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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
COM(2008) XXX

Draft

**COMMISSION DECISION**

**of [...]**

**establishing the annual work programme for granting financial aid in the field of trans-European Transport network (TEN-T) for 2008**

Draft

## COMMISSION DECISION

of [...]

### **establishing the annual work programme for granting financial aid in the field of trans-European Transport network (TEN-T) for 2008**

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 principles set out in Article 5 of the TEN Regulation the annual work programme for grants in the field of the trans-European transport network for 2008 should set out general objectives and priorities addressed with these grants, results expected, eligibility, selection and award criteria.

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1 OJ L 162, 22.6.2007, p. 1

2 OJ L 228, 09.09.1996, p. 1. Decision as last amended by as last amended by Council Regulation N° 1791/2006/EC ( OJ L 363, 20.12.2006, p. 1 )

3 OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Council Regulation (EC) No 1525/2007 (OJ L 343 du 27.12.2007, p. 9)

4 OJ L 357, 31.12.2002, p. 1 as last amended by Commission Regulation (EC, EURATOM) n° 478/2007 (OJ L 111, 28.04.2007, p. 13)

- (2) For the entire period 2007-2013, the funds available for the annual budgets will represent between 15 and 20% of the financial reference amount of 8,013 billion € for the trans-European transport network, as set out in Article 18 of the TEN Regulation. The indicative amount of funds available for the annual work programme in 2008 is 175 Mio € of which a total amount of grants for projects of common interest in the field of the trans-European transport network of 140 Mio € and an amount of 35 Mio € that will be made available to the "Loan Guarantee Instrument".
- (3) The 2008 annual work programme shall be considered as a financing decision within the meaning of article 75(2) of Regulation (EC, EURATOM) n° 1605/2002.
- (4) In order to implement the "loan guarantee instrument" in accordance with the conditions defined in Article 6 (1)(d) of the TEN Regulation and in the terms set out in the Annex to this Regulation, an amount of 35 Mio € will be made available, in 2008, to the EIB as the annual Commission contribution to the "loan guarantee instrument".
- (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 ADOPTED THIS DECISION:

*Sole Article*

The annual work programme for grants in the field of the trans-European Transport network for the year 2008 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:**

In 2008 a total amount of 175 Mio € is available for the annual programme of which a total amount of grants for projects of common interest in the field of the trans-European transport network of 140 Mio € An amount of 35 Mio € will be made available to the "Loan Guarantee Instrument", foreseen in the TEN Regulation.

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

The aid to be granted on the basis of the annual work programme will be an important part of the pillar of Community financing of the trans-European transport network during the period 2007 - 2013. It will complement the efforts developed in the multi-annual Programme. As such, the annual programme will not support actions being already supported under the multi-annual Programme (Article 8.3 TEN Regulation).

The annual Programme will be able to address the priorities of the trans-European transport network, as set out in the TEN Guidelines and given its annual nature, with a high degree of flexibility to meet new demands of the projects of common interests.

For 2008 the programme will address in particular:

- The 30 priority projects set out in annex III of the TEN Guidelines, in conformity with Article 19 thereof, to the extent that they do not receive support through the multi-annual programme and where the small size and timing of the measures concerned render this appropriate.
- measures to develop key links and interconnections to eliminate bottlenecks in accordance with Article 5 of the TEN Guidelines
- measures to develop an interoperable railway network, with the exception of measures for the deployment of ERTMS, especially for TEN-T conventional railway lines that contribute to a rail freight oriented network in accordance with Article 10 of the TEN Guidelines
- measures to promote maritime transport and inland waterways in accordance with Article 11 of the TEN Guidelines
- measures to face the most urgent problems of airports in conformity with the recent Communication on Airport Capacity and Efficiency: optimisation of existing capacity, maximisation of safety and security, limitation of the environmental impact, in accordance with Article 13 of the TEN Guidelines.

