

TECHNICAL SUPPORT INSTRUMENT Regulation (EU) 2021/240 (TSI Regulation)¹

Guidance

accompanying the template for request for technical support (Article 9 of the TSI Regulation)

The request for technical support (hereunder "the request") should be filled in after careful reading of this guidance and the TSI Regulation.

The purpose of this guidance is to facilitate the submission of requests for support under the TSI 2024 to the Commission. The Commission will analyse the request for support in line with Article 9 of the TSI Regulation. The information submitted will also serve as a basis for reaching an agreement with the Member State concerned, resulting in a Cooperation and Support Plan.

Should a Member State want to submit a request for special measures under urgency (Article 12(7) of the TSI Regulation), the Member State should contact DG REFORM at REFORM-TSI@ec.europa.eu for the relevant template. Please note that the request for special measures under urgency should be filled only if there are serious grounds of urgency requiring an immediate response. The special measures that may be provided under urgency will only be interim support (for a maximum of six months), that could be replaced by support measures that are to be provided under normal circumstances, and according to the procedure thereof, under the TSI Regulation. If the Member State concerned wishes to continue receiving support under the TSI, after the special measures expire, the standard request for support will need to be submitted according to Article 9 of the TSI Regulation.

The information included in the template for the request will be considered sensitive or confidential to the Member State insofar as it concerns the public interest of the Member State, unless otherwise specified by the authorities submitting the request.

Personal data provided in the request are processed in accordance with the applicable data protection rules. The privacy statement explaining the processing

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¹ Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument, OJ L 57, 18.2.2021, p. 1–16.

of personal data could be found in section 7 of the record at the following link: https://ec.europa.eu/dpo-register/detail/DPR-EC-04667.

This guidance is accompanied by a pre-filled example of the template.

1. INTRODUCTION

1.1 Who submits the request for support?

All requests need to be formally submitted by the **Coordinating Authority.** Under the TSI 2024, the Coordinating Authority is responsible for submitting requests for technical support <u>on behalf of the Member State concerned</u>, for coordinating the planning and submission of the requests for support, as well as for the overall implementation of the support measures, in cooperation with the Commission.

Note: In the case of **multi-country request** submitted under the modality "on behalf" by another Member State, the Coordinating Authority is responsible for endorsing the participation of the Member State in the request for technical support. For further information on the multi-country process, please see specific section below.

The Coordinating Authority is the single contact point for the interaction with the Commission on the matters related to the TSI 2024. Member States designate the Coordinating Authority in accordance with their legal framework.

<u>Please note that each request should be submitted separately through the DG REFORM portal</u>².

When submitting a request in the portal, please select the type of request you wish to submit, either standard request or one of the proposed Flagship technical support requests.

Please, note that you can submit a multi-country request in coordination with other Member State/s both for a standard request and for the Flagships technical support request. For information on what is considered a multi-country request and how to submit one, please see specific section below.

1.2 Flagship technical support projects

The TSI 2024 call offers the possibility for Member States to submit a request for technical support related to one or more Flagship technical support projects.

Flagship technical support projects were developed to address Member State needs, while meeting top EU priorities where reforms are anticipated to take place across Member States. You can find the information on the Flagship

https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/tsi

technical support projects in the following link: <u>2023 Technical Support</u> <u>Instrument Annual Conference (europa.eu)</u>

Requests related to Flagship technical support projects must be submitted using the dedicated templates, which are partially pre-filled (see specific explanations in dedicated boxes below).

Requests for Flagship technical support projects can also be submitted as multi-country requests (for multi-country requests please see section below).

1.3 Multi-country requests

A multi-country request is a request developed and/or submitted in cooperation with one or more authorities of other Member State (s). In this case, the beneficiary Member States share a common problem/need (in principle, it concerns the same policy area) and the same priorities for support across the different beneficiaries. A multi-country project may also have a cross-border dimension although this is not necessarily the case.

Note on changes for the submission of requests under the modality "multi-country on behalf of other Member States":

DG REFORM has altered the process of submission of this type of requests with a view to enhance the (1) information gathered on country-specific needs, (2) the understanding of common support measures requested, (3) the visibility of the participating Member States authorities, and to (3) ensure validation of this submission by participating Member States (Coordinating Authorities). For specific information on updates to this process, please see sections below.

Under TSI, "multi-country" requests may take the following forms:

- One or several other Member States submit a similar/same request *in* parallel to this request in a coordinated way. After selection, the requests may be partially or fully merged by DG REFORM during implementation.
- A request submitted by one Member State ("lead" Member State), on behalf of one or several other Member States. Under this modality, the support measures requested will be the same for all participating authorities. For TSI 2024, the "lead" Member State will initiate the request (including the information on the support measures they request from DG REFORM) and will then invite the authorities from other Member States to participate of this multi-country request. They will need to add their country-specific information on the problem and the specific need this request addresses in their context. Similarly to the rest of the requests under TSI, the Coordinating Authority should validate the participation of the Member State in the request through the DG REFORM portal

Should a Member State or a group of Member States want to explore the possibility of submitting a multi-country request, the Member State(s) **could:**

- participate of DG REFORM Repository of reform support needs (an informal mechanism to explore multicountry requests with other potential Beneficiary authorities), available at: Repository of reform support needs under TSI TSI Projects EC Extranet Wiki (europa.eu)³
- contact DG REFORM at REFORM-TSI@ec.europa.eu.

DG REFORM can assist in coordinating and facilitating the relevant exercises.

2. FILLING THE TEMPLATE

The first step of the submission process is to **select the type of request** you will submit: either standard request or a request under one of the proposed Flagship technical support requests. This guidance provides instructions on how to fill in both. Importantly, while the template structure is the same/very similar in both cases, the flagship projects contained some sections with tailor-made prefilled information based on the type of flagship request selected. Nevertheless, the request template provides for the possibility to add project-specific information.

The following guidance follows the structure of the template for TSI 2024 request for technical support:

2.1. TITLE OF THE REQUEST

For standard requests, please indicate the title of the request. The title should be concise and indicate the purpose of the request for support (e.g. removing restrictions in the professional services sector).

For the Flagship technical support requests:

The title of the flagship project is be prefilled on the basis of the type of request selected. Nevertheless, the request template provides for the possibility to add a project subtitle.

