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Proposal for a

**REGULATION 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 transport and energy networks and modifying Regulation (EC) n° 2236/95 of the Council**

## EXPLANATORY MEMORANDUM

### **I TRANS-EUROPEAN TRANSPORT NETWORKS, THE DRIVERS OF GROWTH AND COHESION**

1. Without performing transport and energy networks, competitive economies do not exist. The building and efficient working of trans-European networks in the sectors of transport, energy and telecommunications which for more than ten years have been recognised as a Community policy represent an essential condition for the success of the internal market, to guarantee sustainable mobility, and for the security of energy supply in the enlarged Union. Despite this, the network is still faced with strong but uneven traffic growth which reinforces the need for sustainable development and the necessity to integrate the networks of transport and energy of the new Member States is an unavoidable imperative.
2. Completing the knitting together of the networks at Community level will require significant investment. The total amount of investments for realising the trans-European transport network (TEN-T) in the enlarged Union, as was approved by the Council and the Parliament on 29<sup>th</sup> April 2004, comes to more than €600 billion up to 2020. However, transport infrastructure and, in certain cases, that of energy falls short because of a lack of sufficient financing and a favourable framework of investments.
3. The amount necessary to complete the trans-European energy network (TEN-E) is estimated at about €28 billion for the priority projects alone. Although the transport network is largely financed by public funds, the trans-European energy network can normally call on financing from the operators in the sector.
4. In contrast to the telecommunications sector, where the emphasis is above all on applications, the trans-European transport and energy networks still require the building of important base infrastructure; in particular, missing links at the level of cross border interconnections remain in the networks. It is in this context that the European Council of December 2003 places the trans-European transport and energy networks at the centre of its Action for Growth.
5. In light of this evolution and in view of more efficient management it seems opportune to consider a regulation specifically for the transport and energy networks.

### **II. INSUFFICIENT FINANCING FOR THE TRANS-EUROPEAN TRANSPORT NETWORKS.**

#### **1. A contrasting situation.**

6. Already in 2001, the Commission's White Paper on the Common Transport Policy sounded the alarm on the delays in the completion of the network. In effect, in spite of the engagements made by the Member States at the Essen Council in December 1994 to complete the priority projects by the end of 2010, by the end of 2003, only 3 of these projects had been completed. Less than a quarter of the funding for the cross border sections of these projects had been found. At the current rhythm of investment, more than 20 years will be needed to complete the trans-European transport network as revised in 2004.

7. The necessary financing for the major projects in the transport infrastructure sector are national receipts, the Community budget, private investment, or a combination the three.
8. Concerning the national budgets, the Member States are often faced with budgetary constraints for financing their infrastructure linked to, amongst other things, respect for the stability and growth pact. National financing is however the most often subject to pressing national priorities and clearly shows its limits by giving priority to domestic sections of to the detriment of projects whose benefits fall on other states.
9. To complete its sources of financing, users are also increasingly called upon to finance infrastructure as was foreseen by the Commission proposal on the pricing of heavy goods vehicles (the 'Eurovignette' directive)<sup>1</sup>.
10. The hope, often embraced, to see the growth of the participation of private investors remains for the moment, with a few rare exceptions, in vain. The rate of maximum co-financing authorised by the TEN regulation sets the rules for granting financial aid to the trans-European network<sup>2</sup>, a rate which was recently once again limited to 10%. Community aid cannot therefore play a real role as a catalyst for Public Private Partnerships (PPP). As was signalled by the European Council of December 2003 in the framework of the initiative for growth, aiding this type of PPP also requires the elimination of certain administrative obstacles, notably the shortcomings of the company accounts rules relating to PPP concessionaires.
11. However, the Van Miert Report considered that the private sector could contribute up to 20% of the total cost of these projects but under certain conditions. This would represent a major contribution for national budgets which are under heavy pressure to complete the network. In particular, this level of contribution is, however, dependant upon an increase in the rate of Community co-financing and that the financial instruments brought into play through the TEN financial regulation are adapted to cover specific post-construction risks.
12. It needs, nevertheless, to be emphasised that the completion of these trans-European transport infrastructures is not just a policy for 'major projects' that has been the subject of criticism in some quarters. The aim, rather, is to stimulate trade and bolster the single market, reinforce cohesion and contribute to sustainable development. As was shown in the impact analysis undertaken in 2003, this programme is directly related to the objectives of sustainable development established by the Gothenburg European Council. 80% of the major projects relate to non-road mode. They will reduce CO<sub>2</sub> emissions by 4% as well as atmospheric pollution, particularly in sensitive mountain regions. They will reduce road congestion by 14% and make time savings in interregional transport allowing significant economic benefits. These projects will contribute to stabilising the modal split and may even turn it in favour of more environmentally friendly transport modes on the major international axes. Overall, through their contribution to trade through the Member States and improving accessibility, there should be an increase in growth of 0.2-0.3% GDP corresponding to the creation or retention of 1 million permanent jobs<sup>3</sup>.

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<sup>1</sup> COM (2003)448 final of 23.7.2003

<sup>2</sup> Regulation 1655/99

<sup>3</sup> Figures taken from SEC(2003)1060, 'Scenarios, Traffic and Corridor Analysis of TEN-Transport (TEN STAC)'

## **2. New Needs**

13. With the arrival of 10 new Member States in the Union, international traffic on often obsolete infrastructure networks will virtually double by 2020 and put further pressure on already over stressed capacity. The lack of effective trans-European connections to meet this new demand runs the risk of seriously handicapping the competitiveness of the Union, and the states, and the peripheral regions which can no longer – or will no longer - fully benefit from the advantages of the internal market.
14. The Commission, faced with this worrying prediction decide to draw up a precise inventory of the situation and identify the missing links which should be completed as a missing priority. The report of the high level group chaired by Mr. Karel Van Miert published in June 2003 only confirmed the urgency of implementing a much more ambitious programme at the level of the Union. It recommends in particular to reinforce the level of Community financial support and to concentrate actions on a series of priority corridors.
15. On the basis of the group's work, the Commission presented in October 2003, a proposal to revise the TEN-T guidelines and in particular update the list of priority projects henceforth 30 in number, including the 14 already identified at Essen. This proposal was adopted by the Parliament and Council on 29<sup>th</sup> April 2004. These projects were evaluated in detail by the Van Miert Group, then by the Commission in its detailed impact study. The timetables, the costs and the main characteristics of the projects are therefore now known,<sup>4</sup> even if their precise routes and impact on the local environment requires further examination.

## **3. The value added of community financial support**

16. Although, the Community is competent for the planning of the trans-European network, these powers have not been accompanied by an adequate financial structure to support the construction of the network.
17. Community financing offers, nevertheless, significant advantages over national financing. It offers stability of financing over a time frame that many national budgets, which are subject to the vagaries of the economy and changing preferences, cannot offer and plays a role in prompting the Member States to invest in projects with a high Community Value added while cooperating much more between themselves. They contribute to the implementation of transport policy, in particular by favouring the most sustainable modes, notably cross-border railway connections<sup>5</sup>, and they can also serve as a catalyst for building Public Private Partnerships.
18. A final key point argues not only for an increase in the rate of Community participation but also for the adoption as soon as possible of the overall financial

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<sup>4</sup> See chapter II of the Van Miert Report published on the 'Europa' website as well as the document SEC(2003)1060 of 01.10.2003 'Extended Impact Statement of the Proposal to Modify Decision EC 1692/96 on the Development of the trans-European transport network'.

<sup>5</sup> More than 65% of the TEN budget is allocated to rail projects, 20% to intelligent transport systems (ITS) such as rail interoperability or air traffic control. Particular stress is placed on the development of major cross-frontier projects for freight which benefit from financial assistance.

envelope covering TEN-T major projects. Effectively, the principal priority projects with commencement dates between 2006 and 2008 (Brenner, Lyon-Turin-Venice-Triest-Ljubljana-Budapest) or even those already underway (Perpignan-Figueras) will need assurances concerning the availability of Community financing for the period 2007-2013. If the amounts and the application rules for Community aid are only known at the last minute this will have very negative consequences on the Projects and lead to many years' delay in their inception. As the Community has become, for these projects, an irreplaceable partner in the creation of the financial plans, the absence of clarity would make this very difficult to finalise. This situation would be in total contradiction to the political decision taken by the Community acting together and in particular to the imperative need to complete the major projects rapidly as has been underlined by the European Parliament and Council on many occasions.

19. In spite of all these benefits, the resources allocated to TEN-T up to 2006 appear derisory in comparison to the costs of completing the network. The current Financial Regulation which sets out the general rules to award Community financial aid to trans-European networks, has for the period 2000-2006 a budget envelope of 4,600 million € (4.170 million € for transport<sup>6</sup>), hardly more than 600 million € per year for the period, a sum which is completely inadequate in relation to the needs identified and to the Member States requests for financial aid which represent many times this amount.
20. Even if 1,9 billion € is added by the Cohesion Fund, plus additional support from the European Regional Development Fund (ERDF), these two instruments only benefit certain countries or peripheral regions and not the infrastructure of central regions where congestion is concentrated. Contrary to general opinion most of the major projects on the trans-European networks are located in the countries which are not eligible for the two instruments.
21. In addition to this funding the European Investment Bank also contributes to network financing through loans. These have to be reimbursed and are essentially concentrated on projects with low risk rather than on more complicated rail or cross-frontier schemes which have lower short term profitability.
22. In practice the worst delays concern rail projects and cross-frontier links which limits the possibilities created by the opening of the railway market<sup>7</sup>, none of the major Alpine crossings such as the Brenner or Lyon-Turin, which have been spoken about since the 1980's, and which aim to relieve routes congested by heavy vehicles have been undertaken and their completion is not forecast, at the best, before 2015. They have in fact become one of the principle sources of congestion and imbalance between modes of transport on the major routes.
23. The completion of cross border sections – by means of appropriate Community Support – in conjunction with national sections will lead to increases in the profitability of these schemes to the benefit of other parts of the network. In practice, many major priority projects, such as the rail projects Paris-Brussels-Cologne-Amsertdam-London (PBKAL), have in the past suffered from the lack of continuity of the network.