- measures to promote good standards of comfort and safety as well as to guarantee a sustainable integration of Road infrastructure in the global transport chain, in accordance with Article 9 of the TEN Guidelines
- measures to promote the deployment of sustainable transport infrastructure (Article 2 of the TEN Guidelines) as foreseen in the Transport White Paper<sup>5</sup> namely by applying the "acquis communautaire"<sup>6</sup> in the field of environment and in particular those that will boost inter-modal cooperation by integrating smoothly and smartly the different modes of transport, (as referred to, for the different modes of transport respectively, in Articles 5, 9,10, 11, 14 and 16 of the TEN Guidelines)
- The annual programme will also address priorities of the TEN-T development which were not covered under the multi-annual work programme. The annual programme will nevertheless give a clear priority to projects that address key TEN-T issues such as cross border and bottlenecks.
- A contribution to the "Loan Guarantee Instrument", in accordance with Article 6.1 .d of the TEN Regulation, which sets out a financial contribution to the provisioning and capital allocation for guarantees to be issued by the EIB on its own resources under the loan guarantee instrument, in order to share the risk and provide support to the investors of infrastructure projects deemed relevant to the trans-European network. The annual funds may be used to support projects implemented either under the Multi-Annual or the Annual programmes
- In order to attract more private funding for the deployment of strategic transport infrastructure projects, the TEN-T programme will foster actions aimed at promoting private sector involvement particularly in the development and financing of Community supported transport infrastructure projects (as foreseen in Article 7 TEN Regulation).
- In order to increase the social benefits from innovation and reduce the lag time for the implementation of transport policies, TEN funding should whenever possible support deployment projects that build on research activities or deploy new technologies

**Specific objectives for trans-European Network projects as defined in the TEN Guidelines, including the priority projects referred to in Article 19:**

Within the framework of these general objectives, the Commission aims to ensure maximum complementarities with the funding of trans-European transport network projects under the multi-annual Programme and maximum added value for the TEN-T programme as a whole -depending on budget availability. In addition, Community support shall facilitate the implementation of project sections or parts which are most critical to the achievement of smooth traffic flows along the entire axis and would, if not completed within the agreed period time, reduce the benefits drawn from investments made on other sections of the axis.

Community support aims thus at promoting a coherent and consistent implementation of the transport axes in their entirety, throughout all the Member States directly involved which are called

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5 Keep Europe moving - Sustainable mobility for our continent, 2006; Mid-term review of the European Commission's 2001 transport White Paper

6 Strategic Environmental Assessment (SEA) Directive (2001/42/EC) for plan and programme assessment, Environmental Impact Assessment (EIA) Directive (85/337/EEC as amended by 97/11/EC and 2003/35/EC) for project assessment, Birds Directive (79/409/EEC), Habitats Directive (92/43/EEC and Water Framework Directive 2000/60/EC)

upon to give due priority to respective sections in their political decision making and their investment planning to coordinate activities across national borders and to optimize financing schemes.

Community financial support should essentially aim at mobilizing the financial resources, public and/or private, that are needed for the timely and efficient completion of the most critical sections or parts of the TEN transport axes. Accordingly the TEN-T annual programme will give, in 2008, the highest priority to the following areas:

In addition to the aim of concentrating support on the priority projects of the trans-European transport network, the Commission calls on Member States in particular to participate in projects that cover, or are of direct benefit to, the Community as a whole, involving various Member States or connecting networks from several Member States.

It shall be also underlined that for the annual programme only a “small” budget is available and therefore it is not suited to cover large projects over a long period of time.

In general the projects will address problem areas in the transport network such as cross border projects, the completion of cross border sections and bottlenecks located on transport axes and interfering with the continuity of traffic flows (in terms of capacity and service quality). Therefore, Community financing shall be used to promote the removal of bottlenecks on these axes.

