



EUROPEAN COMMISSION

Brussels, 22.3.2011
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COMMISSION DECISION

of 22.3.2011

on the adoption of a financing decision for granting financial aid in the field of the trans-European transport network (TEN-T) for 2011

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 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 energy¹ networks (hereinafter ‘the TEN Regulation’), and in particular Article 8 thereof,

Having regard to Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network² (hereinafter ‘the TEN Guidelines’),

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities³, (hereinafter ‘the Financial Regulation’), and in particular Article 75(1) thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁴ (‘the Implementing Rules’), and in particular Article 90 thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, 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.

² OJ L 204, 5.8.2010, p.1.

³ OJ L 248, 16.9.2002, p.1.

⁴ OJ L 357, 31.12.2002, p.1.

- (2) In accordance with Article 8 of the TEN Regulation and with Article 110 of the Financial Regulation, an annual work programme has to be adopted.
- (3) Since the 2011 work programme constitutes a sufficiently detailed framework within the meaning of Article 90(2) and (3) of the Implementing Rules, this Decision constitutes a financing decision for the expenditure provided for in the annual work programme for grants.
- (4) For the entire period 2007-2013, the funds available under the annual budgets will represent between 15 and 20 % of the financial reference amount of EUR 8 013 billion for the trans-European transport network, as set out in Article 18 of the TEN Regulation. 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 that Regulation, an amount of up to EUR 40 million will be made available to the European Investment Bank (hereinafter 'the EIB') as the annual contribution from the Commission to the loan guarantee instrument (LGTT) for 2011. The loan guarantee instrument is implemented by joint management in accordance with Article 53d of the Financial Regulation.
- (5) This Decision shall be considered a financing decision within the meaning of Article 75(2) of the Financial Regulation.
- (6) This financing decision may also cover the payment of interest due for late payment on the basis of Article 83 of the Financial Regulation and Article 106(5) of the Implementing Rules.
- (7) It is appropriate to define the terms 'substantial change' within the meaning of Article 90(4) of the Implementing Rules for the application of this Decision.
- (8) 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 annual work programme for 2011,

HAS ADOPTED THIS DECISION:

Article 1

The annual work programme in the field of the trans-European transport network for 2011, as set out in the Annex, is hereby adopted. This constitutes a financing decision within the meaning of Article 75 of the Financial Regulation.

Article 2

The total amount covered by this Decision is EUR 40 000 000.

This Decision is a financing decision for 2011 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 in the allocations for specific measures 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 an increase in the maximum contribution authorised by this financing decision of up to 20%.

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

Done at Brussels, 22.3.2011

For the Commission
Siim KALLAS
Vice-President of the Commission

ANNEX

1. BUDGET

1.1. Budget line

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

1.2. Budgetary resources

A total amount of EUR 40 million is available for the 2011 annual work programme, of which the entire budget is available for the loan guarantee instrument, in accordance with the TEN Regulation.

This work programme does not rule out the adoption of an additional annual work programme for 2011, with a supplementary budget.

2. OBJECTIVES

The support to be granted on the basis of the annual work programme will be an important part of the Union's financing of the trans-European transport network during the period 2007-2013.

The annual work programme will make it possible to address the priorities of the trans-European transport network as set out in the TEN Guidelines.

For 2011 the annual work programme provides in particular for 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 from its own resources under the loan guarantee instrument in order to spread the risk and provide support to operators who invest in infrastructure projects deemed relevant to the trans-European network. The annual funds may be used to support projects implemented either under the multi-annual programme or the annual programmes.

Specific objective

The EIB shall be a risk-sharing partner and will manage the European Commission's contribution to the loan guarantee instrument on behalf of the Union. The contribution to the loan guarantee instrument is EUR 40 million in 2011. The more detailed terms and conditions for implementing the loan guarantee instrument, including its monitoring and control, are laid down in a cooperation agreement between the

Commission and the EIB signed on 11 January 2008⁵, taking into account the provisions laid down in the Annex to the TEN Regulation. (The European Commission's contribution for 2011 is subject to the issuance by the EIB of a request for the transfer of funds up to EUR 40 million, which is to be supported by a forecast of the needs to be covered by the intended Union contribution. The final amount of the European Commission contribution in 2011 will be adjusted on the basis of this forecast, in line with the Annex to the TEN Regulation and Article 4 of the abovementioned agreement.) The adjustments will be made in accordance with the procedure referred to in Article 15(2) of the TEN Regulation.

3. EXPECTED RESULTS

The contribution to the loan guarantee instrument is expected to increase the pace and the extent of TEN-T infrastructure development. The use of this instrument will increase the impact of the TEN-T funds. They will facilitate private investment in TEN-T projects by improving their risk profile.

4. ELIGIBILITY

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

The granting of Union aid under the loan guarantee instrument to projects of common interest is subject to compliance with the relevant Union law⁶, particularly concerning interoperability, environmental protection, competition and public procurement. Additional eligibility criteria are defined in the Cooperation Agreement signed between the Commission and the EIB on 11 January 2008.

⁵ Commission Decision C(2007) 6382 of 17 December 2007 on the conclusion of a Cooperation Agreement between the Commission and the European Investment Bank in respect of the loan guarantee instrument for TEN-T projects

⁶ In accordance with Article 3(1) of the TEN Regulation.