



Call for proposals for projects of common interest in the field of the trans-European transport network

Call for proposals under the multi-annual programme 2007-2013 for the year 2008

Field n°7: Projects in the field of Modernisation of Air Traffic Management/ Functional Air Space Blocks (FABs) of the Community Guidelines for the development of a trans-European transport network

Article 155 of the Treaty establishing the European Community stipulates that the Community may support projects of common interest supported by Member States, which are identified in the framework of the Community Guidelines for the development of the trans-European transport network (Decision N° 1692/96/EC of the European Parliament and the Council of 23 July 1996¹, as last amended by Council Regulation N° 1791/2006//EC of 20 November 2006²), thereafter TEN-T Guidelines. Within this framework, the Commission launches a call for proposals addressing projects of common interest in the field of the trans-European transport network the preparation or implementation of which may be supported through the allocation of a financial aid.

This call for proposals concerns Intelligent transport systems (as referred to in article 5 of the TEN-T Guidelines) that contribute to optimising the capacity and efficiency of existing and new transport infrastructure as well as to enhancing safety and reliability of operations, namely for systems in the Air Traffic Management (ATM) sector. It refers to the budget years 2007- 2013.

1. BASIC LEGAL ACT

Regulation (EC) N° 680/2007 of the European Parliament and the Council³ lays down general rules for the granting of Community financial aid in the field of trans-European networks (hereafter "TEN Regulation").

Commission Decision C(2007) 3512 of 23 July 2007 establishes a multi-annual work programme for the period 2007 - 2013 for grants in the field of the trans-European transport

¹ OJ L 228 of 9 September 1996

² OJ L 363 of 20 December 2006, p. 1

³ OJ L 162, 22.6.2007, p.

network (hereafter " multi-annual work programme"). This work programme foresees the publication of a call for proposals for Air Traffic Management (page 14).

Commission Decision C(2008)1561 establishes the work programme 2008 for granting financial aid in the field of trans-European Transport network (TEN-T) on the basis of the multi-annual work programme for the period 2007-2013 which addresses inter alia Air Traffic Management (ATM)/ Functional Airspace Blocks (FABs).

.2. BUDGET:

2.1. Budget heading:

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

2.2. Budget resources: The total amount of grants, to be allocated in 2008 on the basis of the work programme 2008 for granting financial aid in the field of trans-European Transport network (TEN-T) on the basis of the multi-annual work programme for the period 2007-2013 to projects of common interest in the field of the trans-European transport network shall be 45 million euros of which 10 million euros shall be devoted to Air Traffic management systems (ATM)/ FABs projects.

3. OBJECTIVES AND PRIORITIES:

The subject of this priority is the development of Functional Airspace Blocks. Pursuant to Article 5 of Regulation No (EC) 551/2004 of the European Parliament and Council on the organisation and use of the airspace in the Single European Sky the Member States have to reconfigure the upper airspace into Functional Airspace Blocks (FABs). The establishment of FABs is one of the tools created by the Single Sky legislation to reach the objectives of enhancing current safety standards and overall efficiency, optimizing the steadily growing capacity, thus contributing to the necessary consolidation and integration of the airspace and service provision. Member States and air navigation service providers are expected to develop – based on the requirements set out in the airspace regulation - implementation plans for establishing FABs in their airspace.

FABs are a key mechanism of the Single European Sky (SES) to support the creation of a de-fragmented airspace unhindered by national boundaries with a view to achieving maximum capacity and efficiency of the air traffic management network within the SES, and with a view to maintaining a high level of safety. In accordance with article 5 of Regulation No (EC) 551/2004 "the upper airspace shall be reconfigured into functional airspace blocks which shall, *inter alia*:

- (a) be supported by a safety case;
- (b) enable optimum use of airspace, taking into account air traffic flows;
- (c) be justified by their overall added value, including optimal use of technical and human resources, on the basis of cost-benefit analyses;
- (d) ensure a fluent and flexible transfer of responsibility for air traffic control between air traffic service units;

(e) ensure compatibility between the configurations of upper and lower airspace;

(f) comply with conditions stemming from regional agreements concluded within the ICAO."

As indicated in Article 9 of Regulation No (EC) 551/2004, the implementing rules shall support operational decisions by air navigation service providers, airport operators and airspace users and shall cover the following areas:

(a) flight planning;

(b) use of available airspace capacity during all phases of flight, including slot assignment; and

(c) use of routings by military aircraft (GAT).

States are required to align their national ANS arrangements with SES Regulations.

New air-routes across FABs must be developed in close coordination with the military to obtain a harmonised approach across participating member states.

Project proponents are encouraged to engage in exchange of information and knowledge transfer between other FAB projects so that common lessons can be shared.

Common principles and criteria for route and sector design must be established to ensure the safe, economically efficient and environmentally friendly use of airspace. Sector design shall be coherent inter alia with route design.