The priorities will cover the following areas or sectors of transport infrastructure:

### **2.1. Priority projects not covered under the multi-annual programme [C(2007)3512 of 23 July 2007]:**

Importance will be given to priority projects identified in the TEN-T Guidelines (or these sections) that are not funded under the multi-annual programme, in accordance with the point 3 of Article 8 of the TEN Regulation. This may concern sections or parts (not yet funded) of the priority projects themselves or measures that add to priority project sections funded under this programme.

The projects' contribution to the achievement of other relevant policies in the transport sector as well as towards the implementation of legislation will be taken into consideration in this context - for example, legislation in force concerning railway undertakings, or rail policy which seeks to achieve a rail freight oriented network.

### **2.2. RAIL Transport**

Rail transport projects may address the development of both the High Speed and the Conventional networks with a view to promoting a more sustainable transport mode for passengers and goods, efficient interfaces with other modes of transport and enhanced interconnections with regional and local rail networks whilst offering users high levels of safety, comfort and quality. The objective of a rail freight oriented network is of particularly high priority and aims to increase commercial speeds, improve reliability and augment capacity. In order to ensure full interoperability and optimal safety conditions on the proposed railways infrastructure, submissions will only be considered if the interoperability legislation is respected and a plan for the deployment of ERTMS included.

## 2.3. ROAD Transport

Road transport projects should address the deployment or improvements of motorways or high-quality roads, with a high, uniform and continuous level of services, comfort and safety in order to improve accessibilities to and from peripheral and landlocked regions, as well as to provide efficient and sustainable interfaces with the global transport system and bypass bottlenecks, such as urban centres, in order to achieve sustainability of operations.

## 2.4. WATERBORNE Transport

### 2.4.1. *Inland waterways and ports*

Priority shall be given to support actions aiming at:

- Establishment of stable **fairway** conditions on a defined section of the TEN inland waterway network for the continuous passage of vessels and pushed convoys throughout the year according to the relevant waterway class (class IV and higher)
- Upgrading/enlargement/increase of capacity/modernisation of **locks** on the TEN Inland waterway network in order to allow an easy passage of vessels and pushed convoys.
- Increase of **under bridge-clearance** (height under bridge), on the TEN Inland waterway network in order to allow an unhindered continuous passage of containerhips with up to 3 layers of containers.

Inland ports on the TEN Inland Waterway Network: Provision of transshipment installations, container handling facilities as well as roll-on/roll-off facilities, basic port infrastructures inside the port area as well as infrastructures linking the port to the rail and road network in order to increase the capacity of transshipments between road, rail and inland waterway.

### 2.4.2. *Maritime ports*

#### 2.4.2.1. Port accesses

Support should be given to infrastructure actions deploying the transport priorities identified in the Communication on European Ports Policy COM (616) on 18th October 2007, and in particular for actions aiming at providing both safe maritime accesses with adequate capacity (breakwaters and dredging fairways, canals and turning circles) reliable TEN-T hinterland connections from ports to the rest of the TEN- T network (locks, rail and road connections) and adaptation of ports to environmental requirements (e.g. areas for oil and waste dumping). Furthermore, physical changes to the water system should be in compliance with relevant Community law on environmental protection.

Due account of magnitude and cost of these large basic infrastructures, for current 2008 working programme, studies for new investments (i. e. port master plans) are given priority, however key works to overcome existing bottlenecks at inland connections will also be given priority for maritime ports (i. e. over passing railway bridge).

#### 2.4.2.2. Port terminals

Port terminals and other user dedicated port facilities (including quay walls and other investments to allow ships berth or anchor like jetties, wharfs, piers, docks, buoys ... and its

backfills and land reclamation for cargo handling facilities) will only be funded in exceptional cases, such as where ports are located in islands, landlocked, peripheral and outermost regions and states, and when explicit commitment is assumed by applicants to launch call for tenders to operate these port terminals.

Nevertheless, specific combined terminals in port areas for trans-shipment operations from sea to rail and/or inland waterways to shift cargo from roads towards these more sustainable transport modes are considered eligible. The terminals should be open to all users in a non-discriminatory basis.

