



EUROPEAN COMMISSION

Brussels, 03/05/2010
C(2010) 2664 final

Draft

COMMISSION DECISION

of [...]

amending Commission Decision C (2010) 607 of 5 February 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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amending Commission Decision C (2010) 607 of 5 February 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

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 Community financial aid in the field of the trans-European transport and energy networks¹ (hereafter "TEN Regulation"), and in particular Article 8 thereof,

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

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

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

Whereas:

- (1) The Commission has adopted Decision C (2010) 607 of 5 February 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
- (2) It is necessary to include the priorities for the area of Motorways of the Sea (MoS) as foreseen in point 5.1 of the Decision C (2010) 607 of 5 February 2010.

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 Decision shall be considered as a financing decision within the meaning of article 75(2) of the Financial Regulation.
- (4) 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.
- (5) 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 DECIDED AS FOLLOWS:

Article 1

Commission Decision C(2010) 607 is amended as follows:

In Article 2, the text

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

Is replaced by: "The total amount covered by this Decision is up to EUR 115,000,000"

Article 2

An ANNEXbis is added.

Article 3

The Decision is addressed to the Authorising Officer by delegation

Done at Brussels,

For the Commission

[...]

Member of the Commission

ANNEXbis

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:

On the basis of this amendment to the Multi-annual Work Programme which grants financial aid in the field of the trans-European Transport network (TEN-T) in 2010, an additional amount of funds up to €5 million is available to projects of common interest in the area of Motorways of the Sea in the field of the trans-European transport network.

This amount complements the €30 million budget already made available under the adopted 2010 Multi-annual Work Programme.

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

Commission Decision C (2010) 607 of 5 February 2010 established 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)

This amending Decision establishes the basis for the granting of aid to projects of common interest in the field of the trans-European transport network in the area of Motorways of the Sea (MoS).

For these projects, within the scope of the global and generic objectives and priorities defined in this work programme, more specific objectives may be elaborated in the call for proposals.

3. OBJECTIVES AND PRIORITIES:

3.1. In order to implement the key priorities of the work programme the following general objectives will be pursued for Motorways of the Sea (MoS)

Pursuant to Article 12a of the TEN-T Guidelines, the current work programme sets the framework conditions to support the submission of Motorways of the Sea proposals that would facilitate the development of a TEN-T Motorways of the Sea network connecting the regions of Europe. Synergies with TEN-T port development projects as well as maritime connections with neighbouring countries shall be exploited when feasible.

The aim of the TEN-T MoS network is to promote the general sustainability and safety of transport by providing an alternative to congested or less environmentally-friendly land transport. It should contribute to the common effort addressing climate change. Also, it should strengthen the cohesion of the EU by facilitating connections between Member States and between European regions, and by revitalising peripheral regions.

The Motorways of the Sea shall be based either on existing maritime links or new maritime links which shall be integrated into European sustainable intermodal logistic chains. They should have the objective of improving existing maritime links or establishing new maritime links as well as of better integrating the maritime links in the global logistic chain. The Motorways of the Sea projects should foster the concentration of freight flows on viable sea based logistical routes and provide regular, frequent, high-quality and reliable sea-based transport operations that are integrated in global logistic chains.

The combined transport of persons and goods is not excluded, but freight transport should be predominant.

The potential for a viable TEN-T MoS network, as well as for competitive Motorways of the Sea is related to the ability of sea ports to act as efficient and reliable transshipment sites. The priority will be given to projects aiming at improving and extending MoS dedicated port infrastructure capacity and facilities. Hinterland connections that are an integral part of the door to door logistic chain which integrates the maritime links may also be funded under the MoS programme. In this context priority will be given to projects aiming at integrating inland waterways and rail with the Motorways of the Sea.

The programme also aims at fostering innovation and the deployment of new technologies and systems to increase the efficiency and effectiveness of Motorways of the Sea.

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

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

In the light of the 2007 enlargement, project proposals should also address the Black Sea area, e.g. by linking the Black Sea with other motorways of the sea areas.

3.2. Specific objectives for Motorways of the Sea (priority project n°21 of annex III of the TEN Guidelines)

This priority project is different in nature from the other TEN-T priority projects: the Motorways of the Sea priority project defines a framework (objectives, overall priorities and/or geographical areas) within which Member States and/or relevant companies or bodies are called upon to develop individual projects during the period 2007-2013.

The type of projects proposed under this work programme shall include the following instruments or a combination of them: implementation projects (i.e. projects aiming to deliver full scale transport operations), studies taking the form of pilot actions and studies. Irrespective of their type, the projects must support the implementation of the concept of Motorways of the Sea.