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<sup>6</sup> 255M€ has been added for the period 2004-2006 to allow for enlargement

<sup>7</sup> Totally open for freight in 2007 and international passengers in 2010.

24. In order to minimise such risks countries which are not directly concerned by the works but which receive benefits should be encouraged to provide financing for projects. This principle is already applied in the case of the agreement of 5 May 2004, between France and Italy, to construct the base tunnel on the Lyon-Turin route which will be financed 63% by Italy against 37% by France in order to rebalance the investment in the project overall taking account of the fact that the access routes to be built are largely in France.

#### 4. Significant financial needs

25. The financial requirements of the 30 priority projects identified in annex III of the guidelines for trans-European transport networks by the Council and the Parliament<sup>8</sup> alone account for 225 billion € the largest part of which falls in the period 2007-2013- about 140 billion €. The following table provides an estimate of the costs and annual support – between 2007 and 2013 - for three major priority projects which are among the best documented.

Project	Investment needed in the period 2007-2013 and annual support based on a rate of 50% (estimates in M €)								
	Investment 2007-2013	2007	2008	2009	2010	2011	2012	2013	Total
PP6,Lyon-Turin (international section) <sup>9</sup>	2900	100	100	150	200	300	300	300	1450
PP1, Brenner Base Tunnel (2007-2013)	2200	50	75	125	150	150	250	300	1100
PP3, Perpignan-Figueras <sup>10</sup>	260	55	50	25	0	0	0	0	130
<b>Total</b>	<b>5360</b>	<b>205</b>	<b>225</b>	<b>300</b>	<b>350</b>	<b>450</b>	<b>550</b>	<b>600</b>	<b>2680</b>

26. If Community aid is attractive during the study phase because the maximum rate of support can be as high as 50% of costs, a fact which has been a contributory aspect in the start up of some of the priority projects, it is much less so during the construction phase. Since the total amount of Community aid cannot exceed 10% of the total investment cost, it means that works co-financed following a study phase do not even benefit from aid at the maximum level of 10%.
27. The adoption of the new Regulation for the granting of Community financial aid in the field of trans-European networks<sup>11</sup> already represents a very real advance as it allows aid to be concentrated on projects which have the greatest need (priority

<sup>8</sup> Decision EC 884/2004 of 30/04/2004

<sup>9</sup> Support allocated in the previous years is not included

<sup>10</sup> Cost 2007-2009

<sup>11</sup> Regulation 807/2004 – 21/04/2004. O.J. L. 143 – 30/04/2004

cross-frontier projects, or those crossing natural obstacles) and has the largest impact in terms of leverage, through doubling the maximum rate of support to 20%<sup>12</sup>. However, this situation still appears to be insufficient where some of the priority projects which are key components of the network are concerned and whose cost burden on the Member States is considerable (see table above).

28. The latest changes to the Regulation only concerned the maximum rate applicable to projects on the basis of a financial envelope within the existing financial perspectives. The financial impact and resources are therefore limited. In addition, it would appear necessary to complement national financing sources, both public and private, with an increase in Community funding in terms of the amounts of aid granted as well as in the rate of the intervention. This would strengthen the effect of Community aid in terms of leverage and allow the priority projects contained in annex III of the recently adopted Decision of the Parliament and Council on the TEN-Transport guidelines to be carried out according to the timetables foreseen.

### **III. THE NEW CONTEXT FOR TRANS-EUROPEAN ENERGY NETWORKS LEADING TO NEW NEEDS**

#### **1. The internal energy market and the external dependence**

29. In the energy sector, the Directives opening up electricity and gas markets in Europe are fundamentally changing energy markets and the energy sector. By 2007, the electricity and gas markets in all Member States will be fully open. It is essential that effective competition gets established quickly and that consumers have a real choice of service suppliers; that the quality of services, including supply security, remains high, with no black-outs; and that established European goals, notably on renewables, are achieved.
30. Successive European Councils (Stockholm (2001), Barcelona (2002), Brussels<sup>13</sup> (2003)) have recognised that inadequate infrastructure could undermine completely progress made on the energy market and regulatory framework.
31. The next years will be a challenging time for Europe, as external dependence grows and global energy markets remain turbulent. The Community's external gas dependence is projected to grow from 50% now to over 80% in 2030. The challenges involved were examined in the Green Paper on energy supply security<sup>14</sup>.
32. Internal and external infrastructural developments must be considered together. The European Council in Brussels (2003) noted that the development of energy infrastructures will ensure the full involvement of the new EU's neighbours and partner countries in the European market. Neighbouring countries play a vital role in the Community's energy policy, supplying a major part of the Community's natural gas requirements and transiting primary energy to the Community. They will progressively become important players in the Community's internal gas and electricity markets<sup>15</sup>.

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<sup>12</sup> The increased support rate also applies to priority projects in the energy sector

<sup>13</sup> Endorsed the European Initiative for Growth.

<sup>14</sup> Green Paper "Towards a European strategy for the security of energy supply" COM(2000)769

<sup>15</sup> Development of Energy Policy for the Enlarged EU, its Neighbours and Partner Countries, COM(2003)262

33. The development of renewable energy in Europe may require new investments in existing energy systems, notably electricity grids. Strengthening the necessary grid infrastructure would be an essential part of an off-shore wind policy for the EU, for example<sup>16</sup>. This has already been recognised in the TEN-Energy Guidelines, in which several of the priority projects include offshore connections.
34. All of this has major implications for energy infrastructures. The use of existing infrastructures must shift to supporting new energy flows for which they were not originally designed. There will be a continuing need for new infrastructures over the next years. For the energy sector, Community Guidelines defining objectives, priorities and projects of common interest in trans-European energy networks (TEN-Energy)<sup>17</sup> have been adopted by the European Parliament and the Council.
35. Community financial support from the dedicated TEN-Energy budget line currently amounts to some 22 million €p.a. in the current period. So far, financial support has been given mainly to feasibility studies. Evaluations<sup>18</sup> conclude that these studies have been useful in stimulating cooperation, constructing options and getting authorisations. In financial terms, TEN-Energy support has typically amounted to less than 1% of total investment costs of projects. Some other EU instruments, each with their own focus<sup>19</sup>, have been used to support energy network development (structural funds, external cooperation programmes, European Investment Bank).

## **2. The added value of the European action**

36. As the internal energy market develops, the benefits of infrastructure investments are more widely shared than before. In concrete terms, an electricity interconnector which enables effective competition to develop across several markets, is of benefit to all those markets. A new Liquefied Natural Gas terminal will have an impact on security of supply and competition beyond the Member State in which it is built. While this increases the value of Europe-wide energy infrastructures, it changes the incentives for investments at Member State level. A European approach becomes more necessary as well as more valuable.
37. In the case of an electricity interconnector, for example, national Transmission System Operators would normally make the investment and the costs would be taken into account in the setting of regulated tariffs. However, their assessments of the interest of investments and of how much they can reasonably recoup via consumer tariffs are still essentially national. Thus, the European benefit from such interconnection investments may have to be specifically recognised and supported.
38. In the external gas supply case, investments are normally made by private sector energy companies<sup>20</sup>. Investors in gas supply infrastructure will have to deal with evolving political and economic situations, both externally and in the internal market (e.g. demand side security). The public European interest in secure gas supplies to the European market over the next couple of decades could warrant not only political

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<sup>16</sup> As indicated in “The share of renewable energy in the EU” COM(2004)366

<sup>17</sup> Decision 1254/96/EC, Decision No 1229/2003/EC

<sup>18</sup> Mid-term evaluation of TEN-E programme, 2004

<sup>19</sup> 1996-2000: Structural funds, subventions for about €2 billion; EIB, loans for approximately € 3 billion.

<sup>20</sup> At least for the extra-EU parts of networks



support and the development of adequate frameworks for investments but also some sharing of the risks of early investments.

39. The establishment of an internal market in electricity and gas has increased the importance of adaptations to Europe's energy infrastructure to enable it to sustain the development of a competitive market in Europe and ensure secure supplies from neighbours. The liberalisation and integration of markets has also changed the incentives for investments. Inter alia, it draws new attention to investments which are essentially in the European interest. It also means that public support for investments in infrastructures must not distort competition.
40. The Community has already agreed on a list of energy infrastructure projects of common interest in this context, in the TEN-Energy Guidelines. Within this list, priority projects are identified. They are projects which, along with being compatible with sustainable development, are particularly important for the competitive operation of the internal market in Europe or for strengthening European security of supply.
41. These priority projects, already agreed as having definite European interest, warrant stimulation and support. Normally, support of studies up to and including early developmental work may provide sufficient stimulus. In exceptional cases, a contribution to construction may be needed, essentially related to the European interest which cannot reasonably be paid for by consumers in only one or two Member States.
42. In the past, with support focused mainly on studies, TEN-Energy support amounted to some 1% of investment costs of projects. In the new context, if 1.7% is taken as a guide, and applied to the total investment costs in Europe of the priority projects identified in the TEN-Energy Guidelines – 20 billion € this would mean an average annual budget of some 50 million € for the period 2007-2013.

