

Brussels, 23.11.2012  
C(2012) 8510 final

**COMMISSION IMPLEMENTING DECISION**

**of 23.11.2012**

**amending Commission Implementing Decision C(2012) 1579 of 14 March 2012 on the adoption of a financing decision for granting financial aid in the field of the trans-European transport network (TEN-T) for 2012, as already amended by Commission Implementing Decision C(2012)6902 of 5 October 2012**

## COMMISSION IMPLEMENTING DECISION

of 23.11.2012

**amending Commission Implementing Decision C(2012) 1579 of 14 March 2012 on the adoption of a financing decision for granting financial aid in the field of the trans-European transport network (TEN-T) for 2012, as already amended by Commission Implementing Decision C(2012)6902 of 5 October 2012**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 680/2007<sup>1</sup> 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 networks<sup>2</sup> (hereinafter ‘the TEN Regulation’), and in particular Article 8 thereof,

Having regard to Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network<sup>3</sup> (hereinafter ‘the TEN-T Guidelines’),

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>4</sup>, (hereinafter ‘the Financial Regulation’), and in particular Article 75(1) thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>5</sup> (‘the Implementing Rules’), and in particular Article 90 thereof,

Whereas:

- (1) The Commission has adopted Decision C(2012) 1579 of 14 March 2012 on the adoption of a financing decision for granting financial aid in the field of the trans-European transport network (TEN-T) for 2012. This Decision was amended by

---

<sup>1</sup> As amended by Regulation (EU) No 670/2012 of the European Parliament and of the Council of 11 July 2012 amending Decision No 1639/2006/EC establishing a Competitiveness and Innovation Framework Programme (2007-2013) and Regulation (EC) No 680/2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (OJ L 204, 31.07.2012, p.1)

<sup>2</sup> OJ L 162, 22.6.2007, p.1.

<sup>3</sup> OJ L 204, 5.8.2010, p.1.

<sup>4</sup> OJ L 248, 16.9.2002, p.1.

<sup>5</sup> OJ L 357, 31.12.2002, p.1.

Decision C(2012) 6902 of 5 October 2012 to include the contribution to the pilot phase of the risk-sharing instrument for project bonds.

- (2) In accordance with point 1.2 of the Annex to Decision C(2012) 1579 of 14 March 2012, additional annual work programme 2012 may be adopted.
- (3) Such an additional annual work programme 2012 is necessary to include the fields of development and implementation of projects of common interest, tackling climate change, innovation, support to private-public partnerships (PPPs) and development of transport corridors.
- (4) The Decision constitutes a financing decision within the meaning of Article 75(2) of the Financial Regulation.
- (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) 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 this amendment of the annual work programme for granting financial aid in the field of trans-European Transport network (TEN-T) for 2012.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Commission Decision C(2012) 1579 as amended by Commission Decision C(2012) 6902 is amended as follows:

In Article 2, the text:

"The total amount covered by this Decision is up to EUR 110 000 000"

is replaced by: "The total amount covered by this Decision is up to EUR 360 000 000"

*Article 2*

An ANNEX ter is added.

Done at Brussels, 23.11.2012

*For the Commission*  
*Siim KALLAS*  
*Vice-President*

**CERTIFIED COPY**  
**For the Secretary - General**

**Jordi AYET PUIGARNAU**  
**Director of the Registry**

## ANNEXter

### **1. BUDGET**

#### **1.1. Budget line**

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

#### **1.2. Budgetary resources**

On the basis of this amendment to the Annual Work Programme which grants financial aid in the field of the trans-European transport network in 2012, the additional amount of funds available is €250 million in the areas described below.

This amount complements the €10 million budget already made available under the adopted 2012 Annual Work Programme for loan guarantee instrument in accordance with Article 6(1)(d) of the TEN Regulation as well as the €100 million budget available under the amended Annual Work Programme for a contribution to the pilot phase of the risk-sharing instrument for project bonds in accordance with Article 6(1)(d) and (g) of the TEN Regulation, as amended.