#### 2.4.2.3. Port efficiency and productivity

Priority will also be given to strategic or tactical actions to increase port efficiency and productivity rates by,

- renewal, regeneration, renovation or restoration of port areas without necessary occupying more territory and/or aquatorium at sea or estuaries.
- making more intensive use of existing ports - some of which are operating under capacity levels - to have them nearer to users who could benefit from daily and quick intra-EU connections, by either short sea shipping or feeder services.

### 2.5. AIR Transport

**Airports:** Air travel demand is boosted not only by economic and commercial needs of globalisation but also by evolving societal and cultural needs. As a result, air traffic is expected to at least double in the next 20 years.

Various studies show that airport capacity will not be able to match the fast growing demand and could become the most **constraining factor** within the air transport supply chain. The knock-on network effects of this weakest link then threatens the efficiency of the whole air transport chain. Since air transport is seen as a 'motor' for economic growth, this in turn risks undermining the overall competitiveness of the European economy.

The airport infrastructure action plan proposed by of the Commission<sup>7</sup> is supported by the Council Conclusions of 2 October 2007<sup>8</sup> as well as the European Parliament Resolution of 11 October 2007<sup>9</sup>.

Following actions are therefore considered a priority as far as Airport TEN-T support is concerned: Make better use of existing airport capacity, a consistent approach to safety at aerodromes; promote "co-modality", the integration and collaboration of transport modes and improve the environmental performance of airports (minimize the impact of each aircraft movement but also ameliorate the environmental conditions on the ground, for instance waste management).

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7 COM(2006) 819 final, 24.1.2007

8 13161/07

9 A6-0349/2007

## **2.6. MULTIMODAL Transport**

Multimodal transport measures to promote the deployment of infrastructure (Article 1 of the TEN Guidelines) that will support Sustainable Transport; these will include fostering the development of intermodality, multi-modality and co-modality concepts and infrastructure which integrates efficiently the potential of the different modes of transport, thereby contributing to an intelligent use of the global transport network.

Concrete actions will be aimed at optimising the capacity and efficiency of existing and new infrastructure and providing sustainable mobility for passengers and goods.

Finally, freight terminal related infrastructure will be supported to make terminal operations more environmental friendly, namely by providing solutions less impacting on cities and more respectful of natural values, especially as regards road traffic to and from the terminals, e. g. dredging of contaminated material in Ports and collection and treatment of waste from ships, as well as the management of noxious substances in road and rail freight terminals. Priority will be given to generic solutions that may be implemented in various terminals within a geographical area or rail or road link.

For all project categories referred to above, successful project proposals will be supported in accordance with article 6 "Types and methods of Community financial aid" of the TEN Regulation laying down general rules for the granting of Community financial aid in the field of trans-European-networks.

## **2.7. Horizontal supporting Actions, specific objectives:**

### *2.7.1. Loan Guarantee Instrument*

The European Investment Bank (EIB) shall be a risk-sharing partner and shall manage the EU contribution to the loan guarantee instrument on behalf of the Community. The contribution to the TEN-T Loan Guarantee Instrument shall be 35 Million € in 2008. The more detailed terms and conditions for implementing the loan guarantee instrument, including its monitoring and control, are laid down in a co-operation agreement between the Commission and the EIB signed on 11 January 2008, taking into account the provisions laid down in the Annex of the new TEN Regulation.

### *2.7.2. Public Private Partnerships (PPPs)*

In order to attract more private funding for the deployment of strategic transport infrastructure projects, the TEN-T programme will foster actions aimed at promoting private sector involvement in the development and financing of TEN transport projects, in particular those which benefit from financial support of the Commission.

In 2008, this support will target actions on: networking, benchmarking and dissemination of good practices, establishment of a dedicated database, provision of support and advice to project promoters and or Administrations and provision of expertise to the appraisal of applications submitted for TEN funding.

