

Questions regarding the Programme Support Action under the CEF Transport to Support to improving rail interoperability with a view to achieve rail breakthroughs supporting TEN-T infrastructure policy: Technical Operational Issues Log Book (MOVE/C4/2020-62)"

Question 1: supporting documents

Where are all documents available?

Reply

All documents that are necessary to answer the call are present in the zip file attached at the top of this page: https://ec.europa.eu/transport/2019-grants-psa-on-issues-logbook_en. If you click on the zip and you open it, you will find 6 documents:

- 0 – Information letter to ILB final
- Conditions awarding grants ILB activity 2 final
- Grant_application_form_multi_beneficiary ILB final
- 2.5 – Memer State Approval Forms
- 3 – Grant Agreement DRAFT final
- Budgetary_Annex_grant_applicaiton_form_multibeneficiary

Question 2: eligibility criteria

Concerning the specific eligibility requirements, we understand that organisations having a legal status of associations can coordinate a consortium and submit a proposal to this call (pages 5 and 6 of the "Conditions awarding grants": "Proposals may be submitted by any of the following applicants: [...], Associations of the above." and "In order to assess the applicants' eligibility, [...] private entity: [...], copy of articles of association").

Reply

The reading is correct. The conditions for awarding draft states in its chapter 6.1 Eligible applicants, General requirements:

In accordance with section 2.1 of the Commission Implementing Decision C(2019)2743, applications must be presented by:

- *one or more Member States, and / or*
- *with the agreement of the Member States concerned, by international organisations, joint undertakings, or public or private undertakings or bodies or entities established in Member States.*

Then chapter 6.1 Specific eligibility requirements, states:

Proposals may be submitted by any of the following applicants:

- *Ministries;*
- *National safety authorities;*
- *Infrastructure managers;*
- *Rail freight corridor as defined in Regulation (EU) No 913/2010;*
- *Associations of the above.*

Question 3: eligibility criteria

The document "Conditions awarding grants ILB activity 2 final" chapter 6.1. eligible applicants - specific eligibility requirements - states "In order to be eligible and following the financial decision a proposal must be submitted by **a consortium** composed of **at least four legal entities** and must at least consist of three out of four the following stakeholder groups:"

1. Is this requirement an exclusion criterion or does a reduced number of stakeholders lead to a reduction of points?
2. Can the participation of ERA covering the requirement Ministry/NSA stakeholder?
3. What is the minimum participation requirement? E.g. Ministry/NSA in an advisory board
4. Does a co-applicant has to have costs?

Reply

1. Yes this is an exclusion criterion: you need to have at least 4 legal entities and at least 3 out of 4 stakeholders + from at least 2 different member states. Example of minimum composition: IM from Italy, Ministry from Italy, RU from Italy, IM from France.
2. The participation of ERA does not cover the requirement of Ministry/NSA, at least one Ministry representative OR an NSA representative need to be part of the project
3. We don't have in our eligibility criteria a "minimum" participation requirement: it is up to the need of the project to decide on the involvement of the different stakeholders. But the minimum composition of the consortium needs to be respected (see question 1)
4. Chapter 11 Financial provisions, in Forms of the grant, states for Reimbursement of costs actually incurred:

"The grant will be defined by applying a maximum co-financing rate of up to 100% to the eligible costs actually incurred and declared by the beneficiary, its affiliated entities and implementing bodies."

In addition, Chapter 11.4 Balanced budget states that:

"Co-financing of the action may take the form of:

- *the beneficiary's own resources,*
- *income generated by the action,*
- *financial contributions from third parties."*

If I understand correctly, you foresee a co-applicant which takes part to the action and which therefore will have costs that are eligible for reimbursement (as minimum personnel cost for instance) but will not ask for it as it will take its own resources.

If this is the case, the chapter 11 of the conditions seems respected.

Question 4: eligibility criteria

Can you confirm that a Railway Undertaking can be the coordinator, if we have the support via A.2.5?

Reply:

Paragraph 6.1 of Eligible applicants, General requirements, states that

"In accordance with section 2.1 of the Commission Implementing Decision C(2019)2743, applications must be presented by:

- *one or more Member States, and / or*
- *with the agreement of the Member States concerned, by international organisations, joint undertakings, or public or private undertakings or bodies or entities established in Member States."*

Therefore if a Railway Undertaking is a public or private entity established in one member state of the European Union, it can be applicant.