A clear explanation of the intended approach to ensure interoperability of technical systems should be given.

TEN-T financing is foreseen to support studies, pre-implementation and deployment of Functional Airspace Blocks.

The following technical parameters in particular will be taken into account when assessing proposals from the perspective of environmental consequences and benefits, the degree of contribution to the interoperability of the network, optimisation of capacity and the degree of contribution to the improvement of service quality:

- Percentage improvement in flight efficiency
- Percentage improvement in cost efficiency
- Capacity improvement
 - How much capacity growth is the FAB expected to provide
 - How does it relate to projected growth

4. RESULTS EXPECTED

The implementation part for 2008 of the work programme for the period 2007 - 2013 aims at further enhancing the effectiveness and visibility of Community financing of the highest priorities of the trans-European transport network. By supporting the deployment of FABs, it is expected that development will result in further improvements in the safety and efficiency of air traffic management.

5. ELEGIBILITY CRITERIA⁴

The eligibility criteria shall determine the conditions for participating in the call for proposals.⁵

5.1. Eligible applicants

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

- one or (jointly) several Member States
- two or more Member States (jointly), for cross border projects that need to involve at least two 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.

5.1.2. Project proposals submitted by natural persons are not eligible. An applicant (other than a Member State) must show that it exists as a legal person, by providing the form relative to legal entities as set out in the application form.

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

5.1.3. Grounds for Exclusion⁶

5.1.3.1. Applications will not be considered for a grant if the applicants are, at the time of the grant award procedure, in any of the following situations:

⁴ See Article 115 Financial Regulation 1605/2002

⁵ See Art. 114 of the Council Regulation (EC, Euratom) n° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248 of 16 September 2002, p. 1, amended by Council Regulation (EC, Euratom) n° 1995/2006 of 13 December 2006, OJ L 390 of 30 December 2006, p.1.and Art. 175a of Commission Regulation (EC, Euratom) n°2342/2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) n°1605/2002 (OJ L 357 of 31.12.2002 p.1), as last amended by Commission Regulation (EC, Euratom) n°478/2007 of 23 April 2007 (OJ L 111 of 28.04.2007, p.13)

⁶ See Art. 114 Financial Regulation 1605/2002 and Art. 174 of Regulation 2342/2002

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the authorising officer can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the authorising officer or those of the country where the grant agreement is to be performed;
- e) they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) they are currently subject to an administrative penalty referred to in Article 96 of the Financial Regulation 1605/2002..
- g) they are subject to a conflict of interest;
- h) they have been guilty of misrepresentation in supplying the information required or have failed to supply this information.

5.1.3.2. The cases referred to in point 4.1.3.1. e) cover:

- a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests established by the Council Act of 26 July 1995⁷;
- b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, established by the Council Act of 26 May 1997⁸;
- c) cases of participation in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council⁹;
- d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC¹⁰.

⁷ OJ C 316, 27.11.1995, p. 48.

⁸ OJ C 195, 25.6.1997, p. 1.

⁹ OJ L 351, 29.12.1998, p.1 Joint Action of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union.

- 5.1.3.3. Applicants must certify that they are not in one of the situations listed in point 1.¹¹

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 law¹² 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.

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 organisations¹³.

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).

¹⁰ OJ L 309, 25.11.2005, p. 15-36. Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (Text with EEA relevance)

¹¹ See Art. 174 Regulation 2342/2002

¹² According to Article 3.1 of the TEN Regulation

¹³ 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.

Project proposals which fail to comply with the selection criteria will not be further evaluated.

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 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
- 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 (reduction of environmental footprint)
- The complexity of the projects, for example due to the need to cross natural barriers
- Quality of the application
- The degree of interoperability and compatibility at project and at European level

8. MAXIMUM POSSIBLE RATE OF CO-FUNDING¹⁴

- for studies, 50 % of the eligible cost of studies, irrespective of the project of common interest concerned

¹⁴ Acc. to TEN Regulation Art. 6 (2)

- for works in air traffic management systems: a maximum of 20% of the eligible cost of works

9. GENERAL CONDITIONS FOR PAYING GRANTS

In order to limit the financial risks connected with the payment of pre-financing, the authorising officer responsible may, on the basis of his risks assessment either require the beneficiary to lodge a guarantee in advance, for up to the same amount as the pre-financing, or split the payment into several instalments. Such guarantee may be replaced by a joint and several guarantee by the Member State concerned approving the project or (where there is more than one beneficiary) by the joint guarantee of the beneficiaries. The Commission may waive this obligation to lodge a guarantee in advance for public-sector bodies and international organisations.¹⁵

10. INSTRUMENT FOR IMPLEMENTATION

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

The legal and administrative framework for implementing this programme is provided by existing measures under the TEN Regulation and Financial Regulation 1605/2002.