The Coordinating Authority submits all requests <u>in the order of priority</u> decided by the Member State⁵; this includes the participation in requests submitted by another Member State "on behalf" of authorities of its own Member State.

2.2. GENERAL INFORMATION

 $\underline{https://webgate.ec.europa.eu/fpfis/wikis/pages/viewpage.action?spaceKey=TSIProjects\&title=Repository+of+reform+support+needs+under+TSI}$

³ Link to DG REFORM Repository:

⁴ All authorities eligible for TSI can have access to the repository. For access, please write to <u>REFORM-TSI@EC.EUROPA.EU</u>

⁵ Member States, through their Coordinating Authority and based on their national context, can decide whether to prioritize request, and the methodology to do so. It is a prerogative of the Member State.

Please, indicate the relevant **contact details** of the national Coordinating Authority, the recipient (beneficiary) national authority and the relevant contact persons, including their contact details (name, address, function, email, phone number, etc.).

The **recipient (beneficiary) national authority** is the <u>authority</u> of the Member State within the meaning of the TSI Regulation (which includes **authorities at national, regional and local levels**) that request the support, and, in case of selection, that will be responsible for its implementation, in cooperation with the Commission (i.e., DG REFORM).

Please, note that there could be several recipient national authorities for one request. In that case, please <u>indicate the contact details for all relevant recipient</u> national authorities.

2.3. <u>INFORMATION ON MULTI-COUNTRY REQUESTS</u>

Note: If you are submitting a multi-country request *on behalf of authorities* of other Member States, the submission **portal will include additional sections for the "lead" Member State** to invite authorities of the other participating Member States (i.e. you will need to add the involved Member States and information/contact details of the participating authorities). In addition, the submission portal will demand the "invited" Member States to add information on their national context and to validate the involvement in the request.

• Question 0.1: Is this a multi-country request?

A multi-country request is a technical support request that is relevant or common to more than one Member State as it belongs to the same policy area and addresses the same priorities for technical support/the same needs.

Multi-country requests can involve any Member States, not only neighbouring Member States. Several regions can also submit coordinated requests under the TSI as part of a multi-country request (the so called multi-regional requests), including for outermost regions.

Question 0.2: Type of multi-country request

This question only applies if you answered 'Yes' to Question 0.1 of the template.

The Member State must indicate the type of the multi-country request between the two available options:

- The Member State submits this request on behalf of one or several other Member States
- One or several other Member States is/are submitting a similar/same request in parallel to this request, in a coordinated way

Multi-country requests can be submitted by one Member State (through its Coordinating Authority) on behalf of more Member States or can simply refer to

similar or same requests for technical support that are submitted by more than one Member State in parallel.

• Question 0.3: Other Member State(s) involved

This question only applies if you answered 'Yes' to Question 0.1.

In the case of a Member State submitting the request on behalf of other/s, please indicate on behalf of which other Member States you are submitting the request.

This information must also be provided in cases where one or several other Member States coordinate the submission of similar requests. Please, indicate which other Member States you have been coordinating with and are submitting similar requests.

• Question 0.4: Name of other participating national authorities concerned.

Similarly, please **add the name of the Beneficiary Authorities** of the other Member State(s) involved and **concerned by the multi-country request**. This step is mandatory for multicountry on behalf requests.

If you submit under the "in parallel" modality you can choose whether to include this information depending on if you know it at the stage of submission. In this case, you should add information on both the Beneficiary Authorities that have confirmed already their involvement in the request as well as the name of the authorities that potential might join the request.

Important information: There is a difference in the process depending on the modality of multi-country that you have chosen:

- **In the case of "in parallel" requests**, DG REFORM will potentially use the name of the other participating authorities to link the requests (which are submitted separately).
- In the case of "on behalf" requests, by adding the details of the concerned participating national authorities, the "lead" Member State is inviting these authorities to participate of the same request (same support measures), which will generate a sub-section in the portal for the participating Member States to add additional country-specific information and validate both the involvement in the multi-country request, and that the "lead" is submitting on their behalf.

Once invited, these additional participating national authorities will receive the request in their own portal to complete their case-specific information. The platform will replicate the request submitted by the "lead authority" in the portal page of the participating national authority (invited as per response to question 0.4 below), as follows:

 <u>"Section 1. Description of the problem/need to be addressed"</u> will be empty and must be filled in with country-specific information **by each participating authority.** This section relates to the information on participating national authority details, and the description of the problem in their national context.

- <u>"Section 2. Indicative description of the support measures requested</u> and estimated cost" will be the same for all participating authorities. This section will be filled in by the lead-authority and the information will be automatically replicated with identical information for all participating authorities. Only the "lead authority" can edit this section.
- <u>"Section 3. Circumstances of the request"</u> will be empty and must be filled in with country-specific information by each participating authority. This section relates to the information on participating national authority details, and the circumstances of the request in their national context.
- <u>"Section 4. Agreement to communication activities"</u> will be empty and must be filled in with country-specific information by each participating authority. This section relates to the details of the specific activities of the participating national authority.

The guidance to fill in these sections are the same as for any other request and as described in the instructions below.

2.4. <u>SECTION 1 - DESCRIPTION OF THE PROBLEM/NEED TO BE</u> ADDRESSED

The Commission will use the information requested herewith, and that must be provided by the Member State, to carry out the analysis of the requests.

Article 9 of the TSI Regulation defines the criteria for analysis by the Commission of the request for support: urgency, breadth and depth of the challenges identified, support needs in respect of the policy areas concerned, analysis of socioeconomic indicators and institutional and general administrative capacity of the Member States concerned.

• Question 1.1: What is the problem/need to be addressed with the support requested?

Please provide a detailed description of the problem or the need to be addressed with the requested support measures, identifying:

- a) The core problem
- b) The direct cause (s) of the problem

c) the consequences of the problem including on the affected population/stakeholders

For requests related to Flagship technical support projects

This section has been partially prefilled with a general overview of challenges and technical support needs that are relevant across Member States.

The prefilled text does not provide any information about the specific situation in the Member State submitting the request. Member States are therefore asked to briefly **outline their specific problems and needs on the basis of the general overview**, and to provide any additional information relevant to their specific context.

