



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, xx.xx.2009  
C(2009) XXX final

Draft

**COMMISSION DECISION**

**of [...]**

**establishing the 2009 work programme for granting financial aid in the field of trans-European Transport network (TEN-T) as foreseen in the European Economic Recovery Plan**

Draft

## COMMISSION DECISION

of

### **establishing the 2009 work programme for granting financial aid in the field of trans-European Transport network (TEN-T) as foreseen in the European Economic Recovery Plan**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Regulation (EC) 680/2007 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 the trans-European transport and energy networks<sup>1</sup> (hereafter "TEN Regulation"), and in particular Article 8 thereof,

Having regard to Decision n° 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of trans-European Transport network<sup>2</sup> (hereafter "TEN Guidelines"),

Having regard to Council Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>3</sup> (hereafter "Financial Regulation"), and in particular Article 110(1) thereof,

Having regard to Commission Regulation (EC, EURATOM) n° 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>4</sup> (hereafter "Implementing Rules for the Financial Regulation"), and in particular Article 166 thereof,

Whereas:

- (1) In accordance with the conclusions of the Presidency of the European Council Meeting in Brussels on 11 and 12 December 2008 and the Communication from the Commission to the European Council of 26 November 2008 regarding the European Economic Recovery Plan<sup>5</sup>, the Commission shall launch a €500 million call for proposals for trans-European transport (TEN-T) projects where this money would lead to construction beginning before the end of 2009. This will bring forward existing funds that would have been reallocated following the mid-term review of the multi-annual TEN-T programme in 2010.

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<sup>1</sup> OJ L 162, 22.6.2007, p. 1

<sup>2</sup> OJ L 228, 09.09.1996, p. 1

<sup>3</sup> OJ L 248, 16.9.2002, p. 1.

<sup>4</sup> OJ L 357, 31.12.2002, p. 1

<sup>5</sup> Communication from the Commission to the European Council, COM(2008) 800 final of 26.11.2008

- (2) A work programme is hereby established, which shall be considered as a financing decision within the meaning of article 75(2) of Regulation (EC, EURATOM) n° 1605/2002.
- (3) The indicative amount of funds available for this work programme is €500 million, which shall be temporarily drawn from the currently unallocated budgets foreseen for the multi-annual and annual TEN-T programmes over the period 2010-2013. It is anticipated that the 2010 mid-term review of the multi-annual TEN-T programme will identify funds which will be unspent by 2013, and which can be reallocated to the multi-annual and annual programmes, in such a way that the balance between these, as foreseen in Article 8 of the TEN Regulation, is maintained.
- (4) This work programme sets out the general objectives and priorities addressed with these grants; the results expected; the eligibility criteria; the essential selection and award criteria; and a schedule for the call for proposals.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 15 of Regulation n° 680/2007/EC.

HAS DECIDED AS FOLLOWS:

*Sole Article*

The work programme for grants in the field of the trans-European Transport network foreseen in the European Economic Recovery Plan and as set out in the Annex is adopted

Done at Brussels [...],

*For the Commission*

[...]

*Member of the Commission*

## ANNEX

### **1. BUDGET:**

#### **1.1. Budget heading:**

Article 06 03 03, financial support for projects of common interest in the trans-European transport network.

#### **1.2. Budget resources:**

A total amount of €500 million is available for the work programme for grants in the field of the trans-European Transport network (hereafter "TEN-T") as foreseen in the European Economic Recovery Plan (hereafter "the EERP work programme").

The funds for this work programme shall be temporarily drawn from the unallocated budgets foreseen for the multi-annual and annual work programmes in the period 2010-2013.

In accordance with Article 8 of the TEN Regulation, a mid-term review of the multi-annual TEN-T programme is foreseen in 2010 to identify projects which will not use the funds that have been allocated to them within the programmed period. These funds shall thus be reallocated to the multi-annual and annual programmes, in such a way that the balance between these, as foreseen in Article 8 of the TEN Regulation, is maintained. The planning of future calls for proposals outlined in Article 6 of the multi-annual work programme for the period 2007-2013 may subsequently be modified in the light of the outcome of this review.

