



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.3.2009
C(2009) 2178 final

COMMISSION DECISION

of 30.3.2009

establishing the multi-annual work programme 2009 for grants in the field of trans-European Transport Network (TEN-T) for the period 2007-2013

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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° 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of trans-European Transport network² (hereafter "TEN Guidelines"),

Having regard to Council Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities³, (hereafter "Financial Regulation"), and in particular Article 110(1) thereof,

Having regard to Commission Regulation (EC, EURATOM) n° 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁴ (hereafter "Implementing Rules for the Financial Regulation") and in particular Article 166 thereof,

Whereas:

- (1) 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.
- (2) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 15 of Regulation n° 680/2007/EC.
- (3) This decision shall be considered as the financing decision within the meaning of Article 75 of the Financial Regulation

¹ OJ L 162, 22.6.2007, p. 1

² OJ L 228, 09.09.1996, p. 1.

³ OJL 248, 16.9.2002, p. 1.

⁴ OJL 357, 31.12.2002, p. 1

HAS DECIDED AS FOLLOWS:

Sole Article

The multi-annual work programme for financial aid to be granted in 2009 in the field of the trans-European transport network for the period 2007-2013 as set out in the Annex is adopted.

Done at Brussels, 30.3.2009.

For the Commission
Antonio TAJANI
Vice-President of the Commission

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 2009 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 €370 million.

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

The programme establishes the basis for the granting of aid to the following categories of projects of common interest in the field of the trans-European transport network:

- Motorways of the Sea (MoS)
- Intelligent Transport Systems for Road Traffic (ITS)
- European Rail Traffic Management System (ERTMS)

For these different project categories, generic objectives and priorities as well as more specific objectives defined in this work programme may be elaborated in the call for proposals.

3. OBJECTIVES AND PRIORITIES:

3.1. In order to implement the key priorities of the work programme the following general objectives will be pursued:

3.1.1. Motorways of the Sea (MoS)

The overall objective, based on Article 12a of the TEN Guidelines, is to establish a trans-European network of Motorways of the Sea that concentrates flows of freight on viable, regular, frequent, high-quality and reliable sea-based transport services that are integrated in door-to-door logistic chains. The aim of the network is to reduce road congestion by absorbing a significant part of the expected increase in road freight traffic and to improve access to peripheral and island regions and states. The combined transport of persons and goods is not excluded, but freight transport should be predominant.

Project proposals should focus on the following four Motorways of the Sea, as defined in annex III of the TEN Guidelines, priority project n°21:

- motorway of the Baltic Sea (linking the Baltic Sea Member States with Member States in central and western Europe, including the route through the North Sea/Baltic Sea Canal (Kiel Canal)),
- motorway of the sea of western Europe (leading from Portugal and Spain via the Atlantic Arc to the North Sea and the Irish Sea),
- motorway of the sea of south-east Europe (connecting the Adriatic Sea to the Ionian Sea and the Eastern Mediterranean to include Cyprus),

- motorway of the sea of south-west Europe (western Mediterranean), connecting Spain, France, Italy and including Malta, and linking with the motorway of the sea of south-east Europe.

In the light of the 2007 enlargement, project proposals should also involve Member States in the Black Sea area.

3.1.2. *Intelligent Transport Systems for Road Traffic (ITS)*

Community funding in this area will aim at facilitating the preparation, development and implementation of projects referred to in Articles 5 and 9 of the TEN Guidelines. Projects proposed will largely build on research activities of past years and / or boost the implementation of Community legislation, where applicable. They shall in particular be instrumental in achieving the objectives of the ITS Action Plan issued by the European Commission⁵ that aims to accelerate and coordinate the deployment of ITS in road transport, including interfaces with other transport modes.

The priorities for ITS shall be the "optimisation of the capacity and efficiency of existing and new infrastructure, the promotion of intermodality and improvement of the safety and reliability of the network by establishing and improving intermodal terminals and their access infrastructure and / or by deploying intelligent systems" (Article 5 of the TEN Guidelines), whereas "the network shall also include infrastructure for traffic management, user information, dealing with incidents and emergencies and electronic fee collection, such infrastructure being based on the active cooperation between traffic management systems at European, national and regional level and providers of travel and traffic information and value added services, which will ensure the necessary complementarity with applications whose deployment is facilitated under the trans-European telecommunications networks programme" (Article 9 of the TEN Guidelines).

Projects shall in particular facilitate co-modality through promoting the concept of the Connected Traveller and Connected Intelligent Technologies, and have an emphasis on cross-border cooperation. Connected Travellers will experience seamless travel in and across modes. Connected Intelligent Technologies will make interchanges between elements of journeys (both passenger and freight) more efficient. Although these actions have a base in road transport, they are not entirely confined to it and should incorporate (access to) intermodal terminal and hubs. The application of principles and techniques would not only be of high value to the TEN-T but, in most cases, to urban areas as well.