The prefilled section of the template is intended to help Member States describe their specific problems and needs, and to ensure coherence between the different requests submitted relevant to the same Flagship technical support project.

• Question 1.2: Breadth of the problem/need

Please explain how broad the problem/need is. Does the problem that the request is trying to address affect a significant part/sector of the economy, which is particularly important to the Member State? Does it extend across several policy areas (i.e. could the results of the action also have an impact on other policy areas)? Is the problem/need likely to spread to other policy areas ('spill-over')? Does it cover different aspects of a specific policy area?

Question 1.3: Depth of the problem/need

How deep is the problem/need? Is the problem/need severe? Were there any previous reform efforts? What was the impact of those efforts? What did not work and why? What still needs to be addressed?

• Question 1.4: Urgency of the request for support

[NOTA BENE: the urgency of the request should not be confused with the request for (temporary) "special measures" under urgency]

In order to determine the urgency of the request, information should be provided on the basis of the following elements.

- Is the problem/need a new/emerging one?
- Is the request for support linked to a deadline that must be respected (e.g. in the context of the implementation of recovery and resilience plans under the

Recovery and Resilience Facility⁶, European Semester Country-Specific Recommendations, National Reform Programmes (NRPs), Union priority deadlines such as emission reduction objectives, deadlines imposed by Union law (due to infringement procedures, transposition of Union directives), enabling conditions in EU Funds, etc.?

- Is the rapid execution of the support a key factor in resolving the problem/need?
- Is there a date after which the requested support measures become irrelevant?

NOTA BENE: If there is a deadline (at national, European or international level) for starting the implementation/delivery of the measures, please clearly indicate the deadline.

Question 1.5: Socioeconomic (and environmental) indicators and data

The relevant socioeconomic (and environmental) indicators (i.e. figures, statistics, data) will be taken into consideration when analysing the request. These indicators may be macro-economic indicators, environmental indicators, general indicators or indicators related to the relevant policy area (e.g. unemployment rates, rates for early leavers from education, at-risk-of-poverty-or-social-exclusion rates, investment rates, indicators of investment bottlenecks, non-performing loans rates, etc.). These data will back-up the request for support. Therefore, please make sure that the statistics and data provided is related to the problem to be addressed and the support requested and that it is recent.

For each request, if available, please provide socioeconomic (and environmental) indicators relevant to the policy area(s)/sector(s). Detailed quantitative evidence can be submitted as an Annex to the request, or at a later stage.

• Question 1.6: Other means/funding

Please provide a short description of the means/funding that the Member State considered for implementing the requested support. If such options have been explored, please specify which ones. If possible, please indicate also what the complementarity of the other funds is with the technical support requested.

Please note that this section refers not only to means/funding at EU level but also at international, regional and national levels (capacity at national level to carry out the measures).

⁶ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility, OJ L 57, 18.2.2021, p. 17–75.

2.5. <u>SECTION 2 -INDICATIVE DESCRIPTION OF THE SUPPORT</u> <u>MEASURES REQUESTED AND THE ESTIMATED COST</u>

Note: If you are submitting a multi-country "on behalf", this section is the same for all participating authorities. It will be filled in by the "lead" authority and the information will be automatically replicated with identical information for all participating authorities. Only the "lead authority" can edit this section. The rest of the participating authorities can visualize this section but they cannot edit.

Question 2.1: Main broad policy area of the support measures requested

Please, indicate the <u>main broad policy area</u> of your request. You can choose from a pre-determined list of options based on DG REFORM's areas of intervention. In case there is more than one broad policy area linked to the support measures requested, please indicate a second broad policy area (question 2.1.b is optional).

List of DG REFORM policy areas of intervention:

- Revenue administration and public financial management
- Governance and public administration
- Sustainable growth and business environment
- Labour market, Education, Health and Social services
- Financial sector and access to finance
- Migration
- General support for the implementation of RRPs

In addition, please indicate the <u>topic(s)</u> (or <u>policy actions)</u> of the support measures requested. In question 2.1.c you will find a list of options based on DG REFORM list of topics. You can select a maximum of 5 options. The list of topics can be found in this link: <u>List of topics for TSI 2024 template.pdf</u> (europa.eu)⁷

Question 2.2: Expected support: outputs and related activities.

The request should outline the objective of the support requested. Please, indicate what you expect DG REFORM to deliver to support your reform.

^{7 &}lt;u>https://commission.europa.eu/system/files/2023-07/List%20of%20topics%20for%20TSI%202024%20template.pdf</u>

Please, indicate the envisaged key outputs/deliverables that you want DG REFORM to provide. The full list of eligible actions is provided in Article 8 of the <u>TSI Regulation</u> (see box below).

If already envisaged, for each of the support measures please indicate the key activities to be delivered e.g.: provision of ad hoc experts; placing resident experts on the ground; capacity building: seminars, conferences, workshops, working visits, training; collection of data; development of methodologies; studies and expertise related to policy advice, policy change, legislative, institutional, structural and administrative reforms, etc.

Article 8

Eligible actions for technical support

To pursue the objectives set out in Articles 3 and 4, the instrument shall finance, in particular, the following types of action:

- (a) the provision of expertise related to policy advice, policy change, formulation of strategies and reform roadmaps, as well as to legislative, institutional, structural and administrative reforms;
- (b) the short-term or long-term provision of experts, including resident experts, to perform tasks in specific domains or to carry out operational activities, where necessary with interpretation, translation and cooperation support, administrative assistance and infrastructure and equipment facilities;
- (c) institutional, administrative or sectoral capacity building and related supporting actions at all governance levels, also contributing to the empowerment of civil society, including social partners, as appropriate, in particular:
- (i) seminars, conferences and workshops, with, where appropriate, stakeholder involvement;
- (ii) exchanges of best practices, including, where appropriate, working visits to relevant Member States or third countries to enable officials to acquire or increase their expertise or knowledge in relevant matters;
- (iii) training actions and the development of online or other training modules to support the necessary professional skills and knowledge relating to the relevant reforms;
- (d) the collection of data and statistics, development of common methodologies, including on gender and climate mainstreaming and tracking, and, where appropriate, indicators or benchmarks;
- (e) the organisation of local operational support in areas such as asylum, migration and border control;
- (f) IT capacity building, including expertise related to development, maintenance, operation and quality control of the IT infrastructure and applications needed to implement the relevant reforms, cybersecurity, open source software and hardware solutions, data protection solutions as well as expertise related to programmes geared

towards the digitalisation of public services, in particular in services such as healthcare, education or the judiciary;

- (g) the carrying out of studies, including feasibility studies, research, analyses and surveys, evaluations and impact assessments, including gender impact assessments, and the development and publication of guides, reports and educational material;
- (h) the establishment and execution of communication projects and strategies for learning including e-learning, cooperation, awareness raising, dissemination activities and exchange of good practices, organisation of awareness raising and information campaigns, media campaigns and events, including corporate communication and, where appropriate, communication through social networks or platforms;
- (i) the compilation and publication of materials to disseminate information and the results of technical support provided under the instrument, including through the development, operation and maintenance of systems and tools using information and communication technologies; and
- (j) any other relevant activity in support of the general objective and specific objectives set out in Articles 3 and 4 respectively.