### **2. OBJECTIVES AND PRIORITIES:**

The European Economic Recovery Plan<sup>6</sup> (hereafter "EERP") proposes a counter-cyclical macro-economic response to the economic crisis that has been affecting Europe since 2008 in the form of a set of actions to support the real economy. Europe needs to accelerate its investments in infrastructure. This will not only give an immediate boost to the economy, but will also enhance Europe's longer-term sustainable growth potential.

The EERP foresees that: "by the end of March 2009 the Commission will launch a €500 million call for proposals for trans-European transport (TEN-T) projects where this money would lead to construction beginning before the end of 2009. This will bring forward existing funds that would have been reallocated by the mid-term review of the multi-annual TEN-T programme in 2010".

The aid to be granted under this work programme will therefore be focussed only on TEN-T projects which can demonstrate that the Community support would enable works to start in 2009 or, at the latest, in 2010.

Aid may be granted to the following types of works projects as defined in Article 2.9 of the TEN Regulation:

- new projects of common interest, as defined in Article 7 of the TEN Guidelines, which are sufficiently mature, which can clearly demonstrate their contribution to the TEN-T priorities and which were not intended to be supported by other Community programmes (in particular the ERDF and the Cohesion Fund); or
- projects, or parts of a project, which have already received financial aid through TEN-T calls for proposals launched in 2007 or 2008, either under the multi-annual or annual work

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<sup>6</sup> Communication from the Commission to the European Council, COM(2008) 800 final of 26.11.2008

programmes, which are progressing satisfactorily and where the works phase could be accelerated over 2009 and 2010 through the injection of new funds<sup>7</sup>

### **3. RESULTS EXPECTED**

In addition to directly contributing to the achievement of TEN-T policy objectives, it is expected that this work programme will contribute to the second pillar underlying the EERP, namely to direct short-term action to reinforce Europe's competitiveness in the long term by setting out a comprehensive programme to direct action to "smart" investment, including infrastructure and inter-connections to promote efficiency and innovation. In this respect, the implementation of this work programme shall accelerate the implementation of TEN-T projects and encourage Member States to increase their investment in transport infrastructure in 2009 and 2010.

More specifically, the call is expected to have the following impact on the real economy in 2009 and 2010:

- mobilise national investment (public and/or private) corresponding to around six times the value of the call (i.e. the call is expected to trigger projects for a total value of some € billion); and
- accelerate the delivery of the TEN-T infrastructure, which is crucial for Europe's long-term competitiveness.

### **4. INDICATIVE TIMETABLE FOR CALLS FOR PROPOSALS AND AMOUNTS AVAILABLE**

The total amount of funds available for the EERP work programme is €500 million.

The call for proposals is expected to be launched on 30 March 2009.

### **5. ELIGIBILITY CRITERIA**

#### **5.1. 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, can project proposals submitted by third Countries or legal or natural persons established outside EU countries be beneficiaries of the funds.

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<sup>7</sup> Overall rate of support to such projects will not exceed the values foreseen in Article 6(2) of the TEN Regulation

## **5.2. Eligible projects**

### *5.2.1. Common interest*

Only projects related to one or several of the projects of common interest identified in the TEN Guidelines may receive Community financial aid.

In addition, only works are eligible to receive Community aid under the EERP work programme

### *5.2.2. Compliance with the Community Law*

The granting of Community aid to projects of common interest is conditional to compliance with relevant Community law<sup>8</sup>, inter alia concerning interoperability, environmental protection, competition and public procurement.

### *5.2.3. Other sources of financing*

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

## **5.3. Grounds of exclusion**

In the call for proposal the Commission will draw applicants' attention to Articles 93 to 96 and Article 114 of the Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 applicable to the general budget of the European Communities<sup>9</sup>, (hereafter "Financial Regulation"), as well as to Article 133 of the Regulation (EC, EURATOM) n° 2342/2002 of the Commission of 23 December 2002 laying down detailed rules for the implementation of the Regulation n° 1605/2002<sup>10</sup> (hereafter "Implementing Rules for the Financial Regulation").