### **3. Interconnecting electricity networks**

43. TEN-E support would be focused on those projects or parts of projects identified in the TEN-E Guidelines<sup>21</sup> where the greatest value could be added by European support, encouraging progress in their implementation. TEN-E support would be granted only to economic projects acknowledged to be facing major difficulties in being financed by private investors alone. These are likely to be projects in which benefits are widely shared.
44. The Barcelona European Council in 2002 stressed the importance of completing missing links in electricity networks and set a concrete target for electricity interconnections of at least 10% of installed domestic electricity generation capacity. This level has not yet been met in several Member States. The electricity traded across borders in Europe is still only some 8% of consumption. The European Council also recognised that the 10% target may not be enough in cases where there is high market concentration.
45. Inadequate electricity interconnectors will also limit operational security of supply on networks, undermining efforts to prevent and manage electricity black-outs. An

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<sup>21</sup> Decision No 1229/2003/EC and proposed updates

example is Italy, where reinforcement of electricity connections with neighbouring countries, especially Austria and Slovenia, would increase reliability and provide greater diversity. The coordinated operation of energy networks in the Community and neighbouring countries can contribute substantially to security of supply. In the longer term, inadequate electricity interconnection capacity will limit the efficient use of energy resources in Europe.

#### **4. Strengthening gas supply**

46. The Community's external gas dependence is projected to grow from 50% now to over 80% in 2030. Given the time normally necessary for major projects involving investments in several countries, a prudent approach would imply that very substantial investments should be made now in new and improved networks to bring gas supplies to Europe from 3<sup>rd</sup> countries, including Russia, Algeria, the Caspian region, also Mashreq.

#### **IV. THE NEED FOR A NEW FRAMEWORK FOR TRANSEUROPEAN TRANSPORT AND ENERGY NETWORKS**

47. Beyond simple budgetary aspects, it is necessary to prepare a more ambitious revision of the provisions, the scope and the instruments of implementation of the TEN Regulation in order to take account of the priorities in the policy of trans-European network for the period 2007-2013 which are reflected in the recent decision on the TEN guidelines as well in the position of the Council.
48. In order to meet fully the objectives of the Community as regards development of the network, the new regulation establishes the general principles of granting of the aid which is based on the major following principles:

##### Simplification

To simplify, the application of the detailed rules following the Communication on the financial perspective, decisions will be taken on the basis of comitology rather than by co-decision procedure.

The operational procedure of the committee established by the Regulation is modified in order to conform to the Decision of the Council of 1999 on comitology<sup>22</sup>. The essential choices for the priority projects involved joint decision and were consequently decided by the EP and the Council. Given the expérience gained in applying Regulation no 2236/95 and the nature of the competences given to the Commission by the present Regulation, it is proposed to choose a consultative Committee more capable to ensure implementation, through the rapid treatment of files.

##### Conditionality

An essential point of the new regulation is that any aid is conditional upon compliance with principles of the Common transport and energy Policy. For transport this means more particular attention be paid to the modes of transport

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<sup>22</sup> Decision n°CE/1999/468 of 28 June 1999, OJ L 184 of 17 July 1999

which are more environmentally friendly such as rail transport in particular freight, safety and security. In the same way, all requests for funding for high speed rail projects must be accompanied by a plan that analyses how capacity on existing infrastructure that is made available can be used to develop long distance freight services. Financing for transport and energy networks of under the TEN budget will also be subject to the guarantee of continuity and of the interoperability of the networks.

### Selection and concentration

Implementation of conditionality will mean greater selectivity of projects which will facilitate the concentration of aid on a reduced number of projects, in particular those which demonstrate the strongest added value for the community. This will both allow the expectations of the project promoters to be better taken into account and lead to more effective management.

The budget proposed for the TEN-T which amounts to slightly more than 20 billion € over the period 2007-2013 may seem impressive. The financial envelope (average) amounting to 2.9 billion € a year against hardly more than 600 million € for the current period, will make it possible to ensure a significant share of total investment with regard to certain TEN-Transport priority projects

In addition, in order to increase the leverage of Community resources, the whole budget will be concentrated on two groups of projects which represent the cornerstones of the trans-European transport network:

- the priority projects and among them special attention will be paid to projects that contribute to the integration of the internal market in an enlarged Community and which support contribute to reduce the imbalances between modes of transport in favour of those that are environmentally friendly, notably for long distance freight transport;
- other projects of common interest in particular the projects that contribute to the improvement of the quality of service offered on the network and which favour, inter alia, security and safety for users<sup>23</sup>, and provide for interoperability between the national networks, notably deployment programmes for systems of traffic management for rail, air and sea.

In the energy field, financing will be concentrated mainly on priority projects identified in the Guidelines decision n°1229/2003/EC. Support, covering initially feasibility studies will cover the development phase of the projects (preceding construction), including technical and environmental studies and will also include geological investigations and trialbores in difficult access areas which can make these activities expensive. Support for the construction phase would be justified in exceptional cases where the European value added would be very high or where natural obstacles are difficult to overcome. This could be the case for cross-border projects and projects involving interconnection with bordering countries.

### Proportionality

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<sup>23</sup> Directive n° 2004/54 of 29/04/2004 , relating to safety in the tunnels.

For the transport domain, it is envisaged by this regulation, to change the co-financing rate to a maximum of 30% for certain sections of the priority projects, and that in exceptional cases for cross-border sections, to change the rate to a maximum of 50%. The rates of grant proposed offer a greater incentive being related to the value added to the Community, expressed in terms of the benefits that fall to other Member States from the construction of a project. Under these conditions, it will be easier to ensure on the one hand the respect of timetables fixed by the recent decision on the guidelines, and on the other hand to guarantee the continuity of the network considering that to date cross-border sections allowing the connections of the various national networks were particularly penalised due to insufficient funds.

In addition, the increased co-financing rate will make it possible, for many projects which have to start between 2007 and 2010, to complete financial arrangements – which appear problematic today, thanks to the guarantee of Community financing over a 7-year period. It must however be noted that these rates are maximum rates – and that accordingly the average intervention rate will be significantly lower as much of this appropriation will also be used to support technological and industrial projects such as the interoperability, air traffic management under the agreement on "single sky", safety or safety (which are not directly included in the priority projects).

In recognition of the much higher rate of Community grant than at present, the Member States shall provide solid guarantees based on a financial plan and firm commitments on the date of completion of the project. To this end the agreements between the Member States concerned and the Commission should reinforce the obligations on the States concerned to complete major projects

The Commission will ensure that the increase in the cofinancing rate does not involve delays in implementation of on-going projects, where the financial plan is still running. . In addition, to facilitate the coordinated implementation of some projects included in annex III of the Decision on the TEN Guidelines n° 884/2007 and as set out in article 17 a of the decision, the Commission can call upon a European coordinator.

The following table describes the rates of aid by category of (transport) project

	<i>Maximum rates</i>	
	<i>Etudes</i>	<i>Construction</i>
<i>1. Priority Projects</i> <sup>24</sup>	50%	up to 30%
<i>Of which crossborder sections</i>	50%	up to 50%
<i>2a. Other projects which include interoperability – security – safety</i>	50%	up to 50%
<i>2b. Other projects of common interest</i>	50%	up to 15%

In the Energy sector, support for studies could be up to 50% of eligible costs. TEN-Energy support for construction is normally be limited to 10% of eligible costs but in exceptional cases, for priority projects with particularly important financial challenges and also particularly important identified European benefits, normally cross-border projects or interconnections with neighbouring countries, support could be up to 20%. Given the competitive character of the energy sector, it is not proposed to increase the maximum support percentage above the level already agreed under the present TEN financial support Regulation.

TEN-Energy support for construction should be limited to the parts of projects located inside the Community. Support for studies could be based on the project as a whole, including its elements outside the Community.

For financial support to the construction of projects or sections of projects located in partner countries, the coordination with other EU instruments (Instruments devoted to the external policies, European Investment Bank etc) is essential, to allow for the possibility of financial support from these instruments for TEN-Energy projects in partner countries. Financial instruments such as venture capital, interest rate subsidies for loans, loan guarantees, coverage of non commercial risk, etc, may be available from these instruments for important infrastructure projects in our partner countries

#### Types of Aid.

A range of possibilities are available to promoters to facilitate the implementation of projects. In addition to interest rate subsidies - aimed at lessening the impact of interest on loans and seldom used up until now - and risk capital participation which are already covered by the existing Regulation, the creation of a guarantee fund, covering commercial risks specific to TEN projects in the post construction phase is one of the financial instruments proposed by the regulation. The objective of this new instrument is to provide leverage for the financing of TEN projects by the private sector. It should contribute to limiting the cost of financing and accelerate the conclusion of financial structures by the private sector, notably through private banks. The guarantee will be limited to the inception phase of a project and, or, to a maximum percentage of the private sector loans. A significant contribution from the

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<sup>24</sup> According to Annex III of Decision n°884/2004 of 30 April 2004.