### **2. OBJECTIVES**

Commission Decision C(2012) 1579 of 14 March 2012 established the basis for a contribution to the loan guarantee instrument in accordance with Article 6(1)(d) of the TEN Regulation. It was amended by Commission Decision C(2012)6902 of 5 October 2012 in order to contribute to the pilot phase of the risk-sharing instrument for project bonds in accordance with Article 6(1)(d) and (g) of the TEN Regulation, as amended.

The overall objective is to attract proposals for mature and sustainable projects, which are expected to reflect in a targeted way the Union transport priorities, as defined in the TEN-T Guidelines. In this respect, the amendment to the 2012 Annual Work Programme will also prepare the ground for the future Union transport and TEN-T policy (the "new Guidelines"), including notably addressing the climate change challenge, and the future development of the TEN-T network and the corridor concept<sup>6</sup>. It will also prepare the ground for financial instruments<sup>7</sup> including the project bond initiative<sup>8</sup>.

In addition, this amending Decision establishes the basis for increasing the available budget for the granting of aid to projects of common interest in the fields of:

---

<sup>6</sup> Proposal for a Regulation of the European Parliament and of the Council on Union Guidelines for the development of the trans-European Transport Network, COM(2011) 650, 19.10.2011

<sup>7</sup> *Regulation (EU) No 670/2012 of the European Parliament and of the Council of 11 July 2012 amending Decision No 1639/2006/EC establishing a Competitiveness and Innovation Framework Programme (2007-2013) and Regulation (EC) No 680/2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (OJ L 204, 31.07.2012, p.1)*

<sup>8</sup> Commission Communication 'A pilot for the Europe 2020 Project Bond Initiative' (COM(2011) 660 of 19.10.2011)

- The acceleration/facilitation of the implementation of TEN-T projects. This will address studies and works for mature projects for all modes, as part of the projects of common interest, in accordance with Article 7 of the TEN-T Guidelines. Actions linked to any priority project, in accordance with art. 23 of the TEN-T Guidelines may not be supported under this priority.

Clear priority will be given to projects that will prepare the development of the TEN-T network including under the Connecting Europe Facility (CEF) as well as to sufficiently mature projects that address key TEN-T priorities, in particular :

- projects supporting the establishment and development of the key links and interconnections needed to eliminate bottlenecks, fill in missing sections and complete the main routes, especially their cross-border sections – in accordance with Article 5 of the TEN-T Guidelines;
- projects supporting the deployment of sustainable transport infrastructure (Article 2 of the TEN-T Guidelines) as foreseen in the White Paper 'Roadmap to a Single European Transport Area – Towards a competitive resource efficient transport system'<sup>9</sup> (hereinafter 'White Paper') and in particular those measures 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, in Articles 5, 10, 11, 15 and 17 of the TEN-T Guidelines).
- Measures to promote innovation and new technologies for transport infrastructure and facilities contributing to decarbonisation or the reduction of external costs in general: they will address studies that should support the testing and deployment of new technologies and of enabling infrastructure components and facilities (in accordance with Articles 2(2)(a) and 5(g) of the TEN-T Guidelines) with a view to contributing and adapting to climate change as well as reducing the impact of transport on the environment. Actions linked to any priority project, in accordance with art. 23 of the TEN-T Guidelines may not be supported under this priority.
- Support to Public Private Partnerships (PPPs) and innovative financial instruments in order to attract more private funding for the deployment of strategic TEN-T transport infrastructure projects, in accordance with Article 7 of the TEN-T Guidelines, the TEN-T programme will foster Actions aimed at and leading to the promotion of private sector involvement, particularly in the development and financing of Union-supported transport infrastructure projects.
- Support to the long term implementation of the TEN-T, in particular development of corridors that shall enable a coordinated implementation of the network. This will address studies on the organisation and optimal implementation of the TEN-T network (Articles 4(k) and 5(h) of the TEN-T Guidelines) taking into account long term perspectives, environmental aspects and associated needs. Studies that promote environmental sustainability, resource efficiency and low-carbon transport within an integrated transport concept are particularly encouraged. They should stimulate the deployment of the "Green Corridor" concept, as introduced in the "Freight Logistics Action Plan". They should address both the dimension of freight and passengers

---

<sup>9</sup> COM(2011)144, 28/03/2011

transport, and they should cover the dimension of nodes (urban as well as transfer points between transport modes).

