



Brussels, 21.3.2013
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COMMISSION IMPLEMENTING DECISION

of 21.3.2013

establishing a Multi-Annual Work Programme 2013 for grants in the field of trans-European Transport Network (TEN-T) for the period 2007-2013

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) n° 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 networks¹ (hereafter "TEN Regulation"), and in particular Article 8 thereof,

Having regard to Decision n° 661/2010/EC of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of trans-European Transport network² (hereafter "TEN-T Guidelines"),

Having regard to the Regulation of the European Parliament and the Council (EU, EURATOM) No 966/2012 of 25 October 2012 on the Financial Regulation applicable to the general budget of the European Union (hereafter "Financial Regulation"), and in particular Article 84 thereof,

Having regard to Commission Delegated Regulation (EU) n° 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU) n° 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union³ (hereinafter "Rules of Application"), and in particular Article 94 thereof,

Whereas:

- (1) In accordance with Article 84 of the Financial Regulation and Article 94 of the Rules of Application, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

¹ OJ L 162, 22.6.2007, p. 1, amended by Regulation (EU) No 670/2012 of the European Parliament and of the Council of 11 July 2012 amending Decision No 1639/2006/EC establishing a Competitiveness and Innovation Framework Programme (2007-2013) and Regulation (EC) No 680/2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (OJ L 204, 31.07.2012, p.1)

² OJ L 204, 5.8.2010, p. 1

³ OJ L 362, 31.12.2012, p. 1

- (2) In accordance with Article 8 of the TEN Regulation and Article 128 of the Financial Regulation, a multi-annual work programme has to be adopted and published in relation to grants.
- (3) The 2013 Work Programme being a sufficiently detailed framework in the meaning of Article 94(2) and (3) of the Rules of Application, this Decision constitutes a financing decision for the expenditure provided in the Multi-Annual Work Programme for grants.
- (4) In accordance with the principles set out in Article 5 of the TEN Regulation, the multi-annual work programme for grants in the field of the trans-European transport network for the period 2007-2013 should set out general objectives and priorities addressed with these grants, results expected, eligibility criteria, essential selection and award criteria, specific objectives and priorities for the different programme components, a schedule for calls for proposals and the indicative amounts available under the respective calls.
- (5) The present financing decision may also cover the payment of interest due for late payment on the basis of Articles 92 of the Financial Regulation and 111 (4) of the Rules of Application.
- (6) It is appropriate to define the terms 'substantial change' within the meaning of Article 94(4) of the Rules of Application for the application of this decision.
- (7) In accordance with the procedure referred to in Article 15 of the TEN Regulation, the Financial Assistance Committee was consulted and delivered a favourable opinion on the multi-annual work programme for 2013.

HAS DECIDED AS FOLLOWS:

Article 1

This multi-annual work programme for financial aid to be granted in 2013 in the field of the trans-European transport network for the period 2007-2013 as set out in the Annex is adopted. It constitutes a financing decision in the meaning of Article 84 of the Financial Regulation.

Article 2

The total amount covered by this Decision is up to EUR 332,000,000.

This Decision serves as a financing decision for 2013 for the following budget line:

06.03.03 – Financial support for projects of common interest in the trans-European transport network.

These appropriations may also cover interest due for late payment.

Article 3

Cumulated changes to the allocations to the specific actions not exceeding 20% of the maximum contribution authorised by this Decision are not considered to be substantial provided that they do not significantly affect the nature and objective of the work programme.

This may include the increase of the maximum contribution authorised by this Decision up to 20%.

The authorising officer responsible may adopt such changes in accordance with the principles of sound financial management and of proportionality.

Done at Brussels, 21.3.2013

For the Commission
Siim KALLAS
Vice-President

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:

The total amount of grants, to be allocated in 2013 on the basis of this programme, to projects of common interest in the field of the trans-European transport network shall be of the amount of €32 million⁴.

This work programme does not exclude that an additional multi-annual work programme 2013 may be adopted, with a supplementary budget.