With a view to increase and share public sector expertise in the Public Private Partnership sector, the Commission will seek adequate partners, both in terms of know-how and co-financing, for the joint development of the promotional actions.

### **3. RESULTS EXPECTED**

The implementation of this work programme for 2008 aims at further enhancing the effectiveness and visibility of Community financing of the highest priorities of the trans-European transport network. It is expected that the granting of support on the basis of this programme will contribute to the timely and efficient completion of a number of TEN-T projects in their entirety or in significant parts.

The projects which will be completed with financial aid allocated through the programme, will thus directly contribute to the achievement of important transport policy objectives such as: the establishment of major transport axes interconnecting national networks and facilitating the functioning of the internal market; ensuring interoperability along these axes; enhancing accessibility of peripheral areas of the Community; congestion relief on roads and more balanced modal distribution; savings in terms of the environmental effects of transport thereby contributing to achieve sustainable transport.

The development of horizontal actions aimed at fostering the role of public private partnerships is expected to increase the rate of deployment of the TEN-T infrastructure. In particular, the close cooperation foreseen with the European Investment Bank will support better the activities of public and private promoters, providing advice on risk and investment as well as on precautionary measures and risk management tools.

The call for proposals 2008, aiming inter alia at optimizing the use of infrastructure, enhancing safety, security and quality of services, also promotes the achievement of important transport policy objectives and the implementation of corresponding legislation.

Overall, the implementation of the work programme is expected to give an important impetus to the further preparation and implementation of the major priority projects and priority areas of the trans-European transport network, thus to help reaching important milestones on the way towards the completion of this network as approved by the European Parliament and the Council (target completion date 2020). For this purpose, Community funding on the basis of the work programme should help to mobilize as much public and private financing as needed to meet the challenging time tables.

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

The total amount of funds available for the annual work programme 2008 is 175 Mio € of which an amount of 35 Mio € is foreseen for the "Loan Guarantee Instrument". For the Call for Proposals 2008, the total amount for grants, for projects of common interest in the field of the trans-European transport network, is of 140 Mio €

The call for proposals is expected to be launched on 7th April 2008.

### **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.

## **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.

### *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>10</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>11</sup>, as last amended by Council Regulation (EC, EURATOM) n° 1995/2006 of 13 December 2006<sup>12</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>13</sup> as last amended by Commission Regulation (EC, EURATOM) n° 478/2007 of 23 April 2007<sup>14</sup> (hereafter "Implementing Rules for the Financial Regulation").

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<sup>10</sup> According to Article 3.1 TEN Regulation

<sup>11</sup> OJL248, 16.9.2002, p. 1.

<sup>12</sup> OJL 390, 30.12.2006, p. 1

<sup>13</sup> OJL 357, 31.12.2002, p. 1

<sup>14</sup> OJL 111,28.04.2007, p. 13

## **6. 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.

### **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>15</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).

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**

### **7.1. 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 on the basis of the following general award criteria whose main objective is to assess the quality of 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 stimulative effect of the Community intervention on public and private finance
- The soundness of the financial package
- Socio-economic effects
- Environmental consequences and benefits

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<sup>15</sup> Article 176(4) Implementing Rules for the Financial Regulation.

- 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 favour of the most environmentally friendly ones (reduction of environmental footprint)
- The complexity of projects, for example due to the need to cross natural barriers
- Quality of the application

## **7.2. Maximum Possible rate of Co-Funding<sup>16</sup>**

- for studies, 50 % of the eligible cost of studies, irrespective of the project of common interest concerned
- for works:
  - 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 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
  - road, air, inland waterway, maritime traffic and coastal traffic management systems: a maximum of 20% of the eligible cost of works

## **8. INSTRUMENT FOR IMPLEMENTATION**

The financial aid shall be covered by an individual financing decision adopted by the Commission.

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<sup>16</sup> Acc. to TEN Regulations Art. 6 (2)