Member States in which the projects are undertaken will be obligatory. The detailed proposal as well as the conditions and the methods to apply will be the subject of a separate communication. In view of the relative complexity of all these instruments it may be necessary to acquire experts to manage them.

### Management

The implementation of the projects is in the first place the responsibility of the Member States who adopt their own institutional approach. The actions undertaken have to be in keeping with the new Regulation which sets down the approach to be adopted, the respective responsibilities of the Commission and the Member States with regard to the selection and management of projects plus the monitoring of grants. In particular, the new TEN Regulation- although maintaining the key role of the Commission in the final selection of projects- proposes to allocate a major role to the Member States in relation to technical controls and the certification of costs.

The Commission reserves the right to delegate the management of the present programme for the trans-European transport network to an executive agency acting in compliance with the Council regulation N° 58/2003 of 19 December 2002. This would simply involve the transfer of certain management tasks to the agency and not affect the Commission's responsibilities in the area of planning.

## V. COMMENTS ON ARTICLES

**Article 1** defines the object of the programme. This article is almost identical to article 1 of the current Regulation concerning the granting of financial support in the field of trans- European transport and energy networks.

**Article 2** provides the definitions for the terms used in this Regulation.

**Article 3** defines the eligibility criteria for proposals and corresponds to Article 2 of the current Regulation.

**Article 4** sets out the rules to present requests for support and repeats a part of article 8 of the current Regulation.

**Article 5** provides the selection criteria for the granting of aid in the transport and energy fields. The article specifies that special attention will be paid to priority projects which are to receive additional aid.

**Article 6** defines the field of application of the Regulation which is identical to the current Regulation with the exception of the risks inherent in the post construction phase which are henceforth covered by a guarantee fund instrument.

**Article 7** sets out the types of aid as well as the maximum rates of Community financial support. This article also specifies that the Commission shall set down the procedures, the timetable and the payments for the financial instruments by comitology.

**Article 8** establishes the provisions regarding the accumulation of Community aid for separate actions concerning the same project

**Article 9** deals with the coordination and the compatibility with other Community policies which projects financed under this Regulation have to respect.

**Article 10** establishes the Commission's responsibility for the implementation of the Regulation.

**Article 11** provides for the Commission to create a multi-annual programme for priority projects and to define the amounts of financial aid for the period 2007-2013. An annual programme will define the criteria to grant aid to projects of common interest not included in the multi-annual programme..

**Article 12** specifies the means to grant Community financial support through the adoption of annual budget decisions subject to the degree of progress of the project and the available budget. The article sets out the means of notification of the Commission's decisions.

**Article 13** takes up the former Article 11 concerning payment provisions.

**Article 14** covers the responsibilities of the Member States. They must ensure that actions which receive Community aid are monitored and verified.

**Article 15** covers the control means to reduce suspend or cancel Community support and is almost identical to article 13 of the current Regulation. The Commission may require the reimbursement of support taking account of the proportionality principle.

**Article 16** provides financial protection measures aimed to verify that the actions supported have been undertaken appropriately and to halt and take action against irregularities

**Article 17** provides that the Commission will be assisted by a management type committee for the implementation of some articles of the Regulation.

**Article 18** provides an ex-post evaluation of actions that have received support, either by the Commission or the Member States.

**Article 19** provides for the Commission to report to the other institutions every three years on the activities that have been undertaken. This article also requires that the Member States and the beneficiaries shall publicise the Community aid.

**Article 20** provides the budget reference amount for the period 2007-2013.

**Article 21** provides a revision clause for the programme after 2013 on the basis of the basis of a report on the results to be submitted to Parliament and the Council before 2010.

**Article 22** outlines the modification made by this Regulation to that currently in force (2236/95).

**Article 23** provides for the entry into force of the Regulation and its application from 1<sup>st</sup> January 2007. For actions underway at the entry into force, the current Regulation n° 2236/95 remains in force.

## ANNEX TO THE EXPLANATORY MEMORANDUM

### **I. Community added value, subsidiarity and proportionality.**

- What are the objectives of the planned measure in relation to the Community's obligations?

Under Title XV of the Treaty, the Community has an obligation to contribute to the establishment and development of trans-European networks in the area of transport infrastructures. Community action shall aim at promoting the interconnection and interoperability of national networks as well as to provide a high degree of safety and security for the network users.

- Does the measure fall within the Community's exclusive competence or is competence shared with the Member States?

The competence is shared with the Member States.

- What is the Community dimension of the problem?

Transport infrastructure projects are very dependent upon the finance supplied by national budgets. However, national budgets tend to give greater priority to domestic projects than cross-frontier links, which can have a lower immediate profitability and pose more coordination problems. If the Community does not play a role in funding the majority of cross-frontier links, even although they lie at the heart of the trans-European network policy, will be subject to prolonged delays.

For energy networks, the Community dimension derives most strongly from the newly-established internal energy market. As has been recognised by the European Council on several occasions, inadequate infrastructure could completely undermine progress made on the energy market and regulatory framework. Over the next years, energy infrastructures in Europe need to be adapted to sustain energy flows for which they were not originally designed. Consumers throughout the Community will benefit from investments in interconnections etc to make functioning, Europe-wide networks. Similarly, they will all benefit from investments in new supply infrastructure from outside Europe, needed to deal with growing external energy dependence. Finally, these trans-European networks will encourage efficient use throughout Europe of energy resources, notably renewables.

- Can the objectives not be adequately achieved by the Member States?

Major projects to improve traffic flows have consequences that are far wider than the limits of national frontiers. It is hardly credible to expect that individual countries alone finance these projects where a large part of the benefits falls to other countries.

For energy networks, incentives for investment have been changed by energy market liberalisation and integration. Investments which are essentially in the European interest, such as some interconnectors, cannot reasonably be paid for by consumers in just one or two Member States.

- What is the most effective solution, that achieved by Community means or that achieved by national means? What specific added value is contributed by the planned Community measure and what would be the cost of taking no action?



Projects of European interest have already been identified in the decision of the Council and Parliament on the TEN-Transport guidelines. However, the national interest in investments to enable an integrated, competitive and safe transport infrastructure network in Europe to develop may not be as strong as the Community interest. Slow progress on cross-border investments-in particular the fourteen priority projects endorsed by the Essen Council in 1994-supports this conclusion. In contributing to develop trade, notably trade between the Member States, and improving accessibility, these projects should stimulate the potential for growth by 0.2 to 0.3% of GDP , which corresponds to a million permanent jobs. They will also reduce CO<sup>2</sup> emissions by 4% in relation to existing trends. This Community support for European interest projects may be essential and in any case, would be justified. It is not so much the case of adding value to Member States actions as a specific focus on investments of European interest. The cost of not taking action would be inadequate infrastructure, undermining the development of the trans-European transport network, with direct effects on congestion, safety and accessibility of peripheral regions and indirect effects on the growth and competitiveness of the Union as a whole.

For energy networks, projects of European interest have also been identified, in the decision of Council and Parliament on the TEN-Energy Guidelines. However, the national interest in investments to enable an integrated, competitive energy market in Europe to develop may not be as strong as the Community interest. Slow progress on cross-border investments supports this conclusion. Thus, Community support for projects of European interest may be essential and in any case, would be justified. It is not so much a case of adding value to Member State action as a specific focus on investments of European interest. The cost of taking no action would be inadequate infrastructure, undermining the development of the internal energy market.

- Are the means of Community action proportionate to the objectives?

Support equivalent to roughly 15% of the (global) investment costs of the identified in transport projects of European interest, essentially cross-border, is proposed. The benefits in terms of leverage for the development of an interconnected and interoperable transport infrastructure network would be very great, as would be the costs of not doing this.

For the energy networks, the financial means proposed correspond to 1.7 % of the total investment costs in Europe of the priority projects identified in the TEN-Energy Guidelines. TEN-Energy support will need to be concentrated on particular parts of these priority projects, essentially difficult cross-border parts currently blocking progress towards Community objectives. The benefits in terms of the establishment of a competitive internal energy market, encouragement of diversity of external supply etc would be very great, as would be the costs in the longer term of not doing this.

- What is the most suitable act for achieving the objectives? (Recommendation, financial support, mutual recognition, legislation, etc.).

As a rule, Community financial support has to be based on Parliament and Council Regulation.

- In the case of legislation, is the scope, duration or intensity greater than what is necessary?

Due to the limitation of public investment, the difficulty to attract private investors, the Community support to infrastructures, reflecting their European benefit, is justified and it

completes the existing policy framework as set in the Commission's White Paper on Transport and TEN-T guidelines.

For energy networks, financial support of investments, reflecting their European benefit, could be justified in some cases, even if, in liberalised markets, investments in energy transmission infrastructures is now normally made by national transmission system operators, with costs taken into account in the regulated tariffs.

## **II. Impact assessment**

In the framework of the revision of the TEN-Transport guidelines (COM (2003) 564) the Commission undertook an in-depth impact analysis of the proposal modifying Decision 1692/96/EC on the development of the trans-European transport network. The principal remarks of the document SEC(2003)1060 are as follows:

- a. The TEN-T investment programme will stimulate Europe's competitiveness and economy. It will contribute to the development of international commerce, especially in the new Member States.
- b. In the short term, the construction works will stimulate employment especially in the regions concerned.
- c. In the longer term, the improvement in living conditions resulting from the increase in the opportunities for meetings and the development of commercial perspectives thanks to the improvement in connections and accessibility are estimated at 0.23% GDP and represent around a million sustainable jobs.