Union 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-T transport network. Accordingly, the amendment to the 2012 Annual Work Programme gives priority to the areas outlined above. The Commission calls on Member States in particular to participate in projects that cover, or are of direct benefit to, the EU as a whole, involving various Member States or connecting networks from several Member States.

It is also underlined that the Union financing shall be used to support mature projects and/or studies that will accelerate the maturity of works.

### **3. SPECIFIC PRIORITIES**

This second amendment to the Annual Work Programme 2012 addresses in particular the following priorities:

#### **3.1. Priority 1: The acceleration/facilitation of the implementation of TEN-T projects**

This priority addresses:

- studies concerning the development of TEN-T projects with the aim of creating a mature project pipeline for 2014 and beyond, to be implemented *inter alia* under the CEF. In particular under this priority TEN-T support will be granted to preparatory studies that will accelerate the implementation of projects for all modes (e.g. environmental studies/design studies versus feasibility studies).
- works for mature projects to be completed by 2015, where the TEN-T funding would fill a financing gap and where the EU added value is clearly demonstrated. Under this sub-priority, only rail, road, ports and inland waterways projects or combinations thereof, will be supported.

Actions to be supported need to be in line with the priorities set out in section 2. "Objectives" of this Work Programme.

#### **Rail transport**

Under this sub-priority, the objectives concerning rail transport are to develop an interoperable railway network and to reinforce the role of rail as an essential component of integrated transport systems in Europe. Projects to be selected under this priority should be in line with Article 10 of the TEN-T Guidelines and fall into at least one of the following categories:

- Measures intended to remove bottlenecks, in accordance with Article 5 of the TEN-T Guidelines, and measures addressing cross-border sections, in accordance with Article 28 of the TEN-T Guidelines. These Actions should lead to a significant amount of synergy, both in terms of measures to be implemented to obtain greater

efficiency in construction and the subsequent use of infrastructure in the European interest, and in terms of investment.

- Measures addressing the implementation of telematics applications, in accordance with the relevant Technical Specifications for Interoperability. These Actions are expected to significantly promote the deployment of interoperable rail systems.

Where possible, linkages and connections to other transport modes shall be an integral part of the action.

Measures for the deployment of the ERTMS are addressed under the Multi-Annual Work Programme and therefore will not be funded under the Annual Work Programme.

### **Inland Waterways**

Under this sub-priority, the objectives concerning inland waterways aim at reinforcing the contribution of inland waterways to a sustainable European freight transport network. Actions to be supported should be in line with Article 11 of the TEN-T Guidelines and aim at:

- the establishment of stable fairway conditions on defined sections of the TEN-T 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);
- the upgrade/enlargement/increase of capacity/modernisation of locks on the TEN-T inland waterway network in order to allow an easy passage of vessels and pushed convoys;
- the increase of under bridge-clearance (height under bridge) on the TEN-T inland waterway network in order to allow an unhindered continuous passage of container ships with up to three layers of containers.
- LNG bunkering facilities to improve the take up of less polluting fuels
- Port access and hinterland connections: actions aiming at providing waterway access and TEN-T hinterland connections
- Port facilities: reception facilities for oil and other waste to meet environmental requirements
- ICT applications, in particular pilot Single Window applications, as well as applications which will facilitate administrative formalities through a better use of information, communication and positioning technologies;
- Basic port infrastructure: quay walls, jetties, backfills and land reclamation etc.

Where possible, linkages and connections to other transport modes shall be an integral part of the action.

Measures for the deployment of RIS are addressed under the Multi-Annual Work Programme and therefore will not be funded under the Annual Work Programme.

