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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25 May 2007
C(2007)2183

COMMISSION DECISION

of 25 May 2007

establishing a draft of the annual work programme for grants in the field of trans-European Transport network (TEN-T) for 2007

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the regulation n° [Regulation .../2007/EC] of the European Parliament and of the Council of [.../2007] laying down general rules for the granting of Community financial aid in the field of trans-European networks¹ (hereafter "TEN Regulation"), and in particular Article 3, Article 5 and 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 as last amended by Decision n°884/2004/EC of the European Parliament and of the Council of 29 April 2004 (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, as last amended by Council Regulation (EC, EURATOM) n°1995/2006 of 13 December 2006⁴ (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 Communities⁵ (hereafter "Implementing Rules for the Financial Regulation") as last amended by Commission Regulation (EC, EURATOM) n° 478/2007 of 23 April 2007⁶ and in particular Article 166 thereof,

Whereas:

1. The annual work programme for grants in the field of the trans-European Transport Network (TEN-T) is established by the Commission in accordance with Article 8 of the TEN Regulation and in accordance with the procedure laid down in Article 15.

¹ OJ L [...], [.../2007], p. [...].

² OJ L 228, 09.09.1996, p. 1

³ OJ L 248, 16.9.2002, p. 1.

⁴ OJ L 390, 30.12.2006, p. 1

⁵ OJ L 357, 31.12.2002, p. 1.

⁶ OJ L 111, 28.04.2007, p. 13

2. Under Article 110 of the Financial Regulation, grants are subject to an annual programme to be published at the start of the year.
3. Under Article 166 of the Regulation (EC) n° 2342/2002, the work programme for grants is adopted by the Commission. It specifies the basic act, the aims and the schedule of calls for proposals with the indicative amount and the results expected.
4. The annual work programme for grants in the field of the trans-European transport network for 2007 shall set out general objectives and priorities addressed with these grants, results expected, eligibility, selection and award criteria⁷.
5. For the entire period 2007-2013, the funds available for the annual budgets will represent between 15 and 20% of the financial reference amount of 8,013 billion € for the trans-European transport network, as set out in Article 18 of the TEN Regulation.. The indicative amount of funds available for the annual work programme in 2007 is 122.607.450 €
6. The 2007 annual work programme shall be considered as a financing decision within the meaning of article 75(2) of Regulation (EC, EURATOM) n°1605/2002. The adoption of the respective financing decision is subject to the availability of commitment appropriations under budget heading 06 03 03.
7. In order to implement the "loan guarantee instrument" as defined in Article 6 (1)(d) of the TEN Regulation and in the terms set out in the Annex to the Regulation, an amount of 10 Mio € will be made available, in 2007, to the EIB as the annual Commission contribution to the "loan guarantee instrument".
8. The adoption and entry into force of the TEN Regulation as a basic act pursuant to Article 49 of the Financial Regulation is foreseen for 2007.
9. The financial authority has adopted the budget 2007 on 14 December 2006, nevertheless a reserve has been introduced by the European Parliament concerning TEN budget for 2007.
10. The annual work programme including the detailed rules concerning the procedure for submission and selection of actions will be submitted to the Committee pursuant to Article 15.2 of the TEN Regulation once established and the right of scrutiny by the European Parliament.
11. In order to contribute to an efficient execution of the budget 2007 and to ensure continuity between the previous and the new Regulation, it is appropriate to adopt the annual work programme and the detailed rules for submission and selection for the Transport TEN-T projects as a preparatory measure subject to the conditions that (1) the basic act is adopted and enters into force, (2) the necessary budget be allocated and the reserve withdrawn, and (3) the Committee procedures be respected.