The investment needs have been estimated in the framework of the Van Miert report to be 600 billion euro for the totality of the projects of common interest, of which 225 billion for the priority projects (140 billion for those projects during the period 2007-2013 alone).

For the energy networks, the impact assessment for the eligible projects, that is to say, the projects of common interest and especially the priority projects, was presented by the Commission at the same time as the proposal of 10 December 2003 for the new TEN-Energy guidelines<sup>25</sup>.

In the assessment it was concluded that the implementation of the projects identified in the current guidelines of June 2003 and those proposed in the new guidelines would have a positive impact on the economy as a whole; on cohesion, through the integration of the energy networks of the new Member States; on the environment, in facilitating the integration of the production from the sources of renewable energies; on the internal market in energy, in increasing the capacities for commercial exchanges; on the security of energy supply, in increasing the capacity for imports and in diversifying the sources and import routes; and finally on cooperation with neighbouring states.

It is clear that the support for the TEN-Energy network does not present the same advantages for all the types of energy infrastructure. In particular, the extension of the networks will be of benefit for large scale generation of electricity. On the other hand, the direct interconnection of energy sources with the local electricity distribution systems (in common with certain

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<sup>25</sup> SEC(2003)1369, of 10 December 2003

renewable energies and combined heat and power technologies) do not fall within the TEN-Energy support mandate according to the current guidelines.

The proposed Community support will be useful for encouraging and accelerating the implementation of the energy infrastructure projects identified in the TEN-Energy guidelines and will therefore make possible the anticipated profits.

Proposal of

**REGULATION 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 transport and energy networks and modifying Regulation (EC) n° 2236/95 of the Council**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the treaty instituting the European Community, and in particular its Article 156,

Having regard to the Commission proposal<sup>26</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>27</sup>,

Having regard to the opinion of the Committee of the regions<sup>28</sup>,

Ruling in accordance with the procedure provided for in Article 251 of the treaty<sup>29</sup>,

whereas:

- (1) The Barcelona Council of 15 and 16 March 2002 underlined in its conclusions that 'strong and integrated networks in the energy and transport sectors are a keystone in the European internal market and that better use of the existing networks and the setting up of missing links will make it possible to increase effectiveness and competitiveness and to guarantee an appropriate level of quality, and the reduction of saturation points and, therefore, better long-term viability. These needs come within the framework of the strategy adopted by the Heads of State and government at the Lisbon summit which has since then been regularly referred to.
- (2) The European Council of 12 and 13 December 2003 approved a European Action for growth by calling on the Commission to re-orientate expenditure, if necessary, towards investments in physical capital, in particular investments in the infrastructure of the trans-European networks, the priority projects of which represent essential elements to strengthen the cohesion of the internal market.
- (3) The delays recorded for the realisation of effective trans-European connections, in particular the cross-border sections, are likely to disable seriously the competitiveness of the Union, its States and peripheral regions which will not be able, or will no longer be able, to profit fully from the beneficial effects of the single market.

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<sup>26</sup> OJ, C....

<sup>27</sup> OJ, C....

<sup>28</sup> OJ C....

<sup>29</sup> .....

- (4) In Council Decision n° 1692/96/EC of the European Parliament and on the guidelines on development of the trans-European transport network<sup>30</sup>, hereafter TEN-T, as amended by Decision 884/2004/EC, the cost between now and 2020, to supplement the trans-European transport network was considered at €600 billion. Investments necessary for the only priority projects within the meaning of Annex III of this decision account for almost €140 billion for the period 2007-2013.
- (5) To achieve these goals, both the Council and Parliament put forward the need to strengthen and adapt the financial instruments through an increase in the level of Community co-financing, by foreseeing the possibility of applying a higher Community co-financing rate, in particular for projects being characterised by their cross-border character, their transit function, or by the crossing of natural barriers.
- (6) Decision 1229/2003/EC of the European Parliament and of the Council at its meeting on 26 June 2003 establishing a number of guidelines concerning the trans-European network in the energy sector and repealing 1254/93/EC<sup>31</sup>, identifies the objectives, the priorities for action and projects of common interest to supplement and develop this network, including the priority projects. Necessary investments, to make it possible for all the Member States to take part fully in the internal market and to supplement the interconnections with the neighbouring countries, are about €28 billion between now and 2013, for individual priority projects. The latter amount includes approximately €3 billion of investments to be made in third countries.
- (7) The European Council of 12-13 December 2003 called in addition on the Commission to continue studying the need to create a specific Community guarantee instrument intended to cover certain risks post-construction under the framework of TEN transport projects. With regard to energy, the Council called on the Commission, to re-orientate, if necessary, expenditure towards investments in the physical capital in order to stimulate growth.
- (8) Council Regulation (EC) n°2236/95 of 18 September 1995 determining the rules for the granting of Community financial aid in the field of the trans-European networks<sup>32</sup>, as amended by Regulation n°1655/99/EC and Regulation n° 807/2004/EC already represents a real progress, since it permits the projects declared as having priority a higher financing rate, changed to 20%<sup>33</sup>. There remains nevertheless a tributary of implementation rules which deserve simplification and an overall budget of limited resources. It appears therefore necessary, in addition to public national and private financing, to increase the Community aid in terms of both amount and rates of intervention with a view to strengthening the leverage action of the Community funds thus making it possible to carry out the stopped priority projects.
- (9) In light of the developments of each component of the trans-European networks - transport, energy and telecommunications - and of their intrinsic characteristics, and with a view to more effective management of each programme, it is advisable to

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<sup>30</sup> O.J L 228 of 9/9/96 latest modified by Decision n° 884/2004/ EC , J.O L 167 of 30/04/2004 p.1

<sup>31</sup> O.J L 176 of 12/07/2003, p.11

<sup>32</sup> O.J L 228 of 23/9/95 p.1, latest modified by European Parliament and Council Regulation n°807/2004/EC O.J L143 of 30/04/2004 p. 46

<sup>33</sup> All priority projects in the energy sector benefit from such rate whereas it only applies to crossborder or crossnatural sections in the transport sector.

stipulate a separate regulation for the fields of transport and energy covered until now by Council Regulation (EC) n° 2236/95 of 18 September 1995.

- (10) By this Regulation, it is appropriate to establish a programme determining the general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks. This programme – in the respect of the 'acquis communautaire', in particular as regards environment - has to contribute to the reinforcement of the internal market and have a stimulating effect on the competitiveness and growth of the Community.
- (11) Given that the aims of implementation of the trans-European transport and energy networks cannot be achieved adequately by the Member States, taking into account, in particular, the need for coordination of the national operations, and consequently can be managed more effectively at the Community level, the Community can take measures in accordance with the principle of subsidiarity in Article 5 of the Treaty. In accordance with the principle of proportionality as described in the aforesaid Article, this regulation does not exceed what is necessary to achieve these goals.
- (12) This programme has to be characterised by Community financial aid focused on the projects or parts of projects presenting the highest European value added and has to tend to encourage the actors to accelerate the implementation of the priority projects in the decisions concerning the guidelines as regards transport and energy, mentioned in recitals 4 and 6. This programme has to make it possible also to finance the other European infrastructure projects identified as being of common interest defined in the decisions.
- (13) The Community financial aid is granted with the aim of developing investment projects in the trans-European transport and energy networks to provide firm financial commitments, to mobilise the institutional investors and to prompt the formation of financing partnerships between the public and private sectors. In the energy sector, financial assistance has mainly to help to surmount the financial obstacles which can arise at the time of the preparation of projects and at the time of their preliminary development prior to setting under construction, and will have to be concentrated on the cross-border sections of the priority projects and on the interconnections with the neighbouring countries.
- (14) The Community financial aid should be able to take several forms, namely direct subsidy, interest rebate, loan guarantee instruments, participation in the funds of venture capital and should also be able to cover specific risks following the construction phase.
- (15) For the implementation of Community financial support for large-scale projects spreading across several years, it is advisable to allow an agreement from the Community on a multi-annual basis. Indeed, only definite, attractive financial agreements, binding the Community in the long term, will allow the reduction of uncertainties connected with the carrying out of these projects and to mobilise the both public and private investors.
- (16) Close attention has to be given to effective coordination of all the Community projects affecting the trans-European networks, in particular the financing resulting from the Structural Funds and from the cohesion Fund and the interventions of the European Investment Bank.

- (17) This regulation establishes, for all the duration of the programme, a total appropriation which constitutes for the budgetary authority the privileged reference within the meaning of item 33 of the inter-institutional agreement of 6 May 1999 between the European Parliament, the Council and the Commission, on budgetary discipline and the improvement of the procedure<sup>34</sup>.
- (18) Given the expérience gained in applying Regulation no 2236/95 and the nature of the competences given to the Commission it is appropriate to adopt the measures necessary for the implementation of this regulation in accordance with Decision n°1999/468/EC of the Council at its meeting on 28 June 1999 laying down the methods of the exercise of the executive powers conferred on the Commission<sup>35</sup>.
- (19) In view of the adoption, by this regulation, of specific provisions in the field of transport and energy, by Council Regulation (EC) n°... of the European Parliament and the Council, it is appropriate to amend Regulation (EC) n° 2236/95 in order to limit its scope to the field of telecommunications alone<sup>36</sup>.

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<sup>34</sup> OJ..L...