2. THE FOLLOWING PRIORITIES AND LINES OF UNION FUNDING WILL BE PURSUED IN THE MULTI-ANNUAL WORK PROGRAMME

This Programme establishes the basis for the granting of aid to projects of common interest in the field of the trans-European transport network in the areas of 30 Priority Projects set out in annex III of the TEN-T Guidelines, in conformity with Article 23 of TEN-T Guidelines (PPs)

For these projects, within the scope of the global and generic objectives and priorities defined in this Work Programme, more specific objectives may be elaborated in the call for proposals.

3. OBJECTIVES AND PRIORITIES:

3.1. General objectives

In order to implement the key priorities of the Work Programme Union aid will be channelled at supporting sections of priority projects (in the rail, road and inland waterway sectors) which promise the highest added value for the projects as a whole, i.e. cross-border sections and the removal of bottlenecks.

3.2. Specific objectives for priority projects concerning rail, road and inland waterways (PPs)

Union support shall facilitate the implementation of project sections or parts which are most critical to the "success" of the respective priority axis as a whole, i.e. which are of vital importance for smooth traffic flows along the entire axis and would, if not completed within the agreed period of time, reduce the benefits drawn from investments made on other sections of the axis. Union support aims thus at promoting a coherent and consistent implementation of the priority axes in their entirety, throughout all the Member States directly involved which are called upon to give due priority to respective sections in their political decision making

⁴ This amount is the maximum available on the date of the adoption of this Work Programme, provided that its parts to be recovered from on-going projects have received the agreement of the Member States concerned before the end of the ISC and the corresponding funding Decisions have been adopted on the date of the adoption of this Work Programme.

and their investment planning to coordinate activities across national borders and to optimize financing schemes. Union 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 priority axes.

Union support shall decisively contribute to the implementation of cross-border sections of priority axes. These sections – being most critical to the functioning of the overall axis - often face particular technical, financial and legal-administrative problems. Cross-border sections of priority projects will be defined on the basis of Article 28 of the TEN-T Guidelines. Cross-border sections that ensure the continuity of a priority project between two Member States via a third country can also be considered as falling under the applicability of Article 28 of the TEN-T Guidelines. Taking account of the particularly high European added value of these sections, and in order to appropriately stimulate investments, an increased Union support (up to 30 % of the respective project cost) may be granted to these sections.

Besides cross-border sections, bottlenecks located on priority axes may also impede the continuity of traffic flows (in terms of capacity and service quality). Union financing, therefore, shall also be used to promote the removal of bottlenecks on these axes. Bottlenecks will be identified on the basis of relevant principles and recommendations, agreed throughout the Union. The projects' contribution to the achievement of other relevant policies in the transport sector – such as the legislation in force concerning railway undertakings, rail freight policy etc will be taken into consideration in this context.

Union aid shall also support technologies that mitigate and adapt to climate change and reduce the external costs in the areas of freight and/or passenger transport with a view to enable multi-modal transport along the trajectories of the priority projects. These technologies need to demonstrate that they have the highest potential for rapid deployment across the priority axes, thereby creating the necessary critical mass. Particular attention shall be paid to the use of alternative fuels or of technologies for the reduction of emissions from transport beyond the existing emission mandatory standards in view of preparing compliance with future standards. TEN-T follows a "market-oriented" rather than a "research-oriented" approach by focussing on New Technologies and Innovation ready for deployment, i.e. no research is supported.

In addition, actions to facilitate intermodality by interconnecting the axis with other modes of transport – in particular the more energy-efficient modes of transport – will be supported.

The aid to be granted under this work programme will be focussed only on TEN-T projects which can demonstrate that the Union support would accelerate their implementation.

Aid may be granted to the following types of projects as defined in Article 2.8 and 2.9 of the TEN Regulation:

- Studies that lead to implementation, e.g. design studies;
- Studies that lead to implementation of innovation and new technologies for transport infrastructure and facilities contributing to decarbonisation or the reduction of external costs in general. The scope of studies shall be the testing of new technologies and shall integrate a clearly elaborated consumer-oriented business-model, because in such cases innovation for technology should be accompanied by innovation of processes. The scope and the objectives of such deployment shall be the development of the necessary TEN-T infrastructure and facilities that will

support the use of alternative fuels and propulsion replacing fossil fuels, including, electric batteries (charging & swapping), hydrogen, CNG, LNG, including LNG bunkering vessels and biofuels as well as any combination thereof. Facilities may include also emission reduction technologies and energy storage equipment installed in the vehicles.