## **6. SELECTION CRITERIA**

The applicants must have access to solid and adequate funding sources, so as to be able to help finance the project; commence works within the timescale as set out in section 2 paragraph 3; and maintain activities for the period of the project. The applicants must have the professional skills and qualifications required to complete the proposed action.

### **6.1. 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 organisations<sup>11</sup>.

### **6.2. 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).

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<sup>8</sup> According to Article 3.1 TEN Regulation

<sup>9</sup> OJL248, 16.9.2002, p. 1.

<sup>10</sup> OJL 357, 31.12.2002, p. 1

<sup>11</sup> Article 176(4) of the Implementing Rules for the Financial Regulation

The demonstration of the technical capacity of applicants applies to all applicants except Member States, joint undertakings established under Article 171 of the Treaty and international organisations.

Information submitted by applicants who benefited from TEN-T aid as from 2004, may be taken into account in the evaluation of these applicants' technical capacity.

## **7. AWARD CRITERIA**

According to the level of contribution to the objectives and priorities as stated above, only proposals compliant with the eligibility and selection criteria will be evaluated. A decision to grant Community financial aid shall take into account, inter alia, the general award criteria listed below.

Particular emphasis will be given to the extent to which the Community support would translate into an immediate acceleration of transport works.

The general award criteria<sup>12</sup> are as follows:

- the maturity of the project; including the extent to which preliminary works actions (including procurement and contracts) are accelerated to enable funds to be spent on works in 2009 or at the latest in 2010
- the need to overcome financial obstacles;
- environmental consequences and benefits;
- the stimulating effect of the Community intervention on public and private finance;
- the soundness of the financial package;
- socio-economic effects including employment opportunities;
- the complexity of the projects, for example that which arises from the need to cross natural barriers;
- the degree of contribution to the continuity and interoperability of the network, as well as to the optimisation of its capacity;
- the degree of contribution to the improvement of service quality, safety and security;
- the degree of contribution to the internal market and other priorities of the trans-European transport networks;
- the degree of contribution to the re-balancing of transport modes in favor of the most environmentally friendly ones);
- the quality of the application.

Clarification shall be provided in the call for proposals on how these criteria shall be interpreted and weighted in the evaluation process.

Upper and/or lower thresholds of Community financing may be recommended in the call for proposals.

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<sup>12</sup> TEN Regulation; C(2007)2158 of 23.05.2007

## **8. MAXIMUM POSSIBLE RATE OF CO-FUNDING<sup>13</sup>**

The amount of Community financial aid shall not exceed the following rates:

- works as defined in Article 2.9 of the TEN Regulation:
  - a maximum of 10% for projects of common interest
  - a maximum of 20 % of the eligible cost of the works for priority projects
  - a maximum of 30 % for cross-border sections of priority projects provided that the Member States concerned have given the Commission all the necessary guarantees regarding the financial viability of the project and the timetable for carrying it out
- European Rail Traffic Management System (ERTMS)
  - track-side equipment: a maximum of 50% of the eligible cost of works;
  - on board equipment:
    - a maximum of 50% of the eligible cost of developing and making prototypes for the installation of ERTMS on existing rolling stock, provided that the prototype is certified in at least two Member States
    - a maximum of 50% of the eligible cost of series equipment for the installation of ERTMS on rolling stock; however, the Commission shall set in the framework of the multiannual programme a maximum amount of aid per traction unit;
- road, rail, air, inland waterway, maritime traffic and coastal traffic management systems: a maximum of 20% of the eligible cost of works
- Start up aid related to capital costs for cross-border sections of Motorways of the Sea projects: 30% of two years of depreciation of the eligible capital cost in accordance with Art 12a (5) of the TEN Guidelines

## **9. INSTRUMENT FOR IMPLEMENTATION**

The financial aid shall be covered by individual grant decisions adopted by the Commission.

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<sup>13</sup> Acc. to TEN Regulations Art. 6 (2)