submitted an application to mobilise the Fund, following an earthquake that affected the South Aegean region and the island of Kos on 20 July 2017.
- (5) On 22 December 2017, Lithuania submitted an application to mobilise the Fund, following a flooding caused by continuous rainfall during summer and autumn 2017.
- (6) On 25 October 2017, Poland submitted an application to mobilise the Fund, following exceptionally violent storms and heavy rainfall that occurred between 9 and 12 August 2017.
- (7) The applications by Bulgaria, Greece, Lithuania and Poland meet the conditions for providing a financial contribution from the Fund, as laid down in Article 4 of Regulation (EC) No 2012/2002.

⁽¹⁾ OJ L 311, 14.11.2002, p. 3.

⁽²⁾ OJ C 373, 20.12.2013, p. 1.

⁽³⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

- (8) The Fund should therefore be mobilised in order to provide a financial contribution to Bulgaria, Greece, Lithuania and Poland.
- (9) In order to minimise the time taken to mobilise the Fund, this Decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2018, the European Union Solidarity Fund shall be mobilised to provide the amount of EUR 2 258 225 to Bulgaria, EUR 2 535 796 to Greece, EUR 16 918 941 to Lithuania and EUR 12 279 244 to Poland, in commitment and payment appropriations.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 12 September 2018.

Done at Strasbourg, 12 September 2018.

For the European Parliament

The President

A. TAJANI

For the Council

The President

K. EDTSTADLER

CORRIGENDA

Corrigendum to Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011

(Official Journal of the European Union L 327 of 9 December 2017)

On page 25, recital 32, seventh sentence:

for:

‘... and who do not hold a residence card pursuant to Directive 2004/38/EC, it is appropriate ...’,

read:

‘... and who do not hold a residence card pursuant to Directive 2004/38/EC or a residence permit pursuant to Council Regulation (EC) No 1030/2002 ⁽³⁾, it is appropriate

⁽³⁾ Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).’.

On page 30, Article 2(3), point (f):

for:

‘... holders of a passport issued by the Vatican City State;’,

read:

‘... holders of a passport issued by the Vatican City State or the Holy See;’.

On page 37, Article 12(2):

for:

‘... for which the maximum duration of authorised stay has been exceeded.’,

read:

‘... for which the maximum duration of authorised stay was exceeded.’.

On page 40, Article 16(2), first subparagraph, point (d):

for:

‘(d) the short-stay visa sticker number ... and the date of expiry of the validity of the short-stay visa, where applicable;’,

read:

‘(d) where applicable, the short-stay visa sticker number ... and the date of expiry of the validity of the short-stay visa;’.

On page 45, Article 23(2), second subparagraph:

for:

‘... consult the VIS in accordance with Article 18(2a) of Regulation (EC) No 767/2008.’,

read:

‘... consult the VIS in accordance with Article 18(3) of Regulation (EC) No 767/2008.’.

On page 49, Article 32(1), point (a):

for:

‘... or investigation of a terrorist offences or another serious criminal offence;’,

read:

‘... or investigation of a terrorist offence or another serious criminal offence;’.

On page 52, Article 35(6), second subparagraph, first sentence:

for:

‘... or where a third-country national is in a possession of a passport issued by the Vatican City State, he or she shall inform ...’,

read:

‘... or where a third-country national is in possession of a passport issued by the Vatican City State or the Holy See, he or she shall inform ...’.

On page 61, Article 48:

for:

‘... proportionate and disuasive penalties in accordance with ...’,

read:

‘... proportionate and dissuasive penalties in accordance with ...’.

On page 65, Article 57, title:

for:

‘Cooperation between supervisory authorities sssand the European Data Protection Supervisor’,

read:

‘Cooperation between supervisory authorities and the European Data Protection Supervisor’.

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