



Brussels, 28.7.2021  
C(2021) 5505 final

**COMMISSION IMPLEMENTING DECISION**

**of 28.7.2021**

**amending Implementing Decision C(2012) 9432 as regards a project under the NER 300  
funding programme due to the COVID-19 pandemic**

only Portuguese version is authentic

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## amending Implementing Decision C(2012) 9432 as regards a project under the NER 300 funding programme due to the COVID-19 pandemic

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THE EUROPEAN COMMISSION,

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

Having regard to Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO<sub>2</sub> as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council<sup>1</sup>, and in particular Article 5(5) thereof,

After consulting the Climate Change Committee,

Whereas:

- (1) Pursuant to Articles 5 to 9 of Commission Decision 2010/670/EU, the Commission published a first call for proposals under the NER 300 funding programme covering the proceeds of 300 million allowances in November 2010, followed by a selection procedure and adoption of Implementing Decision C(2012) 9432<sup>2</sup> awarding the funding to 22 projects, including the WIND Windfloat project (hereinafter: ‘Award Decision’).
- (2) The COVID-19 pandemic had a negative impact on the sponsor of the WIND Windfloat project which had been awarded the funding under the NER 300 funding programme. In particular, the COVID-19 pandemic caused substantial delays in supplies of the necessary equipment and services, which were critical for further implementation of the project. Final offshore logistics, including construction and installations, have not occurred within the initial time frames. Consequently, the project could not operate and deliver renewable energy as planned. The disruptions were of transitory nature and they covered the period from 1 March 2020 to 31 May 2020. The events linked to the COVID-19 pandemic constituted *force majeure* circumstances since they were beyond the control of the project sponsor who faced insurmountable difficulties to implement the project during that period.
- (3) In April 2021, in accordance with the procedure provided for in point 5 of Annex 2 to the Award Decision, the Portuguese Republic proposed to the Commission a change to the Award Decision to address the consequences of the COVID-19 outbreak on the WIND Windfloat project. The change relates to suspension of the project’s implementation in the period from 1 March 2020 to 31 May 2020. The Commission

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<sup>1</sup> OJ L 290, 6.11.2010, p. 39.

<sup>2</sup> Commission Implementing Decision C(2012) 9432 of 18.12.2012 Award Decision under the first call for proposals of the NER 300 funding programme.

examined the proposal and the accompanying documentation compiled by the project sponsor, and it requested additional clarifications from the project sponsor. On that basis, the Commission concludes that the proposed change can be accepted.

- (4) The *force majeure* circumstances related to the COVID-19 pandemic affecting the WIND Windfloat project and the measure proposed by Portugal are similar to the circumstances and measures concerning six other projects under the NER 300 funding programme which have been the subject of Commission Implementing Decision C(2021) 1712<sup>3</sup>.
- (4) In order to counteract the negative effects of the COVID-19 pandemic on the awarded project, the Award Decision should be modified, by postponing the long stop date of the WIND Windfloat project, while respecting Article 11(4) of Commission Decision 2010/670/EU. This means that the new long stop date set in the present Decision is calculated as five years from the date on which the WIND Windfloat project entered into operation plus the three months of suspension of operation of the project, while no funding is to be disbursed in relation to the period of suspension.
- (6) The Award Decision should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex 1a to Implementing Decision C(2012) 9432 is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 28.7.2021

*For the Commission*  
*Frans TIMMERMANS*  
*Executive Vice-President*

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<sup>3</sup> Commission Implementing Decision of 19 March 2021 amending Implementing Decisions C(2012) 9432 and C(2014)4493 as regards certain projects under the NER 300 funding programme, in particular those affected by the Covid-19 pandemic.