The principal priorities, as derived from the TEN Guidelines, are:

- Europe-wide Traffic and Travel Information Service;
- Europe-wide Traffic Management Service;
- Europe-wide Freight and Logistics.

3.1.3. *European Rail Traffic Management System (ERTMS)*

The overall objective, based on Article 10 of the TEN Guidelines, is to promote the deployment of the European Rail Traffic Management System which today consists of two components: GSM-R (Global System for Mobile Communications – Railway) and ETCS (the European Train Control System).

⁵ COM (2008) 0886 final

Through the elimination of technical barriers to interoperability, the deployment of ERTMS will directly contribute to the achievement of key 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; the improvement of the safety and reliability of the network; the enhanced accessibility of peripheral areas of the Community; congestion relief on rail infrastructure and a more balanced modal distribution; and savings in terms of the environmental impact of transport.

For the period 2009-2013, actions shall focus on speeding up the coordinated deployment of ETCS onboard and ERTMS trackside as well as promoting activities which ensure the accelerated implementation of the Memorandum of Understanding (MoU) signed on 4 July 2008 between the European Commission and the European Railway Association concerning the strengthening of cooperation for speeding up the deployment of ERTMS. In addition, priority shall be given to actions which deploy ERTMS on freight routes and / or along lines referred to in the national ERTMS deployment plans notified to the European Commission and / or to proposals submitted jointly or in a coherent manner by several Member States or by organisations involving infrastructure managers or operators from different Member States.

3.2. Specific Objectives

3.2.1. Motorways of the Sea (priority project n°21 of annex III of the TEN Guidelines)

This priority project is different in nature from the other TEN priority projects: The Motorways of the Sea priority project defines a framework (objectives, overall priorities, geographical areas) within which Member States and/or relevant companies or bodies are called upon to develop individual projects during the period 2007-2013. Projects proposed will be mature projects (i.e. projects ready for implementation) which allow the concept of Motorways of the Sea to be put into concrete form. They should be proposed/supported by at least two Member States and should be geared towards properly documented actual needs. Activities should lead to smoother integration of waterborne transport in the inter-modal chain, concentrating and streamlining freight flows on sea-based routes in a door-to-door perspective, facilitating efficient exchange of information and interoperability of the different modes in the transport chain and promoting inter-modal concepts and high quality of transport services which are well integrated into logistic chains. The hinterland part of projects should preferably include environmentally sustainable modes of transport (i.e. rail and inland waterways), in order for the road part of the transport chain to be as short as possible. Projects should take account of their potential impact on environmentally sensitive areas protected under EU legislation. Port efficiency and development projects should be in line with Commission Communication on a European Ports policy⁶ and carefully consider both the improvements required for a better use of existing infrastructure and/or the deployment of new infrastructure.

Project proposals should focus on the facilities and infrastructure that constitute the network of Motorways of the Sea in the framework of a door-to-door concept. They may also include study parts preparing for the implementation of later phases of the projects. The proposed projects should reduce road congestion through modal shift and/or increase accessibility of peripheral and island regions. Once implemented, they should become constituent elements of the broader Motorways of the Sea network for the region concerned and for the European Union.

⁶ COM(2007) 616 dated 18.10.2007

The development of facilities and infrastructure should be linked to the establishment of new short sea shipping services between the ports concerned and integrated into the door-to-door logistic chain, or to a significant upgrade of existing short sea shipping services in order to materialise the objective of absorbing a significant part of the expected increase in road freight traffic over a longer time perspective. Project proposals may include limited start-up aid if, following the result of the joint tendering process, this is deemed necessary for the financial viability of the project. Member States may also submit proposals for highly relevant study projects, including environmental assessments and actions with wider benefits.

Motorways of the Sea project proposals focussing on publicly accessible infrastructure and facilities, or requesting start-up aid, should be implemented by consortia involving in general both the public and private sectors, and bringing together at least shipping companies and ports. The establishment of a broader consortium, involving also partners such as terminal operators, road hauliers, rail operators, logistics companies, ship brokers, local and/or regional public authorities and infrastructure owners would be considered favourably.

Long-term planning of investments for inter-modal infrastructure should contribute to prevent the expected structural bottlenecks within the coming decade, along the main freight transport corridors selected in cooperation between the public and private sector. Member States are encouraged to propose projects for TEN-T Community funding which have a longer time perspective, covering several years' activities (e.g. until 2013).

Project proponents are encouraged to exploit the full range of EU funding instruments available in order to exploit synergies, *inter alia* the Marco Polo II programme. Funded actions may not lead to distortions of competition in the relevant markets contrary to the common interest.

