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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.II.2009
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COMMISSION DECISION

of 16-II-2009

establishing the 2009 annual work programme for grants in the field of trans-European networks (TEN) - area of energy infrastructures (TEN-E)

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establishing the 2009 annual work programme for grants in the field of trans-European networks (TEN) - area of energy infrastructures (TEN-E)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Regulation (EC) No 680/2007¹ of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of trans-European networks (hereinafter "**TEN Regulation**"), and in particular Article 8 thereof,

Having regard to Decision 1364/2006/EC² of the European Parliament and of the Council of 6 September 2006 laying down a series of guidelines for trans-European energy networks (hereinafter "**TEN-E Guidelines**"),

Having regard to Council Regulation (EC, EURATOM) No 1605/2002³ of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter the "**Financial Regulation**") and in particular Article 110(1) thereof,

Having regard to Commission Regulation (EC, EURATOM) No 2342/2002⁴ of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, EURATOM) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (hereinafter "**Implementing Rules for the Financial Regulation**") and in particular Article 166 thereof,

Whereas:

1. Under Article 110 of the Financial Regulation, grants are subject to an annual programme to be published at the start of the year.
2. Under Article 90 of the Implementing Rules for the Financial Regulation, the annual work programme referred to in Article 110 Financial Regulation shall be considered the financing decision within the meaning of Article 75 of the Financial Regulation.
3. Article 8 of the TEN Regulation foresees the adoption of annual work programmes in the field of energy by the Commission with the assistance of a committee in accordance with the procedure laid down in Article 15.
4. The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 15(2) of TEN Regulation.

HAS DECIDED AS FOLLOWS:

Sole Article

¹ OJ L 162, 22.6.2007, p.1.

² OJ L 262, 22.9.2006, p.1.

³ OJ L 248, 16.09.2002, p.1.

⁴ OJ L 357, 31.12.2002, p.1

The 2009 annual work programme for grants in the field of Trans-European Energy networks as set out in Annex 1 is hereby adopted.

Done at Brussels, on [...]

For the Commission

[...]

Member of the Commission

ANNEX I

2009 annual work programme for grants in the field of trans-European networks (TEN) - area of energy infrastructures (TEN-E)

1. BASIC ACT

Council Regulation (EC) No 680/2007⁵, laying down general rules for the granting of Community financial aid in the field of trans-European networks (hereinafter "**TEN Regulation**").

Decision 1364/2006/EC⁶ of the European Parliament and of the Council of 6 September 2006 laying down a series of guidelines for trans-European energy networks and repealing Decision n° 96/391/EC and Decision n° 1229/2003/EC (hereinafter "**TEN-E Guidelines**").

2. BUDGET HEADING

Article 06 03 04 – financial support for projects of common interest in the trans-European energy network.

3. AIMS

- The 2009 annual programme for grants in the field of trans-European networks (TEN) - area of energy infrastructures (TEN-E) - will encourage the effective operation and development of the internal market, reinforce the security of supplies and the diversification of energy suppliers and routes, facilitate the development and reducing the isolation of less-favoured regions, contribute to sustainable development and protection of the environment, inter alia by involving renewable energies. This annual programme takes fully account of the Priority Interconnection Plan presented by the Commission in January 2007 and the Action Plan adopted by the European Council in March 2007.
- Furthermore, it will promote the interconnection, interoperability and development of trans-European energy networks and access to such networks in accordance with current Community law.
- Particular attention shall be given in accordance with the TEN Regulation art 5(3) to projects of European interest that contribute to:
 - (a) the development of the network to strengthen economic and social cohesion by reducing the isolation of the less-favoured and island regions of the Community;
 - (b) the optimisation of the capacity of the network and the integration of the internal energy market, in particular concerning cross-border section;
 - (c) the security of energy supply, diversification of sources of energy supplies and, in particular, interconnections with third countries;
 - (d) the connection of renewable energy resources; and
 - (e) the safety, reliability and interoperability of interconnected networks.

⁵ OJ L 162, 22.6.2007, p. 1.

⁶ OJ L 262, 22.9.06, p. 1.

4. PRIORITIES AND THE RESULTS EXPECTED

The priorities for action by the Community on trans-European energy networks for 2009, shall be compatible with sustainable development and are defined in article 4 of the TEN-E guidelines. The projects of common interest referred to in Article 6 (3) of the TEN-E guidelines and covered by the axes for priority projects set out in its Annexe I shall have priority for the grant of the Community financial aid (see Article 7 (1) of the TEN-E guidelines).

4.1 For both electricity and gas networks

- (a) Adapting and developing the energy networks in support of the operation of the internal energy market and, in particular, solving the problems of bottlenecks especially transfrontier bottlenecks, congestion and missing links, and taking account of the needs arising from the functioning of the internal market for electricity and natural gas and the enlargement of the European Union;
- (b) Establishing energy networks in island, isolated, peripheral and ultra peripheral regions while promoting the diversification of energy sources and the use of renewable energy sources, together with the connection of those networks, where necessary;

4.2 For electricity networks

- (a) Adapting and developing networks to facilitate the integration and connection of renewable energy production;
- (b) Ensuring interoperability of electricity networks within the European Union with those in the accession and candidate countries and other countries in Europe and in the Mediterranean and Black Sea basins.

4.3 For gas networks

- (a) Developing natural gas networks in order to meet the Community's natural gas consumption needs and to control its natural gas supply systems;
- (b) Ensuring interoperability of natural gas networks within the Community and with those in accession and candidate countries and other countries in Europe, in the Mediterranean Sea, Black Sea and Caspian Sea basins, as well as in the Middle East and the Gulf regions, and diversification of natural gas sources and supply routes.

In particular and in order to continue the TEN - Energy programme, the Commission considers it important, in 2009, to focus the available funding on the projects to:

- - Promote the diversification of energy sources;
- - Reduce the bottlenecks, congestion and missing links;
- - Encourage the development and connection of renewable energy sources;
- - Increase the underground storage capacity of natural gas;
- - Increase the capacity of reception, storage and re-gasification for liquefied natural gas (LNG);
- - Encourage the construction of high pressure gas pipelines for diversification of natural gas towards Community regions.

5. SCHEDULE OF CALLS FOR PROPOSALS

A call for proposals is foreseen in February-March 2009.

6. INDICATIVE AMOUNT

The indicative Community budget allocation available for this programme is **EUR 26,048,000** from the 2009 budget.

7. ELIGIBILITY CRITERIA

7.1 Eligible applicants

Eligible are project proposals which are submitted, in the form of a written grant application, by one of the following types of applicants:

- one or (jointly) several Member States
- one or (jointly) several public or private undertakings or bodies with the agreement of the Member State(s) directly concerned by the project in question or
- one or (jointly) by several international organisations with the agreement of all Member States directly concerned by the project in question
- A Joint Undertaking with the agreement of all Member States directly concerned by the project in question.

Project proposals submitted by natural persons are not eligible.

In no case, projects proposals submitted by third Countries or legal or natural persons established outside EU countries can be beneficiaries of the funds.

7.2 Eligible projects

7.2.1 Common interest

Only projects related to one or more of the projects of common interest identified in the TEN-E Guidelines⁷ may receive Community financial aid.

7.2.2 Compliance with the Community Law

The granting of Community aid to projects of common interest is conditional to compliance with relevant Community law⁸, inter alia concerning environmental protection, competition and public procurement.

7.2.3 Other sources of financing

No Community financial aid shall be awarded for the same parts of projects receiving funds from other sources of Community financing.

⁷ Decision 1364/2006/EC of the European Parliament and of the Council of 6 September 2006 laying down a series of guidelines for trans-European energy networks identifies “projects of common interest” which meet the abovementioned aims

⁸ According to Article 3.1 of Regulation (EC) No 680/2007.

7.3 Grounds of exclusion

In the call for proposal the Commission will draw the applicants' attention to Articles 93 to 96 and Article 114 of the Financial Regulation, as well as to Article 133 of the Implementing Rules for the Financial Regulation.

8. SELECTION CRITERIA

The applicant must have access to solid and adequate funding sources, so as to be able to maintain activities for the period of the project funded and to help finance the project. The applicant must have the professional skills and qualifications required to complete the proposed action.

8.1 Financial capacity

The applicants must have the financial capacity to complete the action for which the grant is sought and will provide their annual accounts for the last financial year. These documents must be attached to the application for aid.

The demonstration of the financial capacity does not apply to Member states, public bodies, joint undertakings established under Article 171 of the Treaty and to international organisations⁹.

8.2 Technical capacity

The applicants must have the technical and operational capacity to complete the project for which the grant is sought and must provide appropriate documents attesting to that capacity (proof of the experience in carrying out actions of the type in question).

The demonstration of the technical capacity of applicants applies to all applicants. Information submitted by applicants who benefited from TEN-E aid as from 2004, may be taken into account in the evaluation of these applicants' technical capacity.

9. AWARD CRITERIA

Only proposals compliant with the eligibility, exclusion and selection criteria will be evaluated according to the following award criteria whose main objective is to assess the quality of the proposals. These criteria, set out in the TEN Regulation (Article 5), will be equally applied to all project proposals.

- Maturity
- The need to overcome financial obstacles
- The stimulating effect of the Community intervention on public and private finance
- The soundness of the financial package
- Socio-economic effects
- Environmental consequences
- The degree of contribution to the continuity and interoperability of the network, as well as to the optimisation of its capacity

⁹ Article 176(4) of the Regulation (EC, EURATOM) No 2342/2002.

- The degree of contribution to the improvement of service quality, safety and security
- Quality of the application

10. FORMS OF INTERVENTION

Successful proposals will be financed in accordance with the TEN Regulation laying down general rules for the granting of Community financial aid in the field of trans-European networks. The forms of intervention and the methods of Community financial aid are listed in article 6 of the TEN Regulation.

The Community financial aid granted to projects may not exceed 50% of the eligible costs for studies and 10% for works.