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**COMMISSION IMPLEMENTING DECISION**

**of 7.4.2016**

**amending Commission Implementing Decision C(2014)1921 establishing a Multi-Annual Work Programme 2014-2020 for financial assistance in the field of Connecting Europe Facility (CEF) - Transport sector for the period 2014-2020**

**(Text with EEA relevance)**

## COMMISSION IMPLEMENTING DECISION

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### **amending Commission Implementing Decision C(2014)1921 establishing a Multi-Annual Work Programme 2014-2020 for financial assistance in the field of Connecting Europe Facility (CEF) - Transport sector for the period 2014-2020**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010<sup>1</sup>, and in particular Article 17 thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 84 thereof,

Whereas:

- (1) The Commission adopted Implementing Decision C(2014)1921 of 26 March 2014 establishing a Multi-Annual Work Programme 2014-2020 for financial assistance in the field of the Connecting Europe Facility (CEF) – Transport sector which provided for support to projects of common interest in the form of grants and for Programme Support Actions.
- (2) Commission Implementing Decision C(2015)2192 of 8 April 2015 amending the Multi-Annual Work Programme 2014-2020 included Programme Support Actions from 2015 appropriations as well as certain modifications to the Programme Support Actions on 2014 appropriations.
- (3) Commission Implementing Decision C(2015)5274 of 31 July 2015 established the list of proposals selected for receiving Union financial assistance in the field of CEF – Transport sector following the calls for proposals launched on 11 September 2014 and based on the Multi-Annual Work Programme and made use of the clause of flexibility of 20% referred to in Article 4 of Commission Implementing Decision C(2014)1921.

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<sup>1</sup> OJ L 348, 20.12.2013, p. 129.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

- (4) Based on Implementing Decision C(2015)5274, the grant agreements with beneficiaries have been concluded by 31 December 2015 by the Innovation and Networks Executive Agency ("the Agency") covering 2014-2020 appropriations due to the multi-annual nature of those projects.
- (5) Commission Implementing Decision C(2015) 7358 of 30 October 2015 amending the Multi-Annual Work Programme 2014-2020 included new Programme Support Actions to be funded from 2016 appropriations onwards and additional amounts for support to projects of common interest by additional calls for proposals to be launched in 2015, or where appropriations remained available on the Cohesion Fund envelope, in 2016 with the same objectives. The Agency has therefore published a new second call for proposals for those projects on 5 November 2015, closing on 16 February 2016.
- (6) After the conclusion of the individual grant agreements by the Agency resulting from the first call for proposals, a spare amount of EUR 180 570 353 under the Cohesion Fund envelope remains available for the second ongoing or future calls for proposals. This spare amount should therefore be used to support the second ongoing or future calls for proposals. The revised budgetary Annexes to the Multi-Annual Work Programme explain the distribution of those appropriations across the programming period.
- (7) New Programme Support Actions referred to in point (a) of Article 5(2) of Regulation (EU) No 1316/2013 on 2016, 2017, 2018, 2019 and 2020 appropriations should be added to the Multi-Annual Work Programme in order to support the Member States and the Commission in the definition and implementation of the policy priorities related to the implementation of the Trans-european Transport Networks.
- (8) It is necessary to reflect those budgetary modifications in the budgetary Annexes to the Multi-Annual Work Programme and to include the additional appropriations for the Programme Support Actions referred to in point (a) of Article 5(2) of Regulation (EU) No 1316/2013.
- (9) The implementation method concerning one Programme Support Action added to the Multi-Annual Work Programme by Implementing Decision C(2015)7358, namely the Programme Support Action on the corporate communication of the Commission on the multi-annual financial framework 2014-2020, should be specified in more detail.
- (10) For the 3<sup>rd</sup> call for proposals launched in 2016, under the Cohesion envelope – Funding Objective 1, costs incurred as of the date of application may be considered eligible until 31 January 2023 and can be included in the applications for grants in reasonable and duly justified cases.
- (11) Regulation (EU) 2015/1017 of the European Parliament and of the Council<sup>3</sup> amended Article 5(1) of Regulation (EU) No 1316/2013, setting the maximal financial envelope for the implementation of the CEF – Transport sector for the period 2014 to 2020 at

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<sup>3</sup> Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments (OJ L 169, 1.7.2015, p. 1).