<sup>35</sup> OJ, L 184 of 17/7/99 p.23

<sup>36</sup> See p....of O.J ....relating to the Regulation on Satellite Navigation and Positioning (GALILEO)

HAVE ADOPTED THIS REGULATION:

### **Chapter 1: General Provisions.**

#### *Article 1: Objective*

This Regulation defines the conditions, means and the procedures for the granting of Community aid to projects of common interest in the field of trans-European transport and energy networks on the basis of article 155 paragraph 1 of the Treaty.

#### *Article 2: Definitions*

For the purposes of this Regulation it is understood that:

(1) *project of Common Interest*: a project or part of a project identified to be of common interest for the Community in the transport domain in the framework of the Decision 1692/96, and in the energy domain in the framework of Decision 1229/2003/CCE

(2) *priority project*: in the domain of transport a project of common interest considered to be a priority for the Community as defined by annex III of the Decision N° 1692/96/CE in the domain of energy in the framework of Decision N° 1229-2003-CE;

(3) *Part of a Project*: all independent activity, financially, technically or over time and supporting the undertaking of the project.

(4) *Beneficiary*: a public or private body having the overall responsibility for the project and proposing to invest its own resources or other funds in its construction.

(5) *Studies*: studies needed for the definition of a project, including the preparatory studies, the feasibility and evaluation and any other technical support activities including activities prior to infrastructure works needed to complete the definition of a project and to make decisions about its financing, including exploratory work on the sites concerned and the preparation of the financial structure.

(6) *Works*: purchase and supply of components systems and services, undertaking construction and installation works related to the project, including the reception of installations and the entry into service of the project.

(7) *Post construction phase risks*: Risks occurring in the first years following the end of construction due to specific factors and involving reduced receipts in use of income relative to forecasts.

(8) *Project Cost*: the sum of the total cost of studies and works directly related to and necessary for the undertaking of the project and actually supported by the beneficiary.

(9) *Eligible Costs*: the part of a projects' costs taken into consideration by the Commission for the calculation of Community financial aid.



## **Chapter: 2 Requests, Eligible Actions and Types of Aid**

### *Article 3: Eligibility of Projects*

1. Only projects of common interest, identified in the framework of Decisions N° 1692/96/CE and n° 1229/2003/CE can benefit from Community financial support under this Regulation.
2. Eligibility is subject to respect for Community policies and laws, notably in relation to competition, environmental protection, public procurement and to the effective implementation of Community provisions of interoperability of networks, in particular rail.
3. In the domain of transport only, eligibility is also subject to engagement by each member state concerned to the financial contribution to the projects submitted for Community financial aid while mobilising, if necessary, private funds.

### *Article 4: Presentation of Requests for aid.*

Requests for financial aid are presented to the Commission by the Member State or States concerned or in the case of energy, also with the agreement of the latter by the public bodies or enterprises directly concerned.

### *Article 5: Selection of Projects*

1. Projects of common interest shall be awarded Community aid in relation to their contribution to the objectives and the priorities defined in the framework of Decisions n° 1692/96/CE and n° 1229/2003.
2. In the domain of transport special attention will be paid to the following projects and programmes.
  - a) Projects presented jointly by at least two Member States notably in cross-frontier cases.
  - b) The projects contribution to network continuity and the optimisation of capacity.
  - c) Priority projects which contribute to the integration of the single market in the enlarged Union and to the re-balancing of transport modes in favour of the most environmentally friendly, notably for long distance freight transport. To this end, all requests to finance high speed rail lines must be accompanied by a plan showing how the infrastructure capacity released on existing lines due to the transfer of passenger traffic to the high speed line, will be used for the development of freight traffic.
  - d) Projects contributing to the improvement of quality of service offered on the trans-European network and which favour, among other objectives, the safety and security of users and provide for interoperability between national networks.
  - e) To programmes for the deployment of traffic management systems for rail and its components as well as traffic management systems in the domain of air and maritime that provide for interoperability.

3. In the field of energy particular attention will be paid to projects that contribute to:
- a) the continuity of the network and the optimisation of its capacity
  - b) the integration of the energy internal market and in particular the cross-border sections
  - c) the security of energy supply and in particular the interconnections with the third countries
  - d) the connection of the renewable energy resources and/or
  - e) the safety, reliability and interoperability of the inter-connected networks

*Article 6: Types of Aid*

Community financial aid covers the studies, works and risks which occur after the construction phase.

*Article 7: Forms of Support.*

1. Community financial aid to studies, development actions works related to projects referred to in article 3 paragraph 1, can take one or more of the following forms:

- a) Direct grants.
- b) Interest rate rebates on loans given by the European Investment Bank (EIB) or other public or private financial institutions;
- c) Loan guarantees to cover risks after the construction phase.
- d) Participation in risk capital funds
- e) If necessary, a combination of Community aid referred to in point a) to d) with the aim of obtaining the maximum stimulating effect from mobilised budgetary resources.

2. Community financial aid does not exceed the following rates:

- a) For Studies: 50% of the total eligible cost of studies whatever the project of common interest concerned.
- b) For Works
  - i) For Priority projects in the transport domain, a maximum of 30% of the total eligible costs of the works; exceptionally, trans-frontier sections of projects included in the TEN-T programme can benefit from a maximum grant rate of 50% of total eligible costs, provided that they are started before 2010 and that the Member States concerned have presented a plan to the Commission giving all the guarantees necessary regarding the financial support from the Member State and the timetable for the implementation of the project. This rate shall be adapted in relation to the benefits received by the other Member States;
  - ii) For Priority projects in the energy domain, a maximum of 20% of the total eligible costs of the works;

iii) For other projects in the domain of transport: a maximum of 15% of the total eligible costs of the works; exceptionally, for projects linked to the deployment of interoperable systems, of safety and security, the rate may reach a maximum of 50%, adjusted to relation to the benefits to other Member States, of the total eligible costs of the works.

iv) For other projects in the energy domain, a maximum of 10% of the total eligible costs.

3. The Commission, in conformity with the procedures set out in article 17 paragraph 2, adopts the procedures, the timetable and the amounts for the payments for the instruments referred to in paragraph 1 points b), c),d) of this article.

*Article 8: Accumulation of Community Support.*

1. The financial aid related to studies and to infrastructure works is cumulative.
2. EIB operations are compatible with the granting of aid under the present Regulation.
3. Community financial aid is excluded for sections of projects which receive other Community financing.

*Article 9: Compatibility and Coordination with other Community Policies.*

1. The projects of common interest financed under this Regulation must be in conformity with the provisions of the Treaty, to legal acts adopted on the basis of the Treaty and to Community policies, including those concerning the protection of the environment, interoperability, competition and public procurement.

2. The Commission shall ensure the coordination and the coherence of projects undertaken in the framework of this Regulation with actions that have received Community budget support, actions of the EIB and other Community financial instruments.

### **Chapter III Implementation, Programming, Control**

#### *Article 10: Implementation.*

The Commission is responsible for the implementation of this Regulation. It shall establish the means and the conditions to undertake projects of common interest in the decisions regarding the granting of aid which will be notified to the Member States concerned.

#### *Article 11: Multi-annual programming and Annual Programming.*

1. The Commission shall establish, in conformity with the procedure established in article 17§2, a multi-annual programme and an annual programme.
2. The multi-annual programming shall apply to priority projects and shall establish the criteria for granting support together with the budget available for the period 2007-2013, which must lie within the range of 65-85% of the budgetary resources laid down in article 19. paragraph1.
3. The annual programme defines the criteria which shall apply to the grant of financial aid to other projects of common interest not included in the TEN-T multi-annual programme. Each year, the resources not used in the TEN-T multi-annual programme shall be allocated to the financing of other projects of common interest which form part of the annual programme.

#### *Article 12: Granting of aid*

1. Each project of common interest selected under the multi-annual programme, will be the subject of single Commission grant decision within the meaning of Article 17 paragraph 2. The budgetary commitment for each annual allocation is made by the Commission through a grant decision based on the evaluation of the state of progress of the projects of the estimated needs and of the available budget.
2. Projects of common interest other than those covered under point 1 above shall be the subject of an annual Commission financial decision to grant support
3. The Commission shall notify the decision as well as the conditions attached to the grant to the beneficiary Member States and shall inform the beneficiaries.

#### *Article 13: Financial provisions*

1. The Community aid can cover only the expenditure related to the project and borne by the recipients or by third parties of the implementation of it.
2. Expenditure incurred before the date on which the request for aid is received by the Commission is not eligible.
3. The decisions taken by the Commission to grant financial assistance under the terms of Article 12 signify engagement of the expenditure authorised by the budget.

4. As a general rule, payments are carried out in the form of an advance, intermediate and a final payment. The advance, which does not normally exceed 50% of the first annual block, is paid when the request for aid has been approved. The intermediate payments are carried out on the basis of the payment requests and in consideration of the state of progress of the project or of the study and, if necessary, taking account, in a rigorous and transparent way, of the revised financial schemes.

5. The payment methods have to take account of the fact that the implementation of the infrastructure projects spread out over several years and that it is important consequently to envisage similar distribution of financing.

6. The Commission shall carry out the final payment after acceptance of the final report concerning a project or study, submitted by the recipient and certified by the Member State, detailing all expenditure actually incurred.

#### *Article 14: Member States' responsibilities*

1. The Member States shall make every effort to implement, in the field of their responsibility, the projects of common interest which benefit from Community aid granted under this Regulation.