- 101 For the selected projects, the Commission will decide the amount of financial aid to be granted in accordance with the procedure set out in Article 15 of the TEN Regulation.
- 10.2 Where a public or private undertaking or body or an international organisation is the beneficiary of the financial aid, the Member State concerned is also an addressee of the decision.¹⁶
- 10.3 The Community contribution is allocated through an adoption of an individual Commission decision granting financial aid¹⁷ in the field of the trans-European transport network, the beneficiaries of which can be a Member State, a public or private undertaking, an international organisation or a joint undertaking.¹⁸ The respective individual Commission decisions granting financial aid specify their implementation conditions and methods.
- 10.4 The beneficiary of the financial aid is obliged to submit reports on the implementation of the project in accordance with the provisions set out in the individual Commission decision granting financial aid.
- 10.5 The Member State(s) concerned are obliged to certify the reality and the conformity of the expenditure incurred.¹⁹

¹⁵ See Art. 118 Financial Regulation 1605/2002 and Art. 182 Regulation 2342/2002

¹⁶ See Art. 9 (2) TEN Regulation

¹⁷ See Art. 9 (1) TEN Regulation

¹⁸ See Art. 7 (2) TEN Regulation

¹⁹ See Art. 11 (2) TEN Regulation

11. ARRANGEMENTS FOR THE SUBMISSION OF PROPOSALS

11.1 The **closing date** is **20 June 2008**.

11.2 In the interest of a harmonized presentation of applications and their objective evaluation, the **attached application form is to be used** for the submission of applications. Proposals in their paper version **must be signed** by the applicant or his duly authorized representative and be perfectly **legible** so that there can be no doubt as to words and figures.

11.3 Each proposal must be:

1. Sent in electronic form (only part A) using the TENtec electronic submission (eSub) tool; and
2. Sent in paper form with the same submission reference number as the electronic version (mentioned in 11.3.1). The paper version must contain the complete proposal as described in point 11.6 (application form part A, part B, its annexes and any other related document).

In addition, the paper submission must contain an electronic disc with the complete proposal in electronic format (PDF or formats readable by MS Office programs) (see point 11.6). In case of differences between the application submitted by paper and the application submitted by electronic form, the paper version will prevail. However, it is the sole responsibility of the applicant to ensure that the signed original of the complete proposal, its copy on paper and on the disk are identical.

3. Each version may be submitted in the Member State's language but a working version in English should be transmitted in parallel respecting the deadline mentioned in point 11.1. At the request of the Member State, the European Commission will sponsor each translation up to an amount of 2500 € (two thousand five hundred Euros). For more details see attached guidance note on the working linguistic version.

11.4 The complete proposals shall be:

a) either sent by registered mail or by private courier (1 paper copy signed in original, 1 further paper copy and 1 copy on electronic disk)

The proposal must be sent by registered mail or by private courier, dispatched not later than **20 June 2008** (the postmark or the receipt issued by the courier service serving as proof of the dispatch) to the following address:

By registered mail:
European Commission
Directorate-General for Energy and Transport (0/100 –Archives)
Rue de Mot, 28
B-1049 Brussels
Belgium

By private courier:
European Commission
Directorate-General for Energy and Transport (DM 28 – 0/100)
Avenue du Bourget, 1

B-1140 Brussels (Evere)
Belgium

b) or delivered by hand (1 paper copy signed in original, 1 further paper copy and 1 copy on electronic disk)

Proposals must be delivered by hand to the Central Mail of the European Commission by 20 June 2008 **not later than 4 p.m.** (Brussels time), at the following address:

European Commission
Directorate-General Energy and Transport (DM 28 - 0/100)
Avenue du Bourget, 1
B-1140 Brussels (Evere)
Belgium

In this case, a receipt must be obtained as proof of submission, signed and dated (with the hour, if necessary) by the official in the Commission's central mail department who took delivery. The department is open from 8.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays and Commission holidays.

c) in addition to a) or b) in electronic form via the internet (application form part A only) using the TENtec eSub tool. The email address is embedded in the tool (see **TENtec eSub guidance note**)

As soon as the electronic submission tool TENtec eSub is available, proposals (only application form part A) must be sent electronically using this tool before the deadline indicated for the submission of the paper mail. Applicants are invited to consult regularly DG TREN website in order to complete the electronic form through TENtec eSub tool that will be available around the 16th of May.

Date and time of the electronic submission are generated automatically by the tool and imbedded in the submission. In order to prove authenticity a reference code is automatically generated and also imbedded in the electronic submission.

Date and time (if any specified) for the electronic submission are identical to the ones given for the hand delivery (see point 11.4.b). All electronic submissions bearing a later submission date (and time) will not be accepted.

At the time of submission the tool prints out the final version of the application form part A, stamping each page of the printout with the reference code. This printout is then to be signed on the place(s) foreseen and consequently used as an integral part of the paper copy signed in original, which must be sent in parallel.