⁷ In accordance with the principles set out in Article 5 of Council Regulation (EC) n° [Regulation .../2007/EC] of [../2007] laying down general rules for the granting of Community financial aid in the field of trans-European networks

12. This decision does not represent a financing decision in the sense of Article 75(2) of the Financial Regulation and Art. 90 of the Implementing Rules as well as Art. 15 of the Commission Decision of 11 March 2004⁸ establishing the Internal Rules for the implementation of the budget until the above mentioned conditions have been fulfilled and the decision confirmed
13. This decision can only be considered as a financing decision for projects to be selected following the call for proposals to be launched in 2007.
14. The completion of the TEN-T priority infrastructure and the support for research and innovation are essential parts of the Lisbon strategy for growth and jobs and as such are included among the Integrated Guidelines for growth and jobs (2005-2008)⁹. In this context, the TEN-T budget line will continue to foster the integration of new technologies and innovative processes on the deployment of new transport infrastructure.

HAS DECIDED AS FOLLOWS:

Article 1

The draft of the annual work programme for grants in the field of the trans-European Transport network for the year 2007 as set out in Annexe 1 is hereby adopted.

This draft annual work programme includes the detailed rules concerning the procedure for submission and selection of projects. The adoption of the annual work programme is dependent on:

- a) the adoption and entry into force of TEN Regulation,
- b) the withdrawal by the European Parliament of the reserve on the budgetary allocation for 2007,
- c) the existence of a formal approval of the draft annual work programme including the detailed rules concerning the procedure for submission and selection of actions by the Programme Committee constituted by the TEN Regulation whilst the right of scrutiny of the European Parliament has been respected.

Done at Brussels, on [...]

For the Commission
[...]

⁸ As last amended by C(2007) 513 of 21 February 2007

⁹ A) Renewed Lisbon strategy : The Spring 2005 European Council renewed the Lisbon strategy by refocusing on growth and employment in Europe. See Presidency conclusions 7619/05 of 22 and 23 March 2005.

B) Integrated guidelines : Council recommendation of July 2005 on the broad guidelines for the economic policies of the Member States and the Community (2005 to 2008) OJ L 205, 6.8.2005, p 28-37

Member of the Commission

ANNEX 1

Draft of the annual work programme for grants in the field of trans-European Transport network (TEN-T) for 2007

1. BASIC ACTS:

Regulation (EC) n° [Regulation .../2007/EC]¹⁰ of the European Parliament and of the Council, laying down general rules for the granting of Community financial aid in the field of trans-European networks (hereafter "TEN Regulation").

Decision n°1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community Guidelines for the development of the trans-European Transport network as last amended by Decision n°884/2004/EC of the European Parliament and of the Council of 29 April 2004 (hereafter "TEN Guidelines").

2. BUDGET

2.1. Budget heading:

Article 06 03 03, financial support for projects of common interest in the trans-European transport network

2.2. Budget resources:

In 2007 a total amount of 122.607.450 € is available for the annual programme of which a total amount of grants for projects of common interest in the field of the trans-European transport network of 112.607.450 € An amount of 10 Mio € will be made available to the "Loan Guarantee Instrument", foreseen in the TEN Regulation

3. OBJECTIVES AND PRIORITIES:

The aid to be granted on the basis of the annual work programme will be an important part of the pillar of Community financing of the trans-European transport network during the period 2007 – 2013. It will complement the efforts developed in the multi-annual Programme, as such the annual programme will not support actions being already supported under the multi-annual Programme (Article 8.3 TEN Regulation).

The annual Programme will be able to address the priorities of the trans-European transport network, as set out in the TEN Guidelines, with a high degree of flexibility to meet new demands, given its annual nature.

¹⁰ OJ L [...], [.../2006], p. [...],

For 2007 the programme will address in particular:

- The 30 priority projects set out in annex III of the TEN Guidelines, in conformity with Article 19 thereof, to the extent that they do not receive support through the multi-annual programme and where the small size and timing of the measures concerned render this appropriate.
- measures to develop an interoperable railway network with the exception of measures for the deployment of ERTMS, especially for freight railway lines in accordance with Article 10 of the TEN Guidelines
- measures to promote maritime and inland waterways in accordance with Article 11 of the TEN Guidelines
- measures to face the most urgent problems of airports in conformity with the recent Communication on Airport Capacity and Efficiency: optimisation of existing capacity, maximisation of safety and security, containment of the environmental impact, in accordance with Article 13 of the TEN Guidelines.
- measures to promote road transport, in particular to promote good standards of comfort and safety as well as to guarantee a sustainable integration of Road infrastructure in the global transport chain, in accordance with Article 9 of the TEN Guidelines
- measures to promote the deployment of sustainable transport infrastructure (Article 1 of the TEN Guidelines) namely by applying the "acquis communautaire"¹¹ in the field of environment and in particular those that will boost inter-modal cooperation by integrating smoothly and smartly the different modes of transport, (as referred to, for the different modes of transport respectively, in Articles 5, 9, 10, 11, 14 and 16 of the TEN Guidelines)
- The annual programme will address priorities of the TEN-T development which are not covered under the multi-annual work programme. The annual programme will nevertheless give a clear priority to projects that address key TEN-T issues such as cross border and bottlenecks.
- 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 on its own resources under the loan guarantee instrument, in order to share the risk and provide support to the investors of infrastructure projects deemed relevant to the trans-European network. The annual funds may be used to support projects implemented either under the Multi-Annual or the Annual programmes
- In order to attract more private funding for the deployment of strategic transport infrastructure projects, the TEN-T programme will foster actions aimed at promoting private sector involvement particularly in the development and financing of Community

¹¹ Strategic Environmental Assessment (SEA) Directive (2001/42/EC) for plan and programme assessment, Environmental Impact Assessment (EIA) Directive (85/337/EEC as amended by 97/11/EC and 2003/35/EC) for project assessment, Birds Directive (79/409/EEC), Habitats Directive (92/43/EEC and Water Framework Directive 2000/60/EC), Keep Europe moving – Sustainable mobility for the European Commission's 2001 Transport White Paper, COM(2006) 314

supported transport infrastructure projects (as foreseen in Article 7 of the New Financial Regulation).

- In order to increase the social benefits from innovation and reduce the lag time for the implementation of transport policies, TEN funding should whenever possible support deployment projects that build on research activities, deploy new technologies or support the implementation of Community legislation.

Specific objectives for transEuropean Network projects as defined in the TEN Guidelines, including the priority projects referred to in Article 19

Within the framework of these general objectives, the Commission aims to ensure maximum complementarities with the funding of trans-European transport network projects under the multi-annual Programme and maximum added value for the TEN-T programme as a whole – depending on budget availability. In addition, Community support shall facilitate the implementation of project sections or parts which are most critical to the achievement of smooth traffic flows along the entire axis and would, if not completed within the agreed period time, reduce the benefits drawn from investments made on other sections of the axis.

Community support aims thus at promoting a coherent and consistent implementation of the transport 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 and their investment planning to coordinate activities across national borders and to optimize financing schemes.

Community 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 TEN transport axes. Accordingly the TEN-T annual programme will give, in 2007, the highest priority to the following areas:

Priority projects not covered under the new multi-annual Programme:

Importance will also be given to priority projects identified in the TEN-T Guidelines that are not funded under the multi-annual Programme, in accordance with the point 3 of Article 8 of the TEN Regulation. This may concern sections of the priority projects themselves or measures that add to priority project sections funded under this programme.

In general the projects will address problem areas in the transport network such as cross border projects, the completion of cross border sections and bottlenecks located on transport axes and interfering with the continuity of traffic flows (in terms of capacity and service quality). Therefore, Community financing shall be used to promote the removal of bottlenecks on these axes.

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.

RAIL Transport

Rail transport projects may address the development of both the High Speed and the Conventional networks with a view to promote a more sustainable traffic of passengers and goods, efficient interfaces with other modes of transport and enhanced interconnections with regional and local rail networks whilst offering users high levels of safety, comfort and quality. In order to ensure full interoperability and optimal safety conditions on the proposed railways infrastructure, submissions will only be considered if the interoperability legislation is respected and a plan for the deployment of ERTMS included.