If appropriate, please differentiate between support "phases"; this could help to identify which activities need to take place first, or which activities can only start at a later stage (e.g. after the finalisation of some other actions, etc.).

If known, please specify also the form of expertise that would be needed (e.g. short-term experts, long-term experts, capacity building actions such as seminars, conferences and workshops, working visits to other Member States, trainings, collection of data and statistics, studies, research, analysis, etc.).

Question 2.2.a: Which outcome would you like to achieve?

Please describe the main outcome you would like to achieve with this project. An outcome is a concrete change on the ground, e.g., not a simple delivery of a study or a report.

Question 2.2.b: Outputs/deliverables and technical support measures

What outputs/deliverables and technical support measures do you request from DG REFORM to support your reform and achieve the outcome specified under point 2.2.a?

- 1) What key outputs/deliverables would you like to achieve with the support of DG REFORM?
- 2) Please describe how these outputs and deliverables will contribute to achieve the outcome?

3) For each of the outputs/deliverables envisaged, indicate the key activities to be delivered (i.e., workshops, training, study visits, etc.).

For requests related to Flagship technical support projects, this section has been partially prefilled with a list of proposed technical support measures that Member States can choose from. Member States can also request additional measures (optional – by ticking "Other" and explaining the additional measures).

Please tick the boxes corresponding to each measure that is requested. Also please **provide justification for each selected or proposed support measure** explaining how it will help to address the problems identified in section 1.1.

Question 2.3: Indicative duration of the support measures requested

Please provide the overall estimated starting and end date of the requested technical support (covering all proposed measures). If possible, please provide also an indicative starting and end date of each individual requested support measure/activity and/or their estimated duration.

Please consider the deadlines (if provided) in the description of the urgency of the request (1.4).

Question 2.4 Indicative estimated total cost of the support measures requested (in EUR)

Please indicate how much you estimate the support measures/activities would cost. Please note, however, that this is only an estimation, which can help determine the final costing. It does not bind the Member State nor the Commission in any way.

Indicate the estimated total cost (in EUR) of the support measures (number). Please note that this is a numerical field - only enter numbers - no letters, spaces, full stops, nor commas.

• Question 2.4.1 Additional information (indicative cost estimation for each key output/deliverable)

Please provide (if known) a more detailed budget breakdown of the estimated total cost or information on the indicative cost items of requested support measures.

Indicative cost items are supposed to assist in quantifying the effort required to deliver the requested support measures (if already known and indicated in point

2.1.) and breaking down the request into tangible tasks/steps. It can be the form of expertise that would be needed, for example:

- capacity building seminars, conferences and workshops (X working days for Y participants and with Z experts);
- benchmarking analysis, studies, research (finalised in a report and dissemination workshop for X participants);
- short-term experts, long-term experts (X experts for Y amount of time);
- study visits to other Member States (to approx. X countries), expert mission/workshop (X number of days for Z participants to approx. X countries).

Please provide further explanation and indicative cost estimation not only for each key output/deliverable but also for all foreseen activities.

• Question 2.5 Indicators to measure success of the project.

Please provide indicators for outputs, outcome, and possibly impact (in the long run). Indicators shall be SMART: Specific, Measurable, Achievable, Relevant, and Time-bound.

Output indicators shall measure if the project was able to achieve the planned outputs (during the project lifetime)

Outcome indicators shall measure success of the project in the mid-term, to evaluate if the project was able to achieve its outcome (you can indicate what is mid-term for your project, e.g., 12 months after the end of the project).

Impact indicators shall measure whether the project did contribute in the long run to a larger impact.

If the information is available to you, please indicate whether these indicators already exist or whether they would need to be developed throughout the lifetime of the project.

Question 2.6 Envisaged provider(s) (if applicable)

According to Article 12 of the TSI Regulation, technical support may be provided in cooperation with other Member States' entities, international organisations, individual experts, public or private bodies or other entities.

If applicable, please indicate suggestions you may have for support provider(s) for certain support activities (a Member State authority or public body, international organisations, other public-sector entities, etc.). Indicate also which entity/organisation – and why – could help carry out the support measures. In

particular, please elaborate on the know-how/capacity of the envisaged provider(s).

If more than one and/or if you envisage to use both public and private providers, please indicate accordingly. Please do <u>not</u> provide names of private providers.

Please note also that this is only a suggestion; the final selection of the provider is undertaken by the Commission on the basis of the applicable rules, notably, the relevant rules stemming from, *inter alia*, the Financial Regulation (Regulation (EU) No 2018/1046).

Question 2.7 Use of the results of past TSI/SRSP support measures

In case your entity has already received technical support under the SRSP or the TSI in the past and this support concerns a policy area that is relevant to the reform/support currently being requested, then please indicate how your entity has used the results of this past support and how did it ensure sustainability of reforms.

• Question 2.8 Administrative capacity of the Member State

(This refers to the recipient national authority and its capacity to implement and absorb the requested support measures).

The administrative capacity should take into account the capacity of the Member State to implement and absorb the support measures to be provided and to carry out the reforms for which support is requested.

Please indicate if there is any structure/team within the recipient national authority to manage this project and to follow-up on the results after this project completion.

In addition, please indicate the resources (staff, budget for complementary activities, etc.) that the recipient national authority requesting support is ready to dedicate for these purposes.