Important Note: It is the sole responsibility of the applicant to ensure that the signed original of the application form part A, its copies on paper and on the disk and sent via TENtec eSub are identical.

Applications not respecting the closing date will not be evaluated.

It is the responsibility of the applicant to ensure that proposals are sent to the address set out in the call for proposals, and that they are sent within a time enabling them to arrive before the deadline. The Commission cannot be held responsible for consignments which are not addressed correctly or for proposals sent in several parts which are not clearly marked so as to enable them to be put together. If necessary, applicants must be able to present proof of postage.

- 11.5 Each proposal must be placed inside two sealed envelopes, one inside the other. The inner envelope must bear the words:

**Call for proposals
TREN/B2 – Call trans-European transport network –
Multi-annual work programme 2008
- Not to be opened by the Postal Service or the Internal Mail Department -
DM 28, 0/100 courrier /archives**

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

Applications which fail to comply, in particular, with the formal requirements set out under points 11.1 to 11.5 may not be evaluated further.

- 11.6 With regard to the format of the proposals, two paper copies of the complete proposal, one signed original and one additional copy, should be sent. A complete proposal consists of the printout of application form part A, as it is generated by the TENtec eSub tool at the time of the electronic submission, form part B and all its annexes and other related document. In addition, the paper submission should contain a CD-ROM or DVD-R disk (non-rewritable!) containing the complete proposal in electronic format (PDF or formats readable by MS Office programs).

Important Note: It is the sole responsibility of the applicant to ensure that the signed original of the complete proposal, its copy on paper and on the disk are identical. In the unlikely case that the signed original of the application is different from its electronic copy on the disk, the version of the paper copy signed in original prevails.

In parallel, applicants are requested to send the electronic application form part A using the TENtec eSub tool. (See point 11.4.c and TENtec eSub guidance note).

- 11.7 The evaluation committee or, where appropriate, the authorising officer responsible may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors. The authorising officer shall keep appropriate records of contacts with applicants during the procedure.²⁰
- 11.8 Applicants are invited to consult the website of Directorate Energy and Transport regularly until the deadline for submission.
- 11.9 Secretariat for Information and Assistance:
Applications should not and may not be delivered to this address. This address is reserved for information and assistance by the TEN-T help desk. It is available for any questions related to this call.

²⁰ See Art. 178 (2) Regulation 2342/2002.

Telephone: +32 2 29 73956, Fax: +32 2 29 56504
E-mail: ten-t-helpdesk-call-map2008@ec.europa.eu
Website: http://ec.europa.eu/dgs/energy_transport/grants/proposal_en.htm

- 11.10 **Financial or administrative penalties**, or both, may be imposed on applicants
- who are guilty of misrepresentation in supplying the information required by the Commission as a condition of participation in the call or fail to supply this information or
 - who have been declared to be in serious breach of their obligations under decisions covered by the budget.²¹

12. INDICATIVE SCHEDULE

Reception of proposals by Commission	20 June 2008
Evaluation of project proposals (by Commission with the support of external experts); consultation of programme committee; execution of scrutiny right by European Parliament	July 2008 to February 2009
Adoption and notification of individual grant decisions	February / March 2009

13. PROCESSING OF PERSONAL DATA

The follow-up of responses to the call for proposals will require the recording and further processing of personal data (e.g. name, address, CV, etc.). These data will be processed in accordance with the requirements of Regulation (CE) 45/2001 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data. Unless if otherwise stated, replies to questions and personal data requested are necessary for the purpose of assessing your application (according to the specifications of the call for proposals) and will only be processed within DG TREN as data controller, for this purpose. For the purposes of safeguarding the financial interests of the Communities, the personal data may also be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office ('OLAF').²²

You may, upon request, have your personal data sent to you and rectify any inaccurate or incomplete particulars. Should you have any queries concerning the processing of your personal data, please address them to the entity acting as data controller within DG TREN. As regards the processing of your personal data, you have the right to bring the matter before the European Data Protection Supervisor at any time.

ANNEXES:

1. Application form

²¹ See Art. 114 (4), 96 (1) and 94 point b) Financial Regulation 1605/2002

²² See Art. 43a Regulation 2243/2002

2. Definition of cross-border sections of priority projects endorsed by the Committee for Monitoring Guidelines and the Exchange of Information, set up in accordance with Article 18 (2) of the TEN-T Guidelines on 25 April 2007
3. Guide for applicants
4. Commission decision C (2008)1561 establishing a work programme for the year 2008 on the basis of the multi-annual work programme for 2007-2013 for granting financial aid in the field of the trans-European transport network
5. TEN Regulation (in all official EU languages)
6. Model text for an individual decision granting financial aid
7. TENrec eSub guidance note