### **Maritime transport**



Under this sub-priority, the objective is to support the development of ports as efficient entry and exit points fully integrated with the land infrastructure. Only category A ports are eligible under this work programme. Projects to be selected under this priority will concern works and should be in line with Article 12 of the TEN-T Guidelines. Priority will be given to projects addressing the following areas:

- Port access and basic infrastructure: actions aiming at providing safe maritime accesses (breakwaters, sea locks, dredging (except maintenance dredging), channels and navigational aids) and quay walls, jetties, backfills and land reclamation etc.
- Hinterland connections: TEN-T hinterland connections (locks, rail, inland waterway connections or road if other hinterland connections are not an option) with adequate capacity and efficiency
- Port facilities improving the environmental performance of maritime transport: LNG facilities, including barges, enabling publicly accessible bunkering operations in ports, shore-side and alternative, for instance external, electricity facilities in ports, enabling ships when berthed to be connected to onshore power supply and reception facilities for oil and other waste, including residues from scrubbers, to meet environmental requirements
- ICT applications, in particular eMaritime and Single Window applications , as well as applications which will facilitate administrative formalities in ports through a better use of information, communication and positioning technologies;

For project involving maritime ports which are connected to the TEN-T inland waterway network, particular attention shall be paid to Inland Waterway-friendly access, design, facilities and operations, with a view to achieving seamless interconnectivity with the hinterland through inland waterways.

Where possible, linkages and connections to other transport modes shall be an integral part of the action.

### **Road**

Under this sub-priority the objective is to support the development of roads as a component of an integrated transport system. In line with the White Paper further integration of the road freight market will render road transport more efficient and competitive, while the EU aims at halving road casualties by 2020.

Projects to be selected under this sub-priority will concern works and will be in line with article 9 of the TEN-T Guidelines and will include at least one of the following aspects:

- cross-border sections or in the case of Member States without a rail network, bottlenecks or missing links
- safety and security measures (including development of safe rest areas for professional drivers)
- integration strategies with other ‘lower’ carbon transport infrastructure

### **Integrated and multi-modal transport system**

This sub-priority focuses on inter-modal platforms and the interconnection nodes of different modes of transport (ports, inland ports, rail terminals and airports). It also envisages proposals to develop systems and procedures to ensure a smooth modal integration that will clearly build on the the e-maritime and single maritime windows actions supported under the maritime sub-priority. The proposals shall ensure interoperability with other relevant systems such as the Single Logistics Window, and ensure the integrity of intermodal information flows. Proposals that can demonstrate their role in corridors would be encouraged.

The objective of such activities should be to increase the contribution that 'low carbon' transport modes (i.e. rail, inland navigation and shipping) can make to freight transport at the European level, through improving the efficiency and capacity of inter-modal freight transfer nodes. Projects to be selected under this priority should be in line with Article 15 of the TEN-T Guidelines and shall demonstrate their added value at a European or regional level.

Priority will be given to proposals for freight terminals and logistic platforms that comply with the following criteria:

- (i) Intermodal platform or terminal whose total transshipment of freight exceeds the quantitative threshold of 500 000 tonnes.
- (ii) in case of absence of a intermodal platform or terminal in a NUTS 2 region complying with (i), be the main logistic platform or terminal designated by the Member State concerned, linked at least to road and railways for this NUTS 2 region.
- (iii) the intermodal platforms or terminals shall be (foreseen to be) connected to all modes of transport available on the TEN-T network link on which the logistic platform or terminal is located.

The aim of studies should be to increase the maturity of implementation plans through, for example, environmental and/or design studies with a view to obtaining the necessary permits for construction within the period 2014-2020.

For passenger transport, activities supported could include: design and environmental studies necessary for construction, or the construction itself, for connections between the airport and the rail network only.

Works projects should aim to establish inter-modal transfer nodes between at least one of the 'low carbon' transport modes and another mode. Priority will be given to transfer nodes involving more than one of the 'low carbon' transport modes.

### **3.2. Priority 2: Promote innovation and new technologies for transport infrastructure and facilities contributing to decarbonisation or the reduction of external costs in general**

As the general objective union aid shall support studies addressing technologies that reduce external costs, including mitigation and adaption to climate change in the areas of freight and/or passenger transport. These technologies need to demonstrate that they have the highest potential for rapid deployment across the TEN-T network, thereby creating the necessary critical mass.