EUR 24 050 582 000, of which EUR 11 305 500 000 shall be transferred from the Cohesion Fund to be spent in line with Regulation (EU) No 1316/2013 exclusively in the Member States eligible for funding from the Cohesion Fund.

- (12) In view of using recommitted appropriations constituting internal assigned revenue within the meaning of Article 21 of Regulation (EU, Euratom) No 966/2012, stemming from the TEN-T and Marco Polo Programmes under the Multi-Annual Financial Framework 2007-2013, for which the Agency has taken over the legacy, as well as other additional revenue obtained by the Agency, and adding them to the funding objectives of the CEF, insofar as the general objectives of those programmes are largely pursued by those of the CEF, an additional amount of EUR 41 506 248 should be added in 2016 to the CEF appropriations and should be used for the CEF programme.
- (13) The objectives and priorities set in the Multi-Annual Work Programme are in line with the Union priorities, notably those related to 'Jobs, growth and investment', 'Digital single market' and 'Energy Union and climate'.
- (14) Implementing Decision C(2014)1921 should therefore be amended accordingly.
- (15) This Implementing Decision should be considered a financing decision within the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.
- (16) The activities falling under the amendment to the Multi-Annual Work Programme will be implemented through the Programme Support Actions referred to in point (a) of Article 5(2) of Regulation (EU) No 1316/2013 to be managed by the Member States and the Commission.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 25 of Regulation (EU) No 1316/2013.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Implementing Decision C(2014)1921 is amended as follows:

- (1) Article 2 is replaced by the following:

#### *"Article 2*

Taking into account the final amounts of the grant agreements signed by the Innovation and Networks Executive Agency ("the Agency") resulting from the call for proposals of 2014 and the Programme Support Actions covered by this Decision, the total amount covered by this Decision shall be up to EUR 20 566 206 632.

This Decision shall be a financing decision within the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012 for 2014 - 2020 for the following budget lines:

- 06.020101 - Removing bottlenecks, enhancing rail interoperability, bridging missing links and improving cross-border sections: EUR 7 394 540 497

Out of which the Programme Support Actions: EUR 79 765 579

- 06.020102 - Ensuring sustainable and efficient transport systems: EUR 223 512 862

Out of which Programme Support Actions: EUR 12 570 000

- 06.020103 - Optimising the integration and interconnection of transport modes and enhancing interoperability: EUR 1 720 633 237

Out of which Programme Support Actions: EUR 123 966 150

- 06.020104 - Connecting Europe Facility (CEF) — Cohesion Fund allocation: EUR 11 227 520 036

Out of which Programme Support Actions: EUR 16 916 970

The total amount shall include recommitted appropriations constituting internal assigned revenue within the meaning of Article 21 of Regulation (EU, Euratom) No 966/2012 from the TEN-T and Marco Polo Programmes under the Multi-Annual Financial Framework 2007-2013, for which the Agency has taken over the legacy, insofar as the general objectives of these past programmes correspond to those of the Connecting Europe Facility – Transport sector, and which shall be added to the amounts available for the calls for proposals to be launched under the Multi-Annual Work Programme 2014-2020.

A maximum amount of 0,01% of each budget line and no more than EUR 1 000 000 shall be earmarked for costs of the external experts involved in the evaluation of the proposals in line with Article 204 of Regulation (EU, Euratom) No 966/2012.

Those appropriations may also cover interest due for late payment.";

(2) Annexes II, III and IV to Implementing Decision C(2014)1921 are replaced by the text in the Annex to this Decision.

Done at Brussels, 7.4.2016

*For the Commission*

*Violeta BULC*

*Member of the Commission*