

THE EUROPEAN COMMISSION

Brussels, 5.2.2010
C(2010) 607 final

COMMISSION DECISION

of 5.2.2010

establishing a multi-annual work programme 2010 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 Union 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 Union 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 75(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 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.
- (2) In accordance with Article 110 of the Financial Regulation and Article 8 of the TEN Regulation, a work programme for grants has to be adopted.

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

- (3) The 2010 work programme being a sufficiently detailed framework in the meaning of Article 90(2) and (3) of the Implementing Rules, the present 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 83 of the Financial Regulation and 106(5) of the Implementing Rules.
- (6) 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.
- (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 2010.

HAS ADOPTED THIS DECISION:

Article 1

This multi-annual work programme for financial aid to be granted in 2010 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 75 of the Financial Regulation.

Article 2

The total amount covered by this Decision is up to EUR 30,000,000.

This Decision serves as a financing decision for 2010 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.

The implementation of this Decision is subject to the availability of the appropriations foreseen in the preliminary draft budget for 2010 after the adoption of the budget for 2010 by the Budgetary Authority.

Article 3

This Decision is addressed to the authorising Officer by delegation.

Done at Brussels, 5.2.2010

For the Commission
Siim KALLAS
Member 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 2010 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 €30 million.

This work programme does not exclude that an additional multi-annual work programme 2010 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

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:

- River Information Services (RIS)
- Air Traffic Management / Functional Airspace Blocks (ATM / FABs)

For these different project categories, generic objectives and priorities as well as specific objectives are defined in this work programme. They may be further elaborated in the calls 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. River Information Services (RIS)

The overall objective, based on Article 11.4 (and 15) of the TEN Guidelines, is to foster the deployment of "RIS Intelligent Infrastructure", reflecting a European wide harmonised implementation of River Information Services (RIS), regulated through **Directive 2005/44/EC**⁵ which defines binding rules for data communication and RIS equipment as well as the minimum level of RIS Services for future RIS implementations. The Directive provides the framework for the deployment of harmonised and interoperable RIS systems and services across Europe.

⁵ costs of projects are eligible from the first of January of the corresponding budgetary year

For the programming period of 2007-2013, projects shall focus on the deployment of enabling infrastructure and on the provision of River Information Services. The multiplicity of these services requires a high level of interoperability and compatibility of the services themselves, of the enabling technologies behind and of the related processes.

In order to support the co-ordinated implementation of RIS in Europe, the TEN-T RIS Masterplan inventorised national ongoing and planned RIS activities as well as investment plans and identified a number of technical issues which are considered key priorities in the context of the TEN-T programme. It further identified a number of legal and organisational issues, which would need to be addressed at a certain point in order to optimise the benefits of RIS and to ensure a co-ordinated, harmonised and synchronised implementation in the different countries involved.

3.1.2. Air Traffic Management / Functional Airspace Blocks (ATM / FABs)

The objective of this priority is the development of Functional Airspace Blocks (FABs), in accordance with the Single European Sky legislation (basic regulations (EC) 549/2004, 550/2004, 551/2004, 552/2004 and their amendments of 2009, adopted by the European Parliament and the Council on 7 September 2009).

FABs are a key mechanism of the Single European Sky (SES) to deliver the operational benefits of enhanced cooperation among air navigation service providers (ANSPs) or, where appropriate, through an integrated provider. FABs shall be established regardless of State boundaries. The provision of air navigation services shall be performance-driven and optimised.

Together with the introduction of a performance regulation and a strengthening of the ATM network functions, the acceleration of the creation of FABs represent the key measures in the new regulatory approach to reach the objectives to enhance current air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management (ATM) and air navigation services (ANS) in Europe. Member States are required to develop – based on the requirements set out in the service provision Regulation – implementation plans for establishing FABs in their airspace. TEN-T funding is foreseen to support studies, pre-implementation and deployment of Functional Airspace Blocks. Non-EU Member States are welcome to participate in the projects; however, according to Regulation n° 680/2007/EC, they cannot receive TEN-T Union funding (see also section 6.1).

3.2. Specific Objectives

3.2.1. River Information Services (RIS)

The overall objective is to foster the deployment of "RIS Intelligent Infrastructure" that embodies the harmonised implementation of RIS across Europe for the TEN-T programming period of 2007 - 2013.

River Information Services are regulated through **Directive 2005/44/EC**, which defines binding rules for data communication and RIS equipment as well as the minimum level of RIS Services for future RIS implementations. The Directive provides a European-wide framework for the harmonised implementation of RIS and the compatibility and interoperability of current and new RIS systems across Europe.

Projects shall focus on the deployment of enabling infrastructure and the provision of River Information Services. The multiplicity of these services requires a high level of

interoperability and compatibility of the services themselves, of the enabling technologies behind and of related processes.

The RIS Masterplan identified a number of technical issues which are considered key priorities in the context of the TEN-T programme. It further identified a number of legal and organisational issues, which would need to be addressed at a certain point in order to optimise the benefits of RIS and to ensure a co-ordinated, harmonised and synchronised implementation in the different countries involved.

The technical issues are:

- Installation of the required onboard equipment and shore-based infrastructure (physical hardware, software, etc.)
- Testing and validation of technical feasibility, interoperability and compatibility of technologies, systems, services and applications
- Further enhancement and fine-tuning of RIS key technologies, systems, services and applications
- Implementation of new harmonised RIS services, especially at the level of transport management and security services
- Provide feedback and contribute to the maintenance and amendment of standards and technical specifications.