Implementation projects, focussing on infrastructure and facilities are a priority, with the objective of establishing new maritime links or improving the capacity, frequency or quality of existing maritime links as elements of the broader network of Motorways of the Sea in the logistic chain perspective. Implementation projects can also be projects of wider benefits, e.g. addressing environmental issues, information systems and efficient communication procedures. They may also include study and pilot action parts preparing for the implementation and promoting the maturity of later phases of the projects. The proposed projects should support the reduction of land transport congestion and increase door-to-door efficiency through modal shift and/or increase accessibility of peripheral and island regions. Rate of funding, as specified in Section 9; implementation projects may be funded up to 20% of total costs in general and up to 30% when fulfilling the conditions for a generic TEN-T cross-border action (the reference documents will be published with the Call for proposals).

Studies taking the form of **pilot actions**⁵ should be envisaged when introducing new technologies, prototypes or innovative concepts and preparing for future deployment, addressing wider benefit subjects, innovative infrastructure and facilities and gather an operational partnership. Actions may include feasibility studies, evaluation and validation studies and technical support measures, e.g. full-scale demonstrators necessary to achieve the objectives of the Pilot Action.

Pilot actions may also have a key role in securing harmonised operations within a given geographical area and must be proposed by consortia, involving a minimum of two different Member States (see Section 6.1) and integrating key transport actors and operators to achieve the critical mass required for later implementation. Rate of funding – as specified in Section 9, pilot actions may be funded up to 50% of total costs⁶ provided they comply with the definition of studies given in art. 2(8) of the TEN regulation.

Studies must address regional or European level issues of wider benefits for MoS operations (such as environmental assessments or ICT). Studies for the preparation of implementation projects shall lead to mature Motorways of the Sea future project proposals. Rate of funding – as specified in Section 9, studies may be funded up to 50% of total costs.

⁵ Pilot actions are considered 'studies' in so far as they comply with the definition given under Article 2 (8) of Regulation (EU) N° 680/2007

⁶ In accordance with Article 6.2 (a) of Regulation (EU) N° 680/2007

Given the practical nature of the programme, the resources available for studies will be limited to 20% of the overall budget for the call. For studies taking the form of pilot actions, the indicative limit is 30% of the overall budget for the call.

Activities should lead to a smoother integration of maritime transport in the inter-modal logistic chain, concentrating freight flows on sea-based routes on a corridor perspective, facilitating interoperability of the different modes in the transport chain and electronic exchange of information among the relevant stakeholders, e.g. ICT infrastructure and applications to facilitate integration of the sea and the land legs so that maritime transport may properly serve the hinterland areas or for systems of wider benefit.

ICT actions should focus on the deployment of interoperable solutions enabling an efficient information exchange between all actors involved in co-modal transport processes. This objective should be achieved through the use of relevant open standards and open and secure information exchange platforms where available. Specific aims include development of integrated and harmonised port and transport information infrastructure, services and procedures. The envisaged ICT actions should support strategic and operational needs of transport communities and/or co-modal promotion centres. Emphasis should be given to ICT applications integrating vehicle and cargo tracking and tracing, monitoring and real time routing systems applicable to key European transport corridors. In compliance with EU policies inspired from the use of electronic means of communication, these actions should support the emerging EU eMaritime initiative.

Project proposals focussing on publicly accessible infrastructure and facilities, or requesting start-up aid, should be implemented by the relevant actors involving in general both the public and private sectors, and bringing together transport operators reflecting the transport chain and covering port and maritime operations. The establishment of a broader consortium, involving also partners such as terminal operators, road hauliers, rail operators, logistics companies, ship brokers, local and/or regional public authorities and infrastructure owners is expected as appropriate.

The involvement or association of transport operators and / or shipping companies, covering a specific maritime leg, is fundamental to demonstrate the viability of the proposed improvement of an existing maritime link or the establishment of a new maritime link. This involvement can vary from being a beneficiary with a direct involvement, to letters of support confirming the potential of the project to lead to an improvement of an existing maritime link or establishment of a new maritime link, and demonstrating an adequate commitment to participate in the project (e.g. consultative or operational). The degree of involvement and/or demonstrated viability of the project will have an impact on the selection of the proposals – notably for new maritime links.

The long-term planning of investments in inter-modal infrastructure should contribute to preventing the expected structural bottlenecks from arising within the coming decade, along the main freight transport corridors selected in cooperation between the public and private sector. Member States are thus encouraged to propose complete projects for TEN-T funding which have a longer time perspective, conceptually covering several years' activities

Project proponents are encouraged to exploit the full range of EU funding instruments available in order to exploit synergies, *inter alia* the Marco Polo II programme, the Structural Funds and the European Investment Bank. However as stated in Section 6.2.3 grants from the EU budget, such as TEN-grants, cannot be cumulated with other grants from the EU budget for the same specific activities of the same parts of a project. Risk-bearing instruments of the

EU or EU financial contributions to such instruments shall not constitute grants. Funding strategies which include the development of public private partnerships (PPPs) or European Economic Interest Groupings (EEIGs) are encouraged. Funded actions may not lead to distortions of competition in the relevant markets contrary to the common interest.