Question 5: eligibility criteria

The document “Conditions awarding grants ILB activity 2 final” chapter 6.1. eligible applicants - specific eligibility requirements - states *“In order to be eligible and following the financial decision a proposal must be submitted by **a consortium** composed of at least four legal entities and must at least consist of three out of four the following stakeholder groups:”*

What are the requirements of the consortium agreement?

Reply:

“In accordance with article II.1.1 of the draft grant agreement, beneficiaries shall make appropriate internal arrangements for the proper implementation of the action, consistent with the provisions of draft grant agreement. However, in accordance with article 12 of the draft grant agreement, the conclusion of a consortium agreement is not mandatory.”

Question 6: consortium agreement

Is it necessary to annex the consortium agreement to the proposal at the deadline of 1 November 2019 in case of submission of a proposal by a consortium?

Reply:

No, please see answer to question 5 above.

Question 7: eligibility criteria

In the conditions for awarding grants it is stated that *“By way of exception, an application may be submitted by **one applicant**, whether established specifically or not for the action, provided that:*

- it is formed of several legal entities complying with the eligibility, non-exclusion and selection criteria set out in this call for proposals, and implementing together the proposed action;*
- the application identifies the said entities.*

For the purpose of declaring eligible costs as specified under section 11.3, the entities composing the applicant shall be treated as affiliated entities in accordance with Article 187 of the Financial Regulation. “

6.1 Eligible applicants - General requirements – *“Legal entities having a legal or capital link with applicants, which is neither limited to the action nor established for the sole purpose of its implementation, may take part in the action as affiliated entities, and may declare eligible costs as specified in section 11.2.*

For that purpose, the applicant(s) shall identify such affiliated entities in the application form.”

Would an association be eligible to participate as one applicant if it consists Infrastructure managers, capacity allocation bodies and rail freight corridors and having **internal cooperation agreements** (and annexed to the application) with defined RUs, Ministries, NSAs and IMs. Bearing additional in mind that activities and pilots proposed for financing would concern issues with infrastructure managers, railways undertakings, National safety authorities, terminals, etc. (i.e. real time communication about train composition and language skills)?

Reply:

Paragraph 6.1 general requirements of conditions to award grant states that:

In order to be eligible and following the financial decision a proposal must be submitted by a consortium composed of at least four legal entities and must at least consist of three out of four the following stakeholder groups:

- *1 Railway Undertaking (as defined in point (1) of Article 3 of Directive 2012/34/EU, and any other public or private undertaking, the activity of which is to provide transport of goods and/or passengers by rail on the basis that the undertaking is to ensure traction; this also includes undertakings which provide traction only);*
- *1 Ministry or 1 National safety Authority;*
- *1 Infrastructure manager (as defined in point (2) of Article 3 of Directive 2012/34/EU).*

6.1 Specific eligibility requirement states that:

*By way of exception, an application may be submitted by **one** applicant, whether established specifically or not for the action, provided that:*

- *it is formed of several legal entities complying with the eligibility, non-exclusion and selection criteria set out in this call for proposals, and implementing together the proposed action;*
- *the application identifies the said entities.*

If an association will be the only applicant, it shall be formed of several legal entities and complying with the eligibility criteria as defined above.

Question 8: project covering more than one issues of the Log Book

There are two issues we are tackling to solve. Our question is now, if it would be better to present the two topics in a separate project and application or if we shall merge the two topics in one project? The consortium partners will be the same. However, the issues are different.

Reply

Chapter 6.2 of conditions for awarding grants clearly states that *“Each pilot project should cover at least one issue; a combination of issues is also possible.”*

We understand that your intention is to combine 2 projects in a single application, as it reduces administrative burdens. This is also in line with chapter 6.2.

In order to avoid problems in the evaluation phase, we advise to be clear in your application about the 2 different pilots/ subprojects both in terms of technical description of the technical aspect and the financial aspect.

Question 9: budget/ project covering more than one issues of the Log Book

Is there a budget fixed per project combining more than one issue?

Reply

No, there is no budget fixed for project combining more than one issue.

Chapter 4, budget available, defines is only the total budget and the maximum proposals that can be funded, no specific allocation for project.

Question 10: advisory board

Can an Advisory board be included in the project?

Reply

There is nothing preventing it in the conditions for awarding grants.

Question 11: declaration of honour

Declaration of honour: within our consortium, each applicant in the consortium will sign a declaration in its name and on behalf of its affiliated entities.

- ⇒ Do you need the original version of each applicant or would it be sufficient to have scanned and printed versions of the original we can attach to the submission documents?

Reply

The original documents are needed.