

**The Facility shall not support:**

- (a) the manufacturing, processing and marketing of tobacco and tobacco products;**
- (b) undertakings in difficulty, as defined in Article 2(18) of Commission Regulation (EU) No 651/201416;**
- (c) investment in airport infrastructure except for outermost regions;**
- (d) investment in disposal of waste in landfill;**
- (e) investment in facilities for the treatment of residual waste;**
- (f) investment related to production, processing, distribution, storage or combustion of fossil fuels, with the exception of investment related to clean vehicles as defined in Article 4 of Directive 2009/33/EC of the European Parliament and of the Council26;**
- (g) investment in broadband infrastructure in areas in which there are at least two broadband networks of equivalent category;**
- (h) funding for the purchase of rolling stock for use in rail transport, except if it is linked to the:**
  - (i) discharge of a publicly tendered public service obligation under Regulation 1370/2007 as amended;**
  - (ii) provision of rail transport services on lines fully opened to competition, and the beneficiary is a new entrant eligible for funding under Regulation (EU) 2018/xxxx [Invest EU regulation].**
- (j) investment in housing unless related to the promotion of energy efficiency or renewable energy use.**