The project proposals focussing on infrastructure and facilities should be linked to the establishment of new or an upgrade of capacity, frequency and quality of existing sea-based transport services, and should include appropriate monitoring mechanisms with clear milestones for the realisation of lasting modal shift from road to the proposed Motorway of the Sea link and for the improved accessibility to peripheral and island regions. If the projected establishment or upgrade of the sea-based transport services is not fully realised, the Commission may recover fully or partly the co-financing from the project.

3.2.2. *Intelligent Transport Systems for Road Traffic (ITS)*

Projects proposed under this heading should support a wide combination of the following specific objectives/activities:

- Optimal use of road, traffic and travel data:
 - development of procedures for the provision of truly integrated real-time traffic and travel information services, access to relevant data, widest dissemination of safety-related messages, co-operation among public and private actors,
 - optimisation of the collection and provision of road data and traffic circulation plans, traffic regulations and recommended routes (in particular for heavy goods vehicles),
 - development and promotion of multimodal door-to-door journey planners.
- Continuity of traffic and freight management ITS services on European corridors and up to the interface between inter-urban and urban transport systems:

- definition of a set of common procedures and specifications to ensure the continuity of ITS services for passengers and freight and to enhance the quality and common understanding of these,
- contribution to the development and deployment of services supporting e-freight, services based on state-of-the-art technology - including location-time data provided by EGNOS/ GALILEO.
- Road safety and security:
 - contribution to the deployment of safety enhancing advanced driver assistance systems and security-related ITS systems from a (operator of the) TERN perspective,
 - development and deployment of measures related to the security of transport operations, in particular to the provision and operation of secure parking places.
- Integration of the vehicle into the transport infrastructure:
 - contribution to the assessment and concerted deployment of cooperative systems from a (operator of the) TERN perspective.
- Data security and protection, liability issues:
 - assessment of risks and contribution to the secure processing of personal data, and the protection of these; identification and implementation of measures to fully comply with Community legislation in this field,
 - address liability issues pertaining to the use of ITS applications and notably in-vehicle (safety) systems.
- Co-operation and co-ordination:
 - contribution to an effective co-ordination and co-operation among partners involved in the implementation and improvement of ITS services, across modes and in particular covering the interfaces of the TERN,
 - contribution to mechanisms promoting understanding, procurement and deployment of ITS, including evaluation, cost-benefit assessment, benchmarking and support to decision making processes.

3.2.3. *European Rail Traffic Management System (ERTMS)*

In order to meet the objectives and priorities outlined in section 3.1.3, the more specific objectives will involve funding, as a priority, the following three activities:

- **Fitting or retrofitting of ETCS onboard equipment (ETCS version 2.3.0d⁷ with an upgrade clause included in the contract or ETCS version 3)**

For onboard equipment, funding priority will be given to the early retrofit of large series of locomotives and to locomotives running on freight corridors.
- **Installing ERTMS trackside equipment, including testing and conformity verification where appropriate**

⁷ as defined in Commission Decision of 23 April 2008 - OJ L 136, 24.5.2008

For trackside equipment, Community support will be limited to ERTMS-related activities. Costs related to interlockings are not considered as belonging to the ERTMS category and therefore will not be funded.

- **Activities related to the implementation of the MoU⁸, in particular as regards ensuring compatibility with ETCS version 2.3.0d, the development of baseline 3⁹ and improving testing procedures for both ETCS and GSM-R**

Under this area, actions shall relate to the upgrade of lines already equipped with ETCS in order to ensure compatibility with ETCS version 2.3.0.d, the upgrade of locomotives or train-sets already equipped with ETCS in order to ensure compatibility with 2.3.0.d, obtaining a tested and legalised baseline 3 by 2012, improving testing procedures for ETCS and GSM-R, and strengthening coordination and ensuring technical compatibility at corridor level.

4. RESULTS EXPECTED

The implementation in 2009 of part of the multi-annual 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.

The actions which will be completed with financial aid allocated under the 2009 calls 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 Community; facilitating congestion relief on rail infrastructure and more balanced modal distribution; and savings in terms of the environmental effects of transport.

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). Community 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 2009 AND INDICATIVE AMOUNTS AVAILABLE

Projects referred to under point	Calls (indicative date and particularities)	Indicative amounts^{10 11}
3.1.1. Priority project n° 21 - Motorways of the Sea	March 2009	€30 million

⁸ Memorandum of Understanding signed on 4 July 2008 between the European Commission and the European Railway Associations concerning the strengthening of cooperation for speeding up the deployment of ERTMS.

⁹ as defined in the MoU

¹⁰ The costs of projects are eligible from the first of January of the corresponding budgetary year.

¹¹ Any change of more than 20% to the indicative budget for grants will be considered as substantial. An amendment to this work programme would be required in the event of any substantial change.