ROAD Transport

Road transport projects should address the deployment or improvements of motorways or high-quality roads, with a high, uniform and continuous level of services, comfort and safety in order to improve accessibilities to and from peripheral and landlocked regions, as well as to provide efficient and sustainable interfaces with the global transport system and bypass bottlenecks, such as urban centres, in order to achieve sustainability of operations.

WATERBORNE Transport

Inland waterways-Priority shall be given to support actions aiming at :

- Establishment of stable **fairway** conditions on a defined section of the TEN inland waterway network for the continuous passage of vessels and pushed convoys throughout the year according to the relevant waterway class (class IV and higher)
- Upgrading/enlargement/increase of capacity/modernisation of **locks** on the TEN Inland waterway network in order to allow an easy passage of vessels and pushed convoys.
- Increase of **height under bridges** on the TEN Inland waterway network in order to allow an unhindered continuous passage of container ships with up to 3 layers of containers.

Inland ports on the TEN Inland Waterway Network: Provision of transshipment installations, container handling facilities as well as roll-on/roll-off facilities, basic port infrastructures inside the port area as well as infrastructures linking the port to the rail and road network in order to increase the capacity of transshipments between road, rail and inland waterway.

Maritime ports: In addition to generic requirements and requirements stemming from legal obligations, initiatives to enhance the intermodal dimension of ports and their hinterland connections, to increase the efficiency of port operations (without necessarily adding additional port capacity), to stimulate inter-port and ship-port communication and easy documentation flow – with particular emphasis on solutions for ports trading amongst one another and for the safety and security of port operations and security of port connections both land and water-side.

Priority will be given to projects aiming to enable safe and efficient access to ports areas, both maritime access (breakwaters and dredging fairways, canals and turning circles) and inland accesses (locks, rail and road connections). Quay walls and land reclamation above the low sea level, and other investments to allow ships to berth or anchor (jetties, wharfs, pier, docks, buoys ...) will not be funded unless clear and explicit commitment were assumed by applicants to launch call for tenders to operate the port terminals.

AIR Transport

Airports: Air travel demand is boosted not only by economic and commercial needs of globalisation but also by evolving societal and cultural needs. As a result, air traffic is expected to at least double in the next 20 years.

Various studies show that airport capacity will not be able to match the fast growing demand and could become the most **constraining factor** within the air transport supply chain. The knock-on network effects of this weakest link then threatens the efficiency of the whole air transport chain. Since air transport is seen as a 'motor' for economic growth, this in turn risks undermining the overall competitiveness of the European economy.

Following actions are therefore considered a priority as far as Airport TEN-T support is concerned: Make better use of existing airport capacity, a consistent approach to safety at aerodromes; promote “co-modality”, the integration and collaboration of the transport mode, increase the environmental capacity of airports,

In order to reduce the impact of air transport, development of measures to promote environmental sustainability in the context of network optimisation.

In addition to the aim of concentrating support on the priority projects of the trans-European transport network, the Commission calls on Member States in particular to participate in projects that cover, or are of direct benefit to, the Community as a whole, involving various Member States or connecting networks from several Member States.

MULTIMODAL Transport

Multimodal transport measures to promote the deployment of infrastructure (Article 1 of the TEN Guidelines) that will support Sustainable Transport, these will include fostering the development of intermodality, multi-modality and co-modality concepts and infrastructure which integrates efficiently the potential of the different modes of transport, thereby contributing to an intelligent use of the global transport network. Concrete actions will be aimed at optimising the capacity and efficiency of existing and new infrastructure and providing sustainable mobility for passengers and goods.

For all project categories referred to above, successful project proposals will be supported in accordance with article 6 "Types and methods of Community financial aid" of Regulation (EC) n° [Regulation .../2007/EC] laying down general rules for the granting of Community financial aid in the field of trans-European networks.