Organisational issues

- Clarification of responsibilities and tasks among the authorities related to River Information Services and establishment of a RIS
- Definition and implementation of concepts for (cross-border) exchange of data.

Legal issues

- Elaboration of administrative agreements for international data exchange and related issues.

3.2.2. *Air Traffic Management / Functional Airspace Blocks (ATM / FABs)*

In accordance with article 9a of Regulation (EC) No 550/2004 the Functional Airspace Blocks shall, *in particular*:

- be supported by a safety case;
- enable optimum use of airspace, taking into account air traffic flows;
- ensure consistency with the European route network established in accordance with Article 6 of the Airspace Regulation;
- be justified by their overall added value, including optimal use of technical and human resources, on the basis of cost-benefit analyses;
- ensure a smooth and flexible transfer of responsibility for air traffic control between air traffic service units;

- ensure compatibility between the different airspace configurations, optimising inter alia the current Flight Information Regions; comply with conditions stemming from regional agreements concluded within the ICAO;
- respect regional arrangements in existence on the date of entry into force of this Regulation, in particular those involving European third countries;
- facilitate consistency with Union-wide performance targets.

Member States are required to align their national ANS arrangements with SES Regulations.

New air-routes across FABs must be developed in close coordination with the military to obtain a harmonised approach across participating Member States.

Project proponents are encouraged to engage in exchange of information and knowledge transfer between other FAB projects so that common lessons can be shared, in particular in view of the designation of the Network Manager and the FAB coordinator.

Common principles and criteria for route and sector design must be established to ensure the safe, economically efficient and environmentally friendly use of airspace. Sector design shall be coherent *inter alia* with route design.

TEN-T financing is foreseen to support studies, pre-implementation and deployment of Functional Airspace Blocks.

4. RESULTS EXPECTED

The implementation in 2010 of part of the multi-annual work programme for the period 2007 - 2013 aims at further enhancing the effectiveness and visibility of Union financing of the highest priorities of the trans-European transport network.

The support to the deployment of RIS infrastructure shall lead to fully integrated river traffic and transport management services supporting inland navigation from the Atlantic to the Black Sea.

By supporting the development of FABs and their deployment, it is expected that this will result in further improvements in the safety and efficiency of air traffic management.

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 CALLS FOR PROPOSALS 2010 AND INDICATIVE AMOUNTS AVAILABLE

Projects referred to under point	Calls (indicative date and particularities)	Indicative amounts ⁶
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⁶ The costs of projects are eligible from the first of January of the corresponding budgetary year

3.1.1. River Information Services (RIS)	April 2010	€0 million
3.1.2. Air traffic management systems - Functional Airspace blocks (ATM / FABs)	February 2010	€20 million

It is expected that the RIS call for proposals will be launched in April 2010 and the ATM / FABs call for proposals will be launched in February 2010.

5.1. INDICATIVE TIMETABLE FOR CALLS FOR PROPOSALS AND AMOUNTS AVAILABLE IN THE MULTI-ANNUAL WORK PROGRAMME FROM END 2010 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 €4,4104 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 envisaged as follows:

Field	Calls (indicative date and particularities)	Indicative amounts ⁶
Priority project n° 21 - Motorways of the Sea (MoS) *	2010	up to €5 million
	2011	up to €50 million
	2012	up to €25 million
ITS road	2011	up to €100 million
River Information Services (RIS) *	2011	up to €5 million
	2012	up to €10 million

* 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. In particular, the

Commission intends to propose a third ERTMS call for proposal in 2011 as a final contribution to the rapid deployment of the system.

6. ELIGIBILITY CRITERIA

6.1. Eligible applicants

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

- one or (jointly) several Member States (cross-border projects must involve 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
- 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 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 Union financial aid.

6.2.2. Compliance with the Union Law

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

6.2.3. Other sources of financing

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

6.3. Grounds for Exclusion

In the call for proposal the Commission will draw applicants' attention to Council Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to

⁷ According to Article 3.1 of the TEN Regulation

the general budget of the European Communities⁸, (hereafter "Financial Regulation"), and in particular Article 75(1) thereof, and 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 Communities⁹ (hereafter "Implementing Rules for the Financial Regulation") and in particular Article 90 thereof,

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 applicants which are public sector bodies¹⁰ or bodies governed by public law¹¹.

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 does not apply to applicants which are public sector bodies or bodies governed by public law. 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

⁸ OJL 248, 16.9.2002, p. 1.

⁹ OJL 357, 31.12.2002, p. 1

¹⁰ For the purpose of the TEN-T Programme, a 'public sector body' means the State, regional or local authorities, bodies governed by public law and associations formed by one or several such authorities or one or several such bodies governed by public law

¹¹ For the purpose of the TEN-T Programme, a 'body governed by public law' means 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 having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities

grant Union financial aid shall take into account, inter alia, the following general award criteria¹²:

- the maturity of the project;
- the stimulating effect of the Union 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;
- 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 RIS and ATM / FAB projects may 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 Union financing may be recommended in the calls for proposals or accompanying documents.

In selecting proposals for funding, the overall balance of transport modes may be taken into consideration.

9. MAXIMUM POSSIBLE RATE OF CO-FUNDING¹³

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

¹² TEN Regulation; C(2007)2158 of 23.05.2007

¹³ Acc. to TEN Regulations Art. 6 (2)

- 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
- road, air, inland waterway, maritime traffic and coastal traffic management systems: a maximum of 20% of the eligible cost of works

10. INSTRUMENT FOR IMPLEMENTATION

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