2. The Member States shall undertake the monitoring and control of projects in close cooperation with the Commission and certify the reality and the conformity of the expenditure incurred under the project or the part of the project. The Member State may request the participation of the Commission for 'on site' visits.

3. The Member States shall inform the Commission of the measures taken under paragraphs 2 and 3 and supply, notably, a description of the control systems, the management, and the monitoring established to ensure that the projects are undertaken correctly.

#### *Article 15: Cancellation, reduction, suspension and discontinuance of assistance*

1 Except for those cases where a full justification is made to the Commission, Community finance aid granted to projects of common interest which have not commenced in the two years following the date set down in the grant decision shall be cancelled by the Commission.

2 If a part or all the aid provided to undertake a project is deemed not to be justifiable the Commission shall undertake an appropriate examination of the case and, in particular, request the Member State or beneficiary or body responsible for the undertaking of the project, to present their observations within a specified time.

3 Following the examination provided for by paragraph 2, the Commission can reduce, suspend or cancel the aid for the project in question if any irregularities have been revealed or any of the conditions attached to the grant of aid have not been respected, notably when any important modifications have been introduced concerning the nature, or the means of undertaking the project.

4. Any unauthorised accumulation shall lead to the recovery of the amounts paid without due entitlement.

5. If, ten years after the award of Community financial aid to a project, it has not been completed, the Commission can, in accordance with the principle of proportionality, request reimbursement of the aid paid, taking account all relevant facts.
6. All aid paid without due entitlement shall be returned to the Commission.

#### *Article 16: Financial Control*

1. The Commission's Anti-Fraud Office (OLAF) can undertake on site controls and checks in accordance with Council Regulation (Euratom, EC) n° 2185/96
2. For Community actions financed under this Regulation, the term 'irregularity' in article 1 paragraph 2 of the Regulation (Euratom, EC) n° 2988/95 of the Council shall cover all breaches of the provisions of Community law or any failure to follow a contractual obligation due to any act or omission by a legal body which has a negative impact on the general budget of the EU or the other budgets concerned by undue payments.
3. Decisions stemming from the present Regulation can, notably, provide for monitoring and financial controls to be undertaken by the Commission (or any authorised representative) and audits by the Court of Auditors, if appropriate, on site.
4. The Member State concerned and the Commission shall immediately exchange all relevant information concerning the results of the controls undertaken.

### **Chapter 4: Final Provisions**

#### *17: Committee*

1. The Commission shall be assisted by a committee.
2. If reference is made to this paragraph, the consultation procedure provided for by article 3 of the Council decision (EC) 1999/468 shall apply, in conformity with the provisions of articles 8 of the decision.
3. The Committee shall adopt its internal rules.
4. The EIB is represented in the committee and does not take part in the voting.

#### *Article 18: Evaluation.*

The Commission and the Member States, supported by the beneficiaries of support, can undertake an evaluation of the means adopted to undertake projects of common interest and programmes as well as the impact of their operation, in order to assess if the objectives including issues concerning environmental protection- have been attained. The Commission can request the beneficiary Member States to provide a specific evaluation of projects of common interest financed under this Regulation or, where appropriate, to supply the information and assistance required to undertake an evaluation of the projects.

### *Article 19: Information and Publicity*

1. The Commission shall submit a report every three years to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the activities undertaken under this Regulation. The report shall contain an evaluation of the results achieved with Community aid in the various different fields of application, in terms of the original objectives, as well as a chapter on the content and the implementation of the current multi-annual programme.

2. The beneficiary Member States and where appropriate, beneficiaries shall ensure that suitable publicity is given to assistance granted under this Regulation in order to inform the public of the role of the Community in the implementation of the projects of common interest.

### *Article 20*

#### *Budgetary resources*

1. The amount of the financial reference for the implementation of this regulation for the period 2007-2013 is €20,690 million of which €20.350 million are allocated to transport and €340 million to energy.

2. The annual appropriations are authorised by the budgetary authority within the limits of the financial perspective.

### *Article 21*

#### *Revision clause*

Before the end of 2010, the Commission will submit to the European Parliament and to the Council a general report on the experience gained with the mechanisms provided for by this regulation for the granting of Community financial aid.

The European Parliament and the Council, ruling according to the procedure provided for in Article 156, first subparagraph, of the treaty, decide if and under which conditions, the actions provided for by this regulation will be maintained or modified beyond the period referred to in Article 20 paragraph 1.1.

### *Article 22: Amendment of Regulation (EC) n° 2236/95*

Regulation (EC) n° 2236/95, is amended as follows:

1) The title is replaced by the following title:

"Council regulation (EEC) n° 2236/95, decided 18 September 1995, determining the general rules for the granting of Community financial aid in the field of the trans-European telecommunications networks"

2) The 1st article is replaced by the following text:

"Article 1: Definition and scope

This regulation defines the conditions, methods and procedures of implementation of the Community aid for projects of common interest in the field of the trans-European telecommunications networks, under Article 155 paragraph 1, of the treaty"

3) Article 4, Paragraph 3 is withdrawn;

4) Article 5 (3), is replaced by the following text:

"3. Irrespective of the form of selected assistance, the total amount of Community aid granted to the title of this regulation cannot exceed X% of the total cost of investments."

5) Article 5 a) is deleted

6) Article 9 (1) (a), the fourth indent is deleted.

7) Article 10 is replaced by the following text:

*"Article 10*

Granting financial support

In compliance with article 274 of the Treaty, the Commission shall decide to grant financial support under this Regulation through an assessment of the applications based on the selection criteria “.

8. Article 11 paragraph.7 is replaced by the following text:

“7; The Commission shall adopt in accordance with the procedures referred to in Article 17 paragraph 3, a framework for the procedures, the timetable and the amounts of interest-rate subsidies, grants, guarantee premiums and support in the form of risk capital participation, for investment funds or comparable financial undertakings with a priority focus on providing risk capital for trans-European network projects.”

9. Article 14 shall be deleted.

10. Article 15, paragraph 3, first phrase, the reference to articles 5 and 6 is replaced by a reference to article 5, paragraphs 1 and 2 and to Article 6.

11. Article 16 paragraph 1 is replaced by the following text :

“1. Each year the Commission shall present to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions report on the activities undertaken in the framework of this Regulation. This report will include an evaluation of the results achieved by Community support in the various sectors having regard to the initial objectives “.

12. Annex 1 shall be deleted.

#### *Article 23: Entry into Force*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It applies as from 1 January 2007.

The actions underway in the transport and energy fields on the date of entry into force of this Regulation shall continue to be subject to Regulation 2236/95 until their completion, in its version into force until 31<sup>st</sup> december 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.



Done at Brussels, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*

## FICHE FINANCIÈRE LÉGISLATIVE

**Domaine(s) politique(s): Promotion de la compétitivité, de la sécurité et de la soutenabilité en matière environnementale des réseaux transeuropéens.**

**Activité(s): Réseau Transeuropéen de Transport et d'Énergie**

**DÉNOMINATION DE L'ACTION: SOUTIEN FINANCIER POUR DES PROJETS D'INTERET COMMUN DANS LE RESEAU TRANSEUROPEEN DE TRANSPORT ET D'ENERGIE**

### **1. LIGNE(S) BUDGÉTAIRE(S) + INTITULÉ(S)**

06.0301 : Soutien financier aux projets d'intérêt commun du réseau transeuropéen de transport

06.01.04.04 : Soutien financier aux projets d'intérêt commun du réseau transeuropéen de transport — Dépenses pour la gestion administrative

06.03.02: Soutien financier aux projets d'intérêt commun du réseaux transeuropéen de l'énergie.

06.01.04.05 : Soutien financier aux projets d'intérêt commun du réseau transeuropéen de l'énergie — Dépenses pour la gestion administrative

### **2. DONNÉES CHIFFRÉES GLOBALES**

#### **2.1 Enveloppe totale de l'action (partie B): millions d'euros en CE**

20.690 millions d'€ en crédits d'engagement.

The decision by the legislative authority is taken without prejudice of the budgetary decisions taken in the context of the annual procedure

#### **2.2 Période d'application:**

2007-2013

#### **2.3 Estimation globale pluriannuelle des dépenses:**

a) Échéancier crédits d'engagement/crédits de paiement (intervention financière)  
(cf. point 6.1.1)

Millions d'euros (à la 3<sup>e</sup> décimale)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Crédits d'engagement	908,8	1781,2	2344	2874,5	3544,5	4240,5	4931,5	0	0	20625
Crédits de paiement	359,9	982,3	1741,2	2385,6	2982,5	3621,2	4304,8	2764	1483,6	20625

- b) Assistance technique et administrative (ATA) et dépenses d'appui (DDA)  
(cf. point 6.1.2)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE	6,2	6,8	8	10,5	10,5	11,5	11,5	0	0	65
CP	6,2	6,8	8	10,5	10,5	11,5	11,5	0	0	65

Sous-total a+b	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE	915	1788	2352	2885	3555	4252	4943	0	0	20690
CP	366,1	989,1	1749,2	2396,1	2993	3632,7	4316,3	2764	1483,6	20690

- c) Incidence financière globale des ressources humaines et autres dépenses de fonctionnement  
(cf. points 7.2 et 7.3)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE/CP	10,973	10,973	10,973	10,973	10,973	10,973	10,973	0	0	76,811

TOTAL a+b+c	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE	926,0	1799,0	2363,0	2896,0	3566,0	4263,0	4954,0	0,0	0,0	20766,8
CP	377,1	1000,1	1760,2	2407,1	3004,0	3643,7	4327,3	2764,0	1483,6	20766,8

## 2.4 Compatibilité avec la programmation financière et les perspectives financières

Proposition compatible avec la Communication de la Commission concernant 2007-2013 du 10 février 2004 (COM (2004) 101).