A specific objective shall be the development of the necessary TEN-T infrastructure and facilities that will support the use of alternative fuels and propulsion replacing fossil fuels,

including, electric batteries (charging & swapping), hydrogen, CNG, LNG, including LNG bunkering vessels and biofuels as well as any combination thereof. Facilities may include also emission reduction technologies and energy storage equipment installed in the vehicles.

Particular attention shall be paid to the use of alternative fuels or of technologies for the reduction of emissions from transport beyond the existing emission mandatory standards in view of preparing compliance with future standards. TEN-T follows a "market-oriented" instead of a "research-oriented" approach by focussing on New Technologies and Innovation ready for deployment, i.e. no research is supported. The mastering of long distances is for TEN-T an essential element.

The scope of studies shall be the testing of new technologies and shall integrate a clearly elaborated consumer-oriented business-model, because in such cases innovation for technology should be accompanied by innovation of processes.

Priority will be given to studies that include pilot deployment of the technologies and/or of enabling infrastructure and facilities, i.e. incorporating a real-life trial (rather than a demo). At the end of the trial, as part of the study, an analysis shall be presented which shows how to scale-up the trial to mass application.

Three types of studies are envisaged: (a) Studies without deployment, (b) Studies with regional or local pilot deployment in at least 1 Member State and (c) studies with pilot deployment on a scale of a trajectory/corridor of at least 500 km serving at least 2 Member States.

### **3.3. Priority 3: Support to Public Private Partnerships (PPPs) and innovative financial instruments**

On 11 July, 2012, Regulation 670/2012 was adopted, amending the TEN regulation to provide for the pilot phase of the Europe 2020 Project Bond Initiative. This new credit enhancement facility, designed to support the issuance of project bonds by private sector project companies should improve projects' access to private finance through the development of an alternative to bank lending as a way of securing debt financing. Such initiatives further extend the existing EU level support for PPP projects and increase the leverage of the public sector budget contribution but must be piloted in order to optimise their design for integration into the next financial perspective. Establishing an EU level PPP project pipeline that can exploit the pilot phase of the project bond initiative is an essential part of the pilot phase. Therefore EU level support for Public Private Partnership (PPP) preparation activities should continue as an important element of an overall enabling framework for the development of PPPs and specifically to contribute to the development of the Project Bond Initiative.

The studies necessary to assess, prepare and undertake a PPP procurement can be daunting in terms of time, staff resources and expense. Conducting the initial value for money assessments and subsequent detailed technical, financial and implementation studies to develop the complex tender documentation are vital steps in the preparation of projects for a PPP procurement and can be greatly enhanced through EU grant support. This could also contribute to a standardised and predictable PPP procurement process at EU level over time.

In this context, Priority 3 focuses on:

- a) Projects where a PPP has already been identified as the preferred option however further implementation studies, which may include technical and financial studies or studies to support the preparation of the tender documentation and the procurement phase are necessary in order to advance the project maturity and move the project

closer to implementation as a PPP. Such projects could become part of an identified PPP project pipeline for consideration in the pilot phase of the project bond initiative.

- b) Studies related to projects with a profile that could be adapted to a PPP will also be given consideration. Suitable project profiles might include an ability to generate revenue from user charges, a stable service requirement over the life of the asset and/or a risk profile that can be shared between the public and private sectors in an equitable manner. In this respect, this work programme seeks to encourage applicants to undertake detailed value for money assessments for projects having a suitable PPP profile, where there is precedence for a PPP structure, or where there is demonstrated interest from the private sector to pursue a PPP.

