

Commission Implementing Regulation (EU) 2020/1001 of 9 July 2020 laying down detailed rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the operation of the Modernisation Fund supporting investments to modernise the energy systems and to improve energy efficiency of certain Member States

## CHAPTER II

### FINANCING OF INVESTMENTS

#### *Article 10*

#### **Discontinued investments**

1 Subject to the documentary evidence provided by the beneficiary Member State in the annual report referred to in Article 13, an investment shall be deemed discontinued in either of the following cases:

- a the project proponent or the scheme managing authority has not financed the investment for the period exceeding two consecutive years;
- b the project proponent has not spent the total amount of the revenues from the Modernisation Fund disbursed to the investment within five years from the date of the relevant disbursement decision of the Commission.

Point (b) shall not apply to schemes.

2 By the decision adopted in accordance with Article 8, the Commission shall modify the amount already disbursed for the discontinued investment by deducting any amount not yet paid by the beneficiary Member State to the project proponent or the scheme managing authority. Any such unpaid amount shall increase the resources in the Modernisation Fund available to the concerned Member State in accordance with Article 5(2)(b), and it shall be set off against any future payment by the EIB to the Member State concerned under Article 9.

3 Without prejudice to paragraph 1 of this Article, prior to the closing date of the statement of the available funds referred to in Article 5(3), the beneficiary Member State may inform the Commission about a discontinued investment and request a modification of the disbursement decision in accordance with paragraph 2 of this Article. This request may concern the amounts not yet paid to the project proponent or the scheme managing authority and the amounts already paid to the project proponent or the scheme managing authority, but subsequently recovered by the beneficiary Member State. The beneficiary Member State shall provide the relevant documentary evidence justifying the request. Paragraph 2 of this Article shall apply to modification of the disbursement decision, the increase of the resources in the Modernisation Fund available to the concerned Member State, and the setting off of the amount returned to the Fund against any future payment by the EIB to the Member State.

**Changes to legislation:**

There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2020/1001. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)