- Works in the area of priority projects concerning rail, road and inland waterways set out in Annex III of the TEN-T Guidelines, in conformity with Article 23 of the TEN Guidelines, which are sufficiently mature, which can clearly demonstrate that the TEN-T aid will facilitate their implementation up to the end of 2015; or
- Works projects in the area of Priority Projects concerning rail, road and inland waterways set out in Annex III of the TEN-T Guidelines, in conformity with Article 23 of the TEN Guidelines, which benefit from an ongoing financial aid through TEN-T calls for proposals, for which the implementation up to the end of 2015 can be accelerated or further facilitated through the injection of additional funding⁵.

4. RESULTS EXPECTED

The implementation of this multi-annual work programme aims at further enhancing the effectiveness and visibility of Union financing of the highest priorities of the trans-European transport network, while promoting growth and job creation, in line with Europe 2020 strategy⁶. 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, will support the realisation of a robust and resource efficient European transport system, and will contribute to addressing climate change.

The actions which will be completed with financial aid allocated under the 2013 call will directly contribute to the achievement of important transport policy objectives, such as: the establishment of major interoperable transport axes interconnecting national networks and facilitating the functioning of the internal market; the optimal use of existing infrastructure capacities; improving the safety and reliability of the network; enhancing accessibility of peripheral areas of the EU; facilitating congestion relief on rail infrastructure and more balanced modal distribution; and savings in terms of the environmental effects of transport, in particular contributing to addressing climate change. It is also expected that certain roads will be decongested, as a consequence of redistribution between modes.

Granting of aid to these actions should help to reach important milestones marking the way towards the completion of the trans-European transport network, as approved by the European Parliament and the Council (target completion date 2020). Union funding should help to mobilise as much public and private financing as needed to meet the challenging timetables.

5. TIMETABLE FOR THE MULTI-ANNUAL CALL FOR PROPOSALS 2013 AND INDICATIVE AMOUNTS AVAILABLE

The total amount available for grants on the basis of the multi-annual work programme in the field of the trans-European transport network shall lie within a range of 80-85% of the

⁵ Overall rate of support to such projects will not exceed the values foreseen in Article 6(2) of the TEN Regulation.

⁶ Europe 2020: A strategy for smart, sustainable and inclusive growth, COM(2010)2020 final.

financial envelope of €8.013 billion reserved for transport for the period 2007-2013, as identified in Article 18 of the TEN Regulation.

In accordance with Article 8 of the TEN Regulation, a mid-term review of the TEN-T Multi-Annual Programme took place in 2010. The review identified projects which will not use all of the funds that have been allocated to them within the programmed period.

The indicative amount of the multi-annual work programme 2013 is €332 million. This amount will be added to the indicative amount of €725 million allocated to the ongoing call for proposals launched in November 2012 on the basis of Commission Implementing Decision C(2012)8508 final. Priority will be given to new projects. No more than 30% of this indicative budget can be allocated to ongoing projects (par. 3.2.1, 4th indent of Decision C(2012)8508 final).

6. ELIGIBILITY CRITERIA

6.1. Eligible applicants

Only written applications submitted by legal persons of private or public law legally constituted and registered in a Member State are eligible for EU financial support.

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.

Project proposals submitted by natural persons are not eligible.

In no case can third countries or legal or natural persons established outside Member States be beneficiaries of the funds.

6.2. Eligible projects

6.2.1. Common interest

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

6.2.2. Compliance with the Union Law

The granting of Union aid to projects of common interest is conditional upon compliance with relevant Union law⁷ inter alia concerning interoperability, environmental protection⁸, competition and public procurement.

6.2.3. Other sources of financing

⁷ According to Article 3.1 of the TEN Regulation

⁸ In particular the EIA (Directive 2011/92/EU), SEA (Directive 2001/42/EC), Habitats (Directive 92/43/EEC) and Birds Directives (Directive 2009/147/EC) , as well as the Water Framework Directive (Directive 2000/60/EC) (these exact references – number and title - of these legislations should be given)

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

6.2.4. Independence of works / studies

A proposal must address either works or studies, within the meaning of Article 2(8) and (9) of the TEN Regulation.