### **3.4. Priority 4: Support to the long term implementation of the TEN-T network, in particular development of corridors that shall enable a coordinated implementation of the network**

The Transport Policy White Paper sets, as key objective, the reduction of at least 60% of greenhouse gases from the transport sector by 2050 with respect to 1990, while providing for increasing mobility. But EU transport still depends on oil and oil products for 96% of its energy needs. Thus, new technologies and concepts, such as 'green' transport corridors for freight will be key to lower transport emissions. Transport has to use less and cleaner energy, better exploit a modern infrastructure network, optimise the infrastructure-service interaction through a 'transport systems approach' and reduce its negative impact on the environment. Actions to be supported under this priority area need to be in line with the above targets and develop a foresight approach concerning the future TEN-T and the modalities of its implementation. The corridor approach, as referred to in the White Paper as an instrument for efficient infrastructure implementation, is expected to promote these objectives in the best possible way, pioneering the "Green" development of such corridors.

To achieve the objectives of the studies, they should bring together as many different actors as possible, representing the broad range of infrastructural, operational, environmental, political or commercial interests at stake. In this respect, the studies should also constitute a testing ground for the governance challenges linked to the corridor approach.

Studies encouraged under this priority should stimulate the development of the "Green Corridor" concept as introduced in the "Freight Logistics Action Plan". They should address the dimensions of freight and passengers transport, respectively or together, and they should cover the dimension of nodes (urban as well as transfer points between transport modes).

Consistently, actions to be supported under this priority will be studies comprising chiefly the following elements :

- multimodal aspects, based on modal integration and interoperability, with a specific focus on integrating modal transport operations into multimodal corridors;
- testing established measures and key performance indicators for "green corridor development", including new technologies, intelligent transport systems, transshipment technology, bottleneck removal, service optimisation, as well as recording their effects; development of further measures as appropriate and establishing first elements of a toolbox for "green TEN-T planning".

- investment options, taking into account the optimisation of public and private funds synergies;
- efficient managerial structures that can address the needs and the complexity of cross-border challenges in a multi-modal context;
- integration between infrastructure, facilities and operations of various modes of transport, with a view to optimize the use of each mode thus reducing the overall congestion on the network;
- the analysis of supply and demand side for the current and future situation.

The maturity of these projects will be determined by the degree of preparedness for integrating all different aspects determining and justifying the corridor concept. Their final output should be mature implementation plans validated by all concerned parties.

This shall not prejudice in any way the ongoing discussions on the basis of the Commission proposals COM(2011) 650 (new TEN-T Guidelines) and COM(2011) 665 (proposal for a Regulation establishing the Connecting Europe Facility).

This priority may also address TEN-T conventional railway lines that contribute to a rail freight-oriented network, in line with the Communication "Towards a European rail network for competitive freight"<sup>10</sup>. These Actions should promote the efficiency of international rail freight traffic, in particular in terms of capacity and investment planning along major international rail freight corridors. These Actions can also include studies for setting up implementation plans and their further development, cost benefit analyses related to measures aiming at further developing international rail freight corridors as well as studies relating to upgrading the existing rail infrastructure to remove operational restrictions and harmonise technical parameters such as train length, axle load, etc.

#### **4. RESULTS EXPECTED**

The implementation of this amendment to the 2012 Annual Work Programme aims at further enhancing the effectiveness and visibility of Union financing on targeted 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 and will contribute to addressing climate change.

The Call for proposals is expected to accelerate the delivery of the TEN-T infrastructure, which is crucial for Europe's long-term competitiveness and mobilise additional national investment (public and/or private) for the implementation of the TEN-T network. It is also expected to pave the way for further shaping an adequate European infrastructure system meeting the needs of the 21<sup>st</sup> century, in line with the proposed 'new Guidelines' and the Connecting Europe Facility.

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

---

<sup>10</sup> COM(2007)608

the functioning of the internal market; ensuring interoperability along these axes; more balanced modal distribution; savings in terms of the environmental effects of transport thereby contributing to the achievement of sustainable transport. It is also expected that certain roads will be decongested, as a consequence of redistribution between modes.

The priority given to the fostering of PPPs is expected to increase the rate and pace of deployment of the TEN-T infrastructure. In particular, the close cooperation foreseen with the European Investment Bank should improve the coordination of EU level support through assistance with PPP project preparation. Such cooperation can also better support the activities of public and private promoters, through the development of more targeted financial instruments and also through the development of a more standardised and consistent approach to the assessment and preparation of projects for procurement via a public-private partnership.