## 2.5 Incidence financière sur les recettes

Aucune implication financière (concerne des aspects techniques relatifs à la mise en œuvre d'une mesure).

## 3. CARACTÉRISTIQUES BUDGÉTAIRES

Nature de la dépense		Nouvelle	Participation AELE	Participation pays candidats	Rubrique PF
<b>DNO</b>	<b>CD</b>	<b>NON</b>	<b>NON</b>	<b>NON</b>	<b>N° 1A</b>

#### **4. BASE JURIDIQUE**

L'article 156 du traité.

Le Règlement (CE) n° 2236/95 du Conseil du 18 septembre 1995 déterminant les règles générales pour l'octroi d'un concours financier communautaire dans le domaine des réseaux transeuropéens, amendé par le Règlement (CE) n° 1655/1999 du Parlement européen et du Conseil, du 19 juillet 1999 et modifié par le Règlement (CE) n° 807/2004 du 21 avril 2004.

La Décision n° 1692/96/CE du Parlement européen et du Conseil, du 23 juillet 1996, sur les orientations communautaires pour le développement du réseau transeuropéen de transport amendée par la Décision n° 1346/2001/CE du Parlement européen et du Conseil du 22 mai 2001 modifiant la décision n° 1692/96/CE en ce qui concerne les ports maritimes, les ports de navigation intérieure et les terminaux intermodaux ainsi que le projet n° 8 de l'annexe III et amendée par la Décision n° 884/2004/CE du 29 avril 2004.

DÉCISION No 1229/2003/CE DU PARLEMENT EUROPÉEN ET DU CONSEIL du 26 juin 2003 établissant un ensemble d'orientations relatif aux réseaux transeuropéens dans le secteur de l'énergie, et abrogeant la décision no 1254/96/CE

RÈGLEMENT (CE)..... DU PARLEMENT EUROPEEN ET DU CONSEIL

du ..... déterminant les règles générales pour l'octroi d'un soutien financier communautaire dans le domaine des réseaux transeuropéens de transport et d'énergie

L'enveloppe financière du programme peut également couvrir les dépenses afférentes aux actions de préparation, de suivi, de contrôle, d'audit et d'évaluation, directement nécessaires à la gestion du programme et à la réalisation de ses objectifs, notamment, des études, des réunions, des actions d'information et de publication, (des dépenses liées aux réseaux informatiques visant l'échange d'informations), ainsi que toute autre dépense d'assistance administrative et technique à laquelle peut recourir la Commission pour la gestion du programme.

**FICHE FINANCIÈRE LÉGISLATIVE : POINTS SPECIFIQUES POUR LE RESEAU  
TRANSEUROPEENS DE TRANSPORT**

**DÉNOMINATION DE L'ACTION: SOUTIEN FINANCIER POUR DES PROJETS D'INTERET COMMUN  
DANS LE RESEAU TRANSEUROPEEN DE TRANSPORT**

**1. LIGNE(S) BUDGÉTAIRE(S) + INTITULÉ(S)**

voir ci-dessus

**2. DONNÉES CHIFFRÉES GLOBALES**

**2.1 Enveloppe totale de l'action (partie B): millions d'euros en CE**

20.350 millions d'€ en crédits d'engagement.

**2.2 Période d'application:**

2007-2013

**2.3 Estimation globale pluriannuelle des dépenses:**

- a) Échéancier crédits d'engagement/crédits de paiement (intervention financière)  
(cf. point 6.1.1)

Millions d'euros (à la 3<sup>e</sup> décimale)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Crédits d'engagement	889,0	1.761,5	2.294,5	2.825,0	3.485,0	4.182,0	4.853,0	0,00	0,00	20.290,0
Crédits de paiement	354,0	968,5	1.712,5	2.345,0	2.930,0	3.565,0	4.240,0	2.715,0	1.460,0	20.290,0

- b) Assistance technique et administrative (ATA) et dépenses d'appui (DDA)  
(cf. point 6.1.2)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE	6,0	6,5	7,5	10,0	10,0	10,0	10,0			60,0
CP	6,0	6,5	7,5	10,0	10,0	10,0	10,0			60,0

Sous-total a+b	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE	895	1.768	2.302	2.835	3.495	4.192	4.863	-	-	20.350
CP	360	975	1.720	2.355	2.940	3.575	4.250	2.715	1.460	20.350

- c) Incidence financière globale des ressources humaines et autres dépenses de fonctionnement  
(cf. points 7.2 et 7.3)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE/CP	10,4	10,4	10,4	10,4	10,4	10,4	10,4			72,8

TOTAL a+b+c	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
CE	905,4	1.778,4	2.312,4	2.845,4	3.505,4	4.202,4	4.873,4	0,0	0,0	20.422,8
CP	370,4	985,4	1.730,4	2.365,4	2.950,4	3.585,4	4.260,4	2.715,0	1.460,0	20.422,8

### 3. CARACTÉRISTIQUES BUDGÉTAIRES

voir ci-dessus

### 4. BASE JURIDIQUE

voir ci-dessus

### 5. DESCRIPTION ET JUSTIFICATION

#### 5.1 Nécessité d'une intervention communautaire<sup>37</sup>

La nécessité de l'intervention communautaire se justifie par l'obligation de contribuer à l'établissement et au développement du réseau transeuropéen de transport, considéré comme une politique essentielle pour le bon fonctionnement du Marché Intérieur et pour la cohésion économique et sociale (articles 154 à 156). Cette contribution prend la forme du cofinancement des projets d'intérêt commun identifiés dans les orientations communautaires pour le développement du réseau transeuropéen de transport (Décision n° n°884/2004/CE du 29 avril 2004).

##### 5.1.1 Objectifs poursuivis

La Commission dans son Livre Blanc sur la politique commune des transports<sup>38</sup>, avait cependant tiré la sonnette d'alarme sur les retards dans la réalisation de ce réseau. Notamment, malgré les engagements pris par les Etats au Conseil européen d'Essen en décembre 1994 de réaliser d'ici 2010 quatorze grands projets d'infrastructure, à la fin 2003, seulement trois de ces projets avaient été terminés : en particulier, moins du quart des investissements nécessaires pour les liaisons transnationales de ces projets ont été trouvés. Si cette situation ne devait pas évoluer, pour achever l'ensemble du réseau transeuropéen de transport tel que révisé en 2004, il faudrait encore plus de 20 ans, compte tenu du fait que les ressources publiques, des Etats, de la Communauté ou des régions, allouées à ces projets restent très en deça des besoins.

<sup>37</sup> Pour plus d'informations, voir le document d'orientation séparé.  
<sup>38</sup> COM (2001) 370 : « La politique européenne des transports à l'horizon 2010 : l'heure des choix »

Avec l'arrivée des dix nouveaux Etats membres au sein de l'Union, le trafic entre Etats membres va quasiment doubler d'ici 2020<sup>39</sup> sur des infrastructures parfois obsolètes ou dont la capacité est déjà aujourd'hui très en deçà des besoins. Le manque de connexions transeuropéennes performantes pour faire face à cette demande risque ainsi d'handicaper sérieusement la compétitivité de l'Union et des Etats et les régions périphériques qui ne pourront pas – ou ne pourront plus - profiter pleinement des effets bénéfiques du grand marché unique. Pour faire face à ces défis, la Commission a présenté – en octobre 2003 – une proposition de révision des orientations relatives au réseau transeuropéen de transport, et en particulier une mise à jour de la liste des projets prioritaires – désormais au nombre de 30 - couvrant l'Union élargie. Celle-ci a été adoptée par le Parlement et le Conseil le 21 avril dernier.

Si la Communauté est dotée des compétences en matière de planification des réseaux transeuropéens, celles-ci ne sont cependant pas accompagnées du volet financier adéquat pour soutenir la réalisation ces réseaux. Les financements communautaires présentent pourtant des avantages significatifs par rapport aux financements nationaux. Ils offriront une stabilité dans le financement que beaucoup des budgets nationaux, soumis aux aléas de la conjoncture et des changements d'arbitrages, n'offrent pas; ils jouent un effet de levier incitant les Etats membres à investir dans des projets à forte valeur ajoutée européenne mais également pour les inciter à se coordonner entre eux. Ils contribuent à la mise en œuvre de la politique des transports, en particulier en privilégiant les modes plus « soutenables », notamment les connexions ferroviaires transfrontalières<sup>40</sup> et ils pourraient également servir de catalyseur pour le montage de partenariats public-privé. Malgré tous ces avantages, les ressources allouées aux réseaux transeuropéens sur la période 2000-2006, soit 4.170 M€ destinés au transport - ont été largement insuffisantes par rapport aux coûts de réalisation du réseau. Ceci représente à peine 600 M€ par an sur la période, ce qui reste très insuffisant par rapport aux besoins financiers identifiés pour le réseau transeuropéen de transport et par rapport aux demandes de soutien formulées par les Etats membres qui représentent plusieurs fois cette enveloppe.

Les besoins financiers des 30 projets prioritaires au sens de l'annexe III de la décision sur les orientations relatives aux