- **Horizontal supporting Actions, specific objectives:**

Loan Guarantee Systems

The European Investment Bank (EIB) shall be a risk-sharing partner and shall manage the EU contribution to loan guarantee instrument on behalf of the Community. The contribution to the instrument shall be 10 Million € in 2007. The more detailed terms and conditions for implementing loan guarantee instrument, including its monitoring and control, shall be laid down in a co-operation agreement between the Commission and the EIB, taking into account the provisions laid down in the Annex of the new TEN Regulation.

Public Private Partnerships (PPPs)

In order to attract more private funding for the deployment of strategic transport infrastructure projects, the TEN-T programme will foster actions aimed at promoting private sector involvement in the development and financing of TEN transport projects, in particular those which benefit from financial support of the Commission.

In 2007, this support will target actions on: networking, benchmarking and dissemination of good practices, establishment of a dedicated database, provision of support and advice to project promoters and or Administrations and provision of expertise to the appraisal of applications submitted for TEN funding.

With a view to increase and share, public sector expertise in the Public Private Partnership sector, the Commission will seek adequate partners, both in terms of know-how and co-financing, for the joint development of the promotional actions.

4. RESULTS EXPECTED

The implementation of this work programme for 2007 aims at further enhancing the effectiveness and visibility of Community financing of the highest priorities of the trans-European transport network. 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.

The projects which will be completed with financial aid allocated through the programme, will thus directly contribute to the achievement of important transport policy objectives such as: the establishment of major transport axes interconnecting national networks and facilitating the functioning of the internal market; ensuring interoperability along these axes; enhancing accessibility of peripheral areas of the Community; congestion relief on roads and more balanced modal distribution; savings in terms of the environmental effects of transport thereby contributing to achieve sustainable transport.

The development of horizontal actions aimed at fostering the role of public private partnerships is expected to increase the rate of deployment of the TEN-T infrastructure. In particular, the close cooperation foreseen with the European Investment Bank will support better the activities of public and private promoters, providing advice on risk and investment as well as on precautionary measures and risk management tools.

The call for proposals 2007, aiming inter alia at optimising the use of infrastructure, enhancing safety, security and quality of services, also promotes the achievement of important transport policy objectives and the implementation of corresponding legislation.

Overall, the implementation of the work programme is expected to give an important impetus to the further preparation and implementation of the major priority projects and priority areas of the trans-European transport network, thus to help reaching important milestones on the way towards the completion of this network as approved by the European Parliament and the Council (target completion date 2020). For this purpose, Community funding on the basis of the work programme should help to mobilise as much public and private financing as needed to meet the challenging time tables.

5. INDICATIVE TIME table FOR CALLS FOR PROPOSALS AND AMOUNTS AVAILABLE

The total amount of funds available for the Annual Call 2007 is 122.607.450 €.

A call for proposals is foreseen for Mai 2007.

6. ELEGIBILITY 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
- 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, projects proposals submitted by third Countries or legal or natural persons established outside EU countries can 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 law¹², inter alia concerning interoperability, environmental protection, competition and public procurement.

¹² According to Article 3.1 of Regulation .../2007/EC.

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 of 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 Communities¹³, as well as to Article 133 of the Regulation (EC, EURATOM) n° 2342/2002 of the Commission of 23 December 2002 laying down detailed rules for the implementation of the Regulation n° 1605/2002¹⁴.

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 organisations¹⁵.

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.

¹³ OJ L 248, 16.9.2002, p. 1.

¹⁴ OJ L 357, 31.12.2002, p. 1.

¹⁵ Article 176(4) of the Regulation (EC, EURATOM) n° 2342/2002.

8. AWARD CRITERIA

8.1 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 on the basis of the following general award criteria whose main objective is to assess the quality of proposals. These criteria, set out in the TEN Regulation (Article 5), will be equally applied to all project proposals.

- Maturity
- The need to overcome financial obstacles
- The stimulative effect of the Community intervention on public and private finance
- The soundness of the financial package
- Socio-economic effects
- Environmental consequences
- 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 complexity of projects, for example due to the need to cross natural barriers
- Quality of the application