## **5. TIMETABLE FOR THE ANNUAL CALL FOR PROPOSALS 2012 AND INDICATIVE AMOUNT AVAILABLE**

The total indicative amount of funds available for the 2012 Annual Work Programme is up to €360 million. For the Call for Proposals 2012, the total indicative amount for grants for projects in the field of the trans-European transport network is €250 million.

Depending on the number and quality of project proposals submitted under the annual call for proposals 2012, consideration will be given to split the €250 million indicative budget available for grants in 2012 amongst the above priorities as follows:

- €150 million for Priority 1
- €40 million for Priority 2
- €25 million for Priority 3
- €35 million for Priority 4

The above breakdown is indicative; therefore budget transfer between priorities is allowed.

The Call for proposals is expected to be launched in November 2012.

## **6. ELIGIBILITY CRITERIA**

### **6.1. Eligible applicants**

Only written applications submitted by legal persons of private or public law legally constituted and registered in a Member State are eligible for Union financial support.

Applications must be presented by:

- one or more Member States, and / or
- with the agreement of the Member States concerned, by international organisations, joint undertakings, or public or private undertakings.

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-T 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 on compliance with relevant Union law<sup>11</sup> 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.

### *6.2.4. Independence of works / studies*

A proposal must address either works or studies, within the meaning of Article 2(8) and (9) of the TEN Regulation.

## **6.3. Grounds for Exclusion**

In the call for proposals 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 Communities<sup>12</sup> (hereafter "Financial Regulation"), 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° 1605/2002<sup>13</sup> (hereafter "Implementing Rules for the Financial Regulation").

## **7. SELECTION CRITERIA**

The applicant(s) 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 co-finance the project. The applicant(s) must have the professional skills and qualifications required to complete the proposed Action.

### **7.1. Financial capacity**

The applicant(s) must have the financial capacity to complete the Action for which the grant is sought and will provide their financial statements certified by an external auditor for the last financial year for which the accounts have been closed with the application.

---

<sup>11</sup> According to Article 3.1 of the TEN Regulation

<sup>12</sup> OJL 248, 16.9.2002, p. 1.

<sup>13</sup> OJL 357, 31.12.2002, p. 1.

The demonstration of the financial capacity does not apply to applicants which are a Member State, a public sector body (i.e. regional or local authority, body governed by public law<sup>14</sup> or association formed by one or several such authorities or one or several such bodies governed by public law<sup>15</sup>, international organisation<sup>16</sup>) or a European Economic Interest Grouping (EEIG)<sup>17</sup>.

## **7.2. Operational capacity**

The applicant(s) must have the operational and technical capacity to complete the project for which the grant is sought and must provide appropriate documents attesting to that capacity.

The demonstration of the operational and technical capacity does not apply to applicants which are a Member State, a public sector body (i.e. regional or local authority, body governed by public law or association formed by one or several such authorities or one or several such bodies governed by public law, international organisation) or an EEIG.

Information submitted by applicants who benefited from TEN-T support as from 2004 may be taken into account in the evaluation of these applicants' operational 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 Union financial aid shall take into account, inter alia, the following general award criteria:

- the maturity of the project;
- the stimulating effect of the EU 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;

---

<sup>14</sup> Body governed by public law: 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 other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

<sup>15</sup> e.g. Joint Undertaking established under Article 187 of the Treaty on the Functioning of the European Union (ex Article 171 TCE)

<sup>16</sup> According to article 43 (2) of the Regulation 2342/2002, international organisations are: (a) international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations; (b) the International Committee of the Red Cross (ICRC); (c) the International Federation of National Red Cross and Red Crescent Societies.

<sup>17</sup> established in line with Council Regulation (EEC) N° 2137/85 of 25 July 1985.



- 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.

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

## **9. MAXIMUM POSSIBLE RATE OF CO-FUNDING<sup>18</sup>**

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

- studies: 50 % of the eligible cost of studies
- 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

## **10. INSTRUMENT FOR IMPLEMENTATION**

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

---

<sup>18</sup> According to Art. 6(2) of the TEN Regulation