Appropriate monitoring mechanisms with clear milestones for the realisation of lasting modal shift from road to the proposed Motorway of the Sea link and for the improved accessibility to peripheral and island regions should be put in place. The use of dedicated observatories or similar tools measuring the traffic flows within the areas covered in the project will constitute a fundamental mechanism to monitor progress.

4. RESULTS EXPECTED

The implementation in 2010 of part of the multi-annual work programme for the period 2007 – 2013, covering the area of Motorways of the sea, aims at further enhancing the effectiveness and visibility of EU financing of the highest priorities of the trans-European transport network.

The development of MoS projects and studies will create framework conditions which will favour the development of safe and environmentally friendly maritime and port operations, as well as foster actions that will support the common effort to addressing climate change, in particular, the deployment of interoperable IT systems, supporting MoS operations, will lead to an increased harmonisation of maritime operations across Europe with large efficiency and environmental gains. Finally, the deployment of Motorways of the Sea projects will result in the reduction of peripherally as well as in an increased efficiency of the global logistic chain and consequently on the re-inforcement of cohesion within the Union.

The actions which will be completed with financial aid allocated under the 2010 calls will directly contribute to the achievement of important transport policy objectives, such as: the establishment of major interoperable transport axes interconnecting national networks and facilitating the functioning of the internal market; the optimal use of existing infrastructure capacities; improving the safety and reliability of the network; enhancing accessibility of peripheral areas of the EU; facilitating congestion relief on rail infrastructure and more balanced modal distribution; and savings in terms of the environmental effects of transport and in particular contributing to addressing climate change.

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). EU 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 ⁷
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⁷ The costs of projects are eligible from the first of January of the corresponding budgetary year

River Information Services (RIS)	May 2010	€10 million
Air traffic management systems - Functional Airspace blocks (ATM / FABs)	February 2010	€20 million
Motorways of the Sea (MoS)	May 2010	€85 million

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) *	2011	up to €150 million
	2012	up to €25 million
ITS road	2011	up to €100 million
River Information Services (RIS) *	2011	up to €15 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

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

In addition to the above, for the 2010 Motorways of the Sea call for proposals, all proposals for implementation projects, studies taking the form of pilot actions and studies must include applicants from (and be supported by) a minimum of two different Member States.

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 EU financial aid.

6.2.2. Compliance with the Union Law

The granting of EU aid to projects of common interest is conditional to compliance with relevant EU law⁸ inter alia concerning interoperability, environmental protection, competition and public procurement.

6.2.3. Other sources of financing

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

6.3. Grounds for Exclusion

In the call for proposal the Commission will draw applicants' attention to Articles 93 to 96 and Article 114 of the Regulation (EC, EURATOM) n° 1605/2002 of 25 June 2002 applicable

⁸ According to Article 3.1 of the TEN Regulation

to the general budget of the European Communities⁹ (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° 1605/2002¹⁰ (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.

The demonstration of the financial and operational 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 law¹¹ or association formed by one or several such authorities or one or several such bodies governed by public law¹², international organisation¹³) or a European Economic Interest Grouping (EEIG)¹⁴.

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.

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.

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.

⁹ OJL 248, 16.9.2002, p. 1.

¹⁰ OJL 357, 31.12.2002, p. 1.

¹¹ 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

¹² e.g. Joint Undertaking established under Article 187 of the Treaty on the Functioning of the European Union (ex Article 171 TCE)

¹³ 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.

¹⁴ established in line with Council Regulation (EEC) N° 2137/85 of 25 July 1985 and 100% owned by public body(ies)

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 EU financial aid shall take into account, inter alia, the following general award criteria¹⁵:

- 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;
- 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.
- within the scope of the global objectives herewith established, additional specific criteria for MoS projects may be set out in the text of the call 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 EU financing may be recommended in the calls for proposals or accompanying documents.

9. MAXIMUM POSSIBLE RATE OF CO-FUNDING¹⁶

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

¹⁵ TEN Regulation; C(2007)2158 of 23.05.2007

¹⁶ 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 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
- start-up aid related to capital costs for cross-border sections of Motorways of the Sea projects: 30% of two years of depreciation of the eligible capital cost in accordance with Art. 12a (5) of the TEN Guidelines.

If the improvement of an existing maritime link or the establishment of a new maritime link in an implementation project is not realised during the period of implementation of the Action for at least the last six months of the Action, the Commission, may suspend, reduce or discontinue the financial aid for such project. In the event of a reduction **of the rate of co-financing**, this will normally be **to** 10%."

10. INSTRUMENT FOR IMPLEMENTATION

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