Please describe the team that will be responsible for coordinating/following the reform and the work of DG REFORM and its providers.

Question 2.9 Other stakeholders

Please elaborate on the wider inter-institutional cooperation envisaged for the technical support project and subsequent reform. How will relevant stakeholders, such as other ministries or implementing agencies, be involved?

What other stakeholders (e.g. other Ministries or beneficiaries) may need to be involved in the design or implementation of the requested support measures?

2.6. <u>SECTION 3. CIRCUMSTANCES OF THE REQUEST</u>

According to Article 9(3) of the TSI Regulation, the request can be related to **different circumstances** ("triggering factors").

- The preparation, implementation, amendment and revision of Recovery and Resilience Plans (RRP) under the Recovery and Resilience Facility⁸, (including REPowerEU chapters if relevant);
- The implementation of growth-sustaining and resilience-enhancing reforms in the context of economic governance processes, in particular the country specific recommendations issued in the context of the European Semester (the Country Reports or the implementation of economic adjustment programmes);
- The implementation of the actions linked to Union priorities, e.g. Capital Markets Union (CMU), Energy Union, Customs Union, other Union priorities;
- The implementation of actions related to the implementation of Union law (e.g. infringement procedures, other governance cycles);
- The implementation of reforms by Member States, undertaken on their own initiative, in particular to support recovery, achieve sustainable economic growth and job creation and enhance resilience (e.g. national reform priorities linked with Union priorities, etc.).

Question 3.1. Additional information

Please indicate to which of the above-mentioned circumstances your request is related. Please also add relevant explanations as appropriate. These can relate to the number of the CSR, a policy priority, relevant national strategy documents, information on the link with the recovery and resilience plans under the Recovery and Resilience Facility (including REPowerEU chapters if relevant).

For economic governance, please indicate also the Member State's country-specific recommendation(s) and country report(s) concerned (number(s), years(s)).

For Union priorities and own reforms, indicate specific priorities and add references to national reform(s).

⁸ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility, OJ L 57, 18.2.2021, p. 17–75.

For actions related to implementation of Union law, please refer to ongoing infringement procedures or to other governance cycles.

Please provide supporting information to justify your selection: e.g., reference to the National Reform Programme or other relevant government documents and mention the link between the request and the reform.

• Question 3.2. Link to Recovery and Resilience Plans (RRP)

For the preparation, implementation, amendment and revision of the Recovery and Resilience Plans under the Recovery and Resilience Facility, including REPowerEU chapters (if relevant), please provide more detailed information on how the request relates to your RRP.

Please, indicate first the type of link – whether there is a **direct link** (e.g. TSI support would have a <u>direct contribution</u> to the implementation of a reform or investment in the RRP and its corresponding deadlines), or only an **indirect link** (i.a. the support is in principle not linked directly, but <u>only benefits indirectly</u>, the implementation of a specific reform or investment in the plan.

Should you state that there is a direct link to the RRP, please specify for which reforms and/or investments of the RRP, the corresponding timeline for the implementation of this/these measure(s), and how the support would contribute to its implementation. Please note that where there is a **direct link**, the related RRP reform/investment should in principle have a corresponding deadline **in Q1 2024 or later**, in order to allow sufficient time for the implementation of the TSI project.

Should you state that there is an indirect link to the recovery and resilience plan, please provide additional information to describe the indirect link (i.a. support will in general facilitate the implementation of a specific component of the recovery and resilience plan, but it is not linked to a specific measure with a corresponding deadline).

For requests related to Flagship technical support projects

This section has been partially prefilled with one or more references to EU or European Commission priorities to which the requested technical support and the related reform contributes. Please do not delete or amend the proposed text

Because the prefilled text does not provide any information about the specific circumstances of relevance to the Member State request, please **complement** with Member State specific information.

2.7. SECTION 4. AGREEMENT FROM THE COORDINATING AND BENEFICIARY AUTHORITIES TO COMMUNICATION ACTIVITIES

DG REFORM may engage in communication activities to ensure visibility of the EU funding for the support measures funded under the Technical Support Instrument. The communication activities may include, but are not limited to, press releases, publication on the Reform support website, or the publication on the @EU_reforms tweeter account.

• Question 4.1. Agreement to share information on submitted requests

For communication purposes, the Commission asks Coordinating Authorities and Beneficiary Authorities involved in the request whether they agree that the information on the submitting entity and the area of request could be made public. Please, indicate whether your Member State is in agreement.

For same communication purposes, please state if you agree that the Commission communicates about the support measures in the event that the request is selected.

In case you indicate that you object with the Commission to communicate on the support measure, please provide a justification for it.

Disclaimer:

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Please note that the Commission shall establish a single online public repository through which it may, subject to applicable rules and on the basis of consultation with the Member States concerned, **make available final studies or reports produced as part of eligible actions set out in the TSI Regulation**. Where justified, the Member States concerned may request that the Commission does not disclose such documents without their prior agreement.

In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 and Council Regulations (EC, Euratom) No 2988/95 (10), (Euratom, EC) No 2185/96 (11) and (EU) 2017/1939, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, to the imposition of administrative penalties. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors, and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

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It is to be noted that the support provided is intended to assist the Member State in its efforts to identify suitable investments and reforms [and to develop action plans]. The Member State remains fully responsible for such investments and reforms [and action plans], including their implementation. The provision of the technical support does not commit the Commission in any way to further support, whether financial or otherwise.

For the requests linked with the RRPs: The provision of the technical support under the TSI is without prejudice to the responsibility of Member States in relation to the fulfilment of relevant milestones and targets of the RRP and is without prejudice to the assessment that the Commission carries out in relation to the Member State's RRP or any request for payment.

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3. Prefilled example of the template



TECHNICAL SUPPORT INSTRUMENT (TSI) PROGRAMME Regulation (EU) 2021/240 (TSI Regulation)⁹

REQUEST FOR TECHNICAL SUPPORTⁱ (Article 9 of the TSI Regulation)

DEADLINE: 31 October 2023 To be submitted [by/via]

Member State:	Country XX
Title of the request:	Removing restrictions in the professional services sector
Order of priority of the request:	2
Total number of requests:	10
Date of submission:	10/10/2023

COORDINATING AUTHORITY	
Name	Secretariat-General for EU Affairs
Address	Xxx Street 1; 1000, City, Country
Contact person	[Mr/Ms x, y, z]
Email	xxxx@xxxx.xx
Telephone number	+3X XXX XXX XXX

Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument, OJ L 57, 18.2.2021, p. 1–16.