3.1.2. Intelligent Transport Systems for Road Traffic (ITS)	March 2009	€100 million
3.1.3 European Rail Traffic Management System (ERTMS)	March 2009	€240 million

These calls for proposals are expected to be launched on 30 March 2009.

5.1. INDICATIVE TIMETABLE FOR CALLS FOR PROPOSALS AND AMOUNTS AVAILABLE IN THE MULTI-ANNUAL WORK PROGRAMME FROM END 2009 UNTIL 2013

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 range from €6,4104 billion to €6,81105 billion, i.e. between 80 and 85 % of the financial reference amount (€8,013 billion at current prices) for the trans-European transport network for the period 2007 - 2013. Calls for proposals are foreseen as follows:

Projects referred to under point	Calls (indicative date and particularities)	Indicative amounts ¹²
3.1.1. Priority project n° 21 - Motorways of the Sea (MoS) *	January 2010	€85 million
	December 2010	€100 million
	December 2011	€50 million
	December 2012 (for following budgetary year respectively)	€25 million
3.1.2. ITS road	April 2011 (for respective following budgetary years)	€100 million
River Information Services (RIS) *	January 2010	€25 million
	December 2010	€10 million
3.1.3. Air traffic management systems (ATM) - Functional Air space blocks (FAB)	December 2010	€10 million

¹² The costs of projects are eligible from the first of January of the corresponding budgetary year.

* Established in the multi-annual work programme for 2007-2013 by the Commission Decision of 23rd July 2007, C(2007)3512.

In accordance with Article 8 of the TEN Regulation, a mid-term review of the multi-annual TEN-T programme is foreseen in 2010 to identify projects which will not use the funds that have been allocated to them within the programmed period. The planning of future calls for proposals as set out in the table above may be modified in the light of this review.

6. ELIGIBILITY CRITERIA

6.1. Eligible applicants

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

- one or (jointly) several Member States, for MOS and cross border projects involving 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.

Project proposals submitted by natural persons are not eligible.

In no case, can project proposals submitted by third Countries or legal or natural persons established outside EU countries 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 Community financial aid

6.2.2. Compliance with the Community Law

The granting of Community aid to projects of common interest is conditional to compliance with relevant Community law¹³ inter alia concerning interoperability, environmental protection, competition and public procurement.

6.2.3. Other sources of financing

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

6.3. Grounds for Exclusion

In the call for proposal the Commission will draw applicants' attention to Articles 93 to 96 and Article 114 of the Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 applicable to the general budget of the European Communities¹⁴ (hereafter "Financial Regulation"), as well as to Article 133 of the Regulation (EC, EURATOM) n° 2342/2002 of the Commission

¹³ According to Article 3.1 of the TEN Regulation

¹⁴ OJL248, 16.9.2002, p. 1.

of 23 December 2002 laying down detailed rules for the implementation of the Regulation n° 1605/2002)¹⁵ (hereafter "Implementing Rules for the Financial Regulation").

7. 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.

7.1. 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 organisations¹⁶.

7.2. 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).

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.

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 Community financial aid shall take into account, inter alia, the following general award criteria¹⁷:

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

¹⁵ OJL 357, 31.12.2002, p. 1.

¹⁶ Article 176(4) of the Implementing Rules for the Financial Regulation

¹⁷ TEN Regulation; C(2007)2158 of 23.05.2007

- 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;
- the quality of the application.
- Specific criteria for the MoS, ITS and ERTMS projects shall be set out in the text of the different calls for proposals.

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 Community financing may be recommended in the calls for proposals or accompanying documents.

9. MAXIMUM POSSIBLE RATE OF CO-FUNDING¹⁸

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

- studies: 50 % of the eligible cost of studies, irrespective of the project of common interest concerned
- works:
 - a maximum of 10% for projects of common interest
 - 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 guarantees regarding the financial viability of the project and the timetable for carrying it out
- European Rail Traffic Management System (ERTMS)
 - track-side equipment: a maximum of 50% of the eligible cost of studies and works;
 - on board equipment:
 - a maximum of 50% of the eligible cost of developing and making prototypes for the installation of ERTMS on existing rolling stock, provided that the prototype is certified in at least two Member States
 - a maximum of 50% of the eligible cost of series equipment for the installation of ERTMS on rolling stock;
- road, air, inland waterway, maritime traffic and coastal traffic management systems: a maximum of 20% of the eligible cost of works

¹⁸ Acc. to TEN Regulations Art. 6 (2)

- start-up aid related to capital costs for cross-border sections of Motorways of the Sea projects: 30% of two years of depreciation of the eligible capital cost in accordance with Art. 12a (5) of the TEN Guidelines

10. INSTRUMENT FOR IMPLEMENTATION

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