6.3. Grounds for Exclusion

In the call for proposals the Commission will draw applicants' attention to Articles 106 to 109 and Article 131 of the Financial Regulation, as well as to Article 141 of the Rules of Application.

7. SELECTION CRITERIA

The applicant(s) 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 co-finance the project. The applicant(s) must have the professional skills and qualifications required to complete the proposed Action.

The demonstration of the financial and operational capacity does not apply to applicants which are a Member State, a public sector body (i.e. regional or local authority, body governed by public law⁹ or association formed by one or several such authorities or one or several such bodies governed by public law¹⁰, international organisation¹¹) or a European Economic Interest Grouping (EEIG)¹².

7.1. Financial capacity

The applicant(s) must have the financial capacity to complete the Action for which the grant is sought and will provide their financial statements certified by an external auditor for the last financial year for which the accounts have been closed with the application.

⁹ Body governed by public law: any body:
(a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; and
(b) having legal personality; and
(c) financed, for the most part by the State, or regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law

¹⁰ e.g. Joint Undertaking established under Article 187 of the Treaty on the Functioning of the European Union (ex Article 171 TCE)

¹¹ According to article 43 (2) of the Rules of Application, international organisations are:
(a) international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations;
(b) the International Committee of the Red Cross (ICRC);
(c) the International Federation of National Red Cross and Red Crescent Societies.

¹² established in line with Council Regulation (EEC) N° 2137/85 of 25 July 1985 and 100% owned by public body(ies)

The demonstration of the financial capacity does not apply to applicants which are a Member State, a public sector body (i.e. regional or local authority, body governed by public law¹³ or association formed by one or several such authorities or one or several such bodies governed by public law¹⁴, international organisation¹⁵) or a European Economic Interest Grouping (EEIG)¹⁶.

7.2. Operational capacity

The applicant(s) must have the operational and technical capacity to complete the project for which the grant is sought and must provide appropriate documents attesting to that capacity.

The demonstration of the operational and technical capacity does not apply to applicants which are a Member State, a public sector body (i.e. regional or local authority, body governed by public law or association formed by one or several such authorities or one or several such bodies governed by public law, international organisation) or an EEIG.

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

8. 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 EU financial aid shall take into account, inter alia, the following general award criteria¹⁷:

- the maturity of the project;
- the stimulating effect of the EU intervention on public and private finance;
- the soundness of the financial package;
- socio-economic effects;

¹³ Body governed by public law: any body:
(a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; and
(b) having legal personality; and
(c) financed, for the most part by the State, or regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

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(a) international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations;
(b) the International Committee of the Red Cross (ICRC);
(c) the International Federation of National Red Cross and Red Crescent Societies.

¹⁶ Established in line with Council Regulation (EEC) N° 2137/85 of 25 July 1985.

¹⁷ Commission Decision establishing a draft of the multi-annual work programme for grants in the field of trans-European Transport Network (TEN-T) for the period 2007-2013 C(2007)2158 of 23.05.2007

- environmental consequences and benefits;
- the need to overcome financial obstacles;
- 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 favour of the most environmentally friendly ones;
- the quality of the application;

In particular, for the ongoing projects that will apply for the maximum co-financing rate allowed for by Regulation 680/2007 (those concerned by par. 3.2.1., 4th indent of Decision C(2012)8508 final), the following award criteria will be taken into account:

- the progress of the project;
- the revised implementation plans; and
- the stimulating effect of the increased co-funding rate to be applied.

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

Upper and / or lower thresholds of Union financing may be recommended in the calls for proposals or accompanying documents.

9. MAXIMUM POSSIBLE RATE OF CO-FUNDING¹⁸

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

- studies as defined in Article 2.8 of the TEN Regulation : 50 % of the eligible cost of studies
- works as defined in Article 2.9 of the TEN Regulation:
 - 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

¹⁸ According to Article 6(2) of the TEN Regulation

guarantees regarding the financial viability of the project and the timetable for carrying it out

10. INSTRUMENT FOR IMPLEMENTATION

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