RECIPIENT NATIONAL AUTHORITY	
Name	Ministry XX
Address	Xxx Street 1; 1000, City, Country
Contact person	[Mr/Ms x, y, z]
Position	Director / Head of Sector / Head of Unit
Email	xxxx@xxxx.xx
Telephone number	+3X XXX XXX XXX

Personal data provided in the request for technical support are processed in accordance with the applicable data protection rules. The privacy statement explaining the processing of personal data can be found in section 7 of the record at the following link: https://ec.europa.eu/dpo-register/detail/DPR-EC-04667

MULTI-0	MULTI-COUNTRY REQUEST	
0.1	Is this a multi-country request? (a multi-country request is a request developed and/or submitted in collaboration with one or more authorities of other Member State(s))	
⊠ Yes		
□ No		
0.2	Please indicate the type of this multi-country request	
☐ The M States	☐ The Member State submits this request on behalf of one or several other Member States	
	$\ensuremath{\boxtimes}$ One or several other Member States is/are submitting a similar/same request in parallel to this request, in a coordinated way	
0.3	Please indicate the name of the Member State(s) concerned by this multi-country request.	
Country	YY	
Country .	ZZ	
0.4 Please indicate the name of the other participating national authorities concerned by this multi-country request.		
Authority <i>Ministry</i>		

1	DESCRIPTION OF THE PROBLEM/NEED TO BE ADDRESSED
1.1	What is the problem/need to be addressed with the supporequested?

Please provide justification of the specific problem/need, identifying:

a) The core problem

Several previous reform efforts had been made in the past (reform X in 2002, reform Y in 2005). With the changes brought about in the globalised economy over the past 10 years, it is essential to review the regulatory framework for professional services. As reflected in the National Reform Programme, the Government is currently planning to reform the regulation of professions. However, the Ministry XX is lacking the ability to analyse market data that would enable to define a plan of actions to gradually reduce administrative and regulatory barriers. In this context, additional measures to enrich the analysis of the current situation and to define opportunities for the reform would ensure that a well substantiated reform proposal can be put forward by the Government during 2023.

b) The direct cause(s) of the problem

In country XX, services currently contribute to XX% of GDP. However, high administrative burden and regulatory barriers hamper productivity of the market,

especially for professional services, i.e. regulated professions and new business models. This high level of regulation co-exists with falling Total Factor Productivity (TFP) in the services sector, which is below comparator countries. It is likely that a high level of regulation constrains competition, which then results in allocative, productive, and dynamic inefficiencies in services sector but also in subdued output and high prices in other sectors. According to a recent research, liberalising services in 12 areas has the potential to increase productivity by 5.7% on average.

c) The consequences of the problem including on the affected population/stakeholders

Currently, professional services have restrictions on entry such as certificates, licences, mandatory training, and exams; restrictions on conduct like fee arrangements, geographical limits, bans to advertise or join multi-disciplinary practices; and restrictions on foreign providers, e.g., residency and nationality requirements.

The Government acknowledges the need to enhance deregulation of some professional services and to develop better regulation for certain professions. At the moment, there are more than *XX* regulated professions, which is above the EU average (according to the Commission's analysis). A new regulatory framework needs to be designed to improve the current system which can create barriers.

How broad is the problem/need? Does it affect a significant part/sector of the economy or extend across several policy areas ('spill-over')?

Restrictive business environment in the services sector sets a limit on the country's growth potential. The problem affects services sector virtually across all areas of the economy, the most concerned are in particular: tourism, legal professions, accounting services and transport. There is a risk that the problem spreads to other areas of the economy.

Overly regulated services sector unavoidably affects the investment attractiveness of the economy, causes business to seek more favourable conditions in other Member States and may lead to productivity and employment losses.

A reform of regulation on professions could have positive spill-over effects in other economic sectors as high productivity in the professional services sector can have positive effects on other industries such as manufacturing, construction and food-processing. Easier services market access for professionals and new business models can open up employment opportunities.

How deep or severe is the problem/need? Were there any previous reform efforts? What was the impact of those efforts? What did not work and why?

A cumbersome business environment depresses productive investment and productivity growth. Country XX's productivity growth lags behind that of other EU Member States in all sectors of the economy. The average productivity of country XX's firms has improved in recent years, but inefficient allocation of resources has prevented productive businesses from growing faster than their less productive competitors. Productivity is particularly weak in state-owned enterprises and in heavily regulated sectors such as energy, and to a lesser extent in transport. The persistent high level of the administrative burden in the provision of services and of parafiscal charges continues to constrain investment in business creation and expansion.

The latest European Semester Country Report of the European Commission points out that the regulatory environment for professional services in country *XX* remains restrictive. This is particularly evident in legal and accounting services, where fixed

tariffs and a marketing bans are still in force. Commission's finding is in line with the OECD's Product Market Regulation (PMR) indicators of services market restrictiveness.

Previous attempts of the Government to reduce regulatory barriers to services sector, and the regulated professions in particular (referred to in section 1.1) failed to achieve substantial results as they were not comprehensive enough and limited to only a few professions (due to lack of analytical evidence, inadequate administrative capacity, lack of best practices examples from other countries, etc.).

How urgent is the need to address the problem? Is there a specific deadline (at national, European or international level)?

There is an urgent need to address the problem, which has been acknowledged by the national Government. The reform of professional services market regulations is envisaged by October 2023, within the National Reform Programme.

A 2020 Country Specific Recommendation (CSR n° X) of the Commission for country XX calls for a services market reform: "Remove unjustified regulatory restrictions hampering access to and the practice of regulated professions. Reduce the administrative burden on businesses".

Moreover, reform recommendations for professional services (as a part of the proposed Commissions "Services Package") indicate that country *XX* is above the EU average in regulatory restrictiveness in almost all of the main professions.

Provide relevant socio-economic (and environmental) indicators, data and evidence that demonstrate the extent of the problem/need to be addressed. Please make sure that the data provided is related to the problem to be addressed and the support requested.

According to the OECD's PMR score, country XX is among the most regulated EU Member States, including in professional services. The overall PMR (restrictiveness) score for is xx. This is above the OECD and EU average of 1.5.

As indicated in section 1.1, excessive level of regulation constrains competition, resulting in allocative, productive, and dynamic inefficiencies in services but also subdued output and high prices in other sectors. Reducing the levels of entry and conduct restrictions in key services has the potential to improve the productivity of the economy. Deregulating services may also help to create jobs and promote shared prosperity – an important consideration given the country's relatively high unemployment rates of 13% of the total labour force and 31% of the population aged 15-24 in 2018 (National Statistical Office). Regulating new business models may further stimulate employment in particular among the young people and it has the potential to reduce regional disparities in access to markets and employment (unemployment rates in the catching-up regions are two-three-fold compared to the rates in the capital – National Statistical Office).

Have other means / funding (at national, regional, EU, international level) been considered for addressing the problem identified? Which ones? If so, what is the complementarity of other funds with the technical support requested?

Due to the high degree of specialisation and lack of knowledge at the level of the Ministry, there is no capacity to carry out the measures at national level. Moreover, no international or regional programmes have been identified that could provide the requested support. "XXX" programme has been deemed not relevant for the requested support, due to the limitations in the scope of the actions eligible for funding under the programme. There are no national sources of funding available for this type of measures.

2	INDICATIVE DESCRIPTION OF THE SUPPORT MEASURES REQUESTED AND THE ESTIMATED COST	
2.1 a	2.1 a Please indicate the <u>main</u> broad policy area of the support measures requested	
Labour n	Labour market, Education, Health and Social services	
2.1. b	In case there is more than one broad policy area linked to the support measures requested, please indicate a <u>second</u> broad policy area	
Sustaina	Sustainable growth and business environment	
2.1.c	Please indicate the topic(s) (or policy actions) of the support measures requested	
Educatio	Education and vocational training	
2.2.a	Which outcome (concrete change on the ground) would you like to achieve with this project?	

The government intends to adopt a reviewed regulatory framework for professional services that reduced entry barriers and ensures better services to the population.

The objective of this project is to prepare the ground for the Government to propose a law lowering regulatory barriers by 2023 and to facilitate stakeholder buy-in for the proposed reforms.

The expected impact the project aims to is to increase productivity from more efficient and competitive professional services markets (easier access to jobs, higher employment and lower prices for professional services and new business models), and from attracting more skilled professionals to the service sector while guarding the interest of public health and safety.

What outputs/deliverables and technical support measures do you request from DG REFORM to support your reform and achieve the outcome specified under point 2.2.a?

1) What key outputs/deliverables would you like to achieve with the support of DG REFORM?

2) Please describe how these outputs and deliverables will contribute to achieve the outcome?

3) For each of the outputs/deliverables envisaged, indicate the key activities to be delivered (i.e., workshops, training, study visits, etc.). For a full list of eligible actions, please see Article 8 of the TSI Regulation.

The support provided will feed into the Government's preparation of new reform measures which will be part of the Government's action plan(s) on administrative burden reduction and services market liberalisation. It will be used by the Government in informing implementation of the reform measures identified in the National Reform Programme.

Building on the lessons learnt from the previous reform effort of the Government and to provide options for deregulating regulated professions, technical support is requested for the following three outputs/deliverables:

Acquisition of solid knowledge of entry and conduct requirements for

regulated professions. The knowledge may be acquired through a technical review that identifies the professions posing a high economic return from a reform and outlining detailed recommendations for reform measures to be taken in at least 12 regulated professions. The review will require collection of relevant statistical data, stakeholder interviews and a review of relevant national and EU legislation in force for the selected regulated professions.

- The identification of mechanisms to safeguard reforms, including the use of proportionality testing before the adoption of new regulation of professions (linked to Commission proposal for a new Directive).
- **Increased capacity** for relevant staff of the Ministries and related Agencies (for at least 10 people). Staff capacity may be increased with dedicated training and workshops based on good practices examples identified by the analysis. A study visit to Member State that have recently undertaken a similar reform and established mechanisms to safeguard the reform may also be useful.

The results of the support measures will feed directly into the Government's commitment to prepare a reform package/proposal which is to be presented by the end of 2023.

Indicate the possible duration of the support measures requested (all measures together) and if available, an indicative timeline of each individual measure.

Estimated duration: 12 months starting as of April 2023. In 2023, it is expected that there will be strong political support for the reform process.

Based on the previous experience in this sector, the preparation of the diagnostic report is estimated to take 5-6 months, while the support related to the development of recommendations and guidelines could be stretched out to a period of 10-12 months. Workshops, training, and the study visit would be planned during the second half of the project.

2.4 Indicate the estimated total cost of the support measures requested (in EUR).

500,000

Additional information (if known, please provide further explanation and indicative cost estimation for each key output/deliverable, including the foreseen activities).

Estimated overall cost of the request: EUR 500 000.

Indicative cost breakdown by output/deliverable:

- Diagnostic report (approx. X days of work by Z experts) estimated at EUR XXX;
- Recommendations and advice (approx. X days of work by Z experts)
 estimated at EUR XXX;
- **Workshops and training** (approx. X days of work by Z coaches) estimated at FIR XXX:
- **Study visit** (X people traveling to approx. Z countries over Y days) estimated at EUR XXX.

2.5 What would be the indicator(s) to measure that the project was a success?

Please provide indicators for outputs, outcome, and possibly impact (in the long run). Indicators shall be SMART: Specific, Measurable, Achievable, Relevant, and Time-bound

Outputs indicators:

- For output 1 (Acquisition of solid knowledge of entry and conduct requirements for regulated professions): technical review identifying profession with potential productivity gains.
- For output 2 (Identification of mechanisms to safeguard reforms): detailed recommendations to safeguard reforms.
- For output 3 (Increased capacity for relevant staff of the Ministries and related Agencies): results of targeted questionnaires to test knowledge and abilities before and after training/workshops.

Outcome indicators (adoption a reviewed regulatory framework for professional services that reduced entry barriers and ensures better services to the population): Government proceedings certifying the adoption of the reviewed framework. To be measured 12 months after the end of the project.

Impact indicators:

- Increased productivity of regulated professions (official national statistics).
- Increased number of demands to practice regulated professions.
- Increased qualification of applicants (level of degree and additional training)

(If applicable,) indicate any envisaged provider of support (please do not provide names of private providers). Include explanations as to their know-how/capacity.

A preference is expressed for partnering with an international organisation or a EU Member State's body which has substantial experience and expertise with reforms of regulated professions. In addition, it might be beneficial to cooperate with the national statistical office on some parts of the support measures.

The reasons for the choice of an international organisation or a EU Member State's body is that similar reforms have already been started in several countries of Europe in the last few years and as a result we could benefit significantly from their experience and expertise. Moreover, the national statistical office would provide us with the data we need to adapt international guidelines and recommendations to the specificities of the domestic market.

In case your entity has already received technical support under the SRSP or the TSI in the past, in an area relevant to the reform/support requested, please indicate how your entity has used the results of this support and ensured sustainability of reforms.

In 2018, Ministry XX received technical support under the SRSP to run a preliminary benchmark analysis on the existence of restrictions in the professional services sector in the domestic market and in neighbouring countries' (project No XXXXXX).

Since then, the results of that support have been used by Country XX's government to inform and discuss with the different social parties involved. Moreover, those results have enabled Ministry XX to draft a new legislative proposal, which is currently being analysed by one of the two national parliamentary chambers. Finally, the results have also led to the adoption of a new standard practice, which is the regular disclosure of a dedicated composite index that summarises the level and intensity of restrictions existing in the domestic professional services sector.

Provide information on the administrative capacity of the recipient national authority (i.e., staff availability in relation with the requested support measures and the follow-up on their results). Please describe the team that will be responsible for coordinating/following the reform and the work of DG REFORM and its selected providers.

This project will be involving the following government partners: 3 public servants in the Coordinating Ministry in charge of service market regulations, 1-2 public servants in each line ministry with a mandate over specific regulated professions and 2 public servants in the Competition Agency.

A dedicated working group will be established for this purpose. A platform for coordination among the coordinating ministry and the line ministries as well as the Competition Agency has already been established. The same working group will continue to work on the issue after the project is implemented to follow-up on the measures delivered.

The beneficiary ministries (and professional chambers) will need to be trained to know how to implement the reform recommendations. There is a need to develop understanding of indicators and expected results and outputs. Coordinators from line ministries have basic knowledge on the relevant services market law and policy. However, the stock of knowledge needs to be enlarged and especially focused on practical motivation to do the reform job.

Indicate the names of stakeholders (e.g., other Ministries or beneficiaries) which may need to be involved in the design or implementation of the requested support measures.

During the design and implementation of this project, the following additional stakeholders will be involved:

- From the Government: Ministry YY, Ministry ZZ, Ministry WW;
- From the Parliament: Committee JJ, Committee KK;
- Other public institutions: Economic and Social Committee, Antitrust Authority;
- Other stakeholders: Employers' union trades, Employees' union trades.

3	CIRCUMSTANCES OF THE REQUEST	
The requ	The requested support is linked to:	
\boxtimes	Preparation, implementation, amendment and revision of Recovery and Resilience Plans (RRP) under the Recovery and Resilience Facility (including REPowerEU chapters if relevant)	
\boxtimes	Reforms in the context of economic governance process (e.g., CSR, Country reports, implementation of economic adjustment programmes, etc.)	
\boxtimes	Implementation of Union priorities (e.g., CMU, Energy Union, Customs Union, etc.)	
	Implementation of Union law (e.g., infringements)	
	Implementation of Member States' own reform priorities to support recovery, sustainable economic growth, job creation and enhance resilience	
3.1.	Additional information	

A legal reform to reduce barriers for businesses and deregulation of services sector is an important priority of the current Government, outlined in the Government's manifesto of xx/xx/xxxx, and included in the RRP as reform xx/xx.

Reform of the regulated profession is called for in the Country Specific Recommendations of XXXX (CSR $n^{\circ}X$) and is included in component xx of the national RRP. Support would be needed for x, y, and z, which are specific elements of the design of the reform xxx (FENIX reference + corresponding deadline).

Liberalisation of regulated professions is part of Commission's priorities, as spelled out in Communication on the services package (COM(2016) 820, Communication on reform recommendations for regulation in professional services).

If "Preparation, implementation, amendment and revision of Recovery and Resilience Plans under the Recovery and Resilience Facility" is selected:

3.2.	Is there a direct link to the RRP (e.g. direct contribution to the implementation of a reform / investment)?	
\boxtimes	Yes, there is a direct link	
	No, there is only an indirect link	
3.2.1	Please define for which reform/investment of the RRP this request has a direct link to (add FENIX reference and corresponding deadlines when available)	

The technical support is linked to the reform nr xx in component xx of the national RRP (FENIX reference xxx). With respect to the timeline of the reform, ideally, the support to aspects x, y and z in relation to xxx (name the specific measure that is linked) would be provided by Q1 2024. Support to aspects o, p and q in relation to yyy (name the specific measure that is linked) would be welcome by Q4 2024.

3.2.2 Please describe the indirect link of the requested support to the RRP N/A AGREEMENT TO COMMUNICATION ACTIVITIES BY BOTH THE COORDINATING AUTHORITY AND THE BENEFICIARY AUTHORITY

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4.1.	Do you agree that the Commission's communication activities may involve publicly indicating that your entity has submitted this technical support request, as well as the area of the request?
\boxtimes	YES
	NO
4.2.	Would this request be selected, do you agree that the Commission communicates about the support measure?
\boxtimes	YES

TSI 2024

Template: **REQUEST FOR TECHNICAL SUPPORT** *Including a pre-filled example*

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DISCLAIMERS:

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Should a Member State wish to submit a request for special measures under urgency (Article 12(7) of the TSI Regulation), it should contact DG REFORM at REFORM-TSI@ec.europa.eu for the relevant template. Please note that the request for special measures under urgency should be filled in only if there are serious grounds of urgency requiring an immediate response. The special measures that may be provided under urgency will only be interim support (for a maximum of six months), and could be replaced by support measures that are to be provided under normal circumstances according to the procedure of annual calls under the TSI Regulation. If the Member State concerned wishes to continue receiving support under the TSI, after the special measures expire, the standard request will need to be submitted according to Article 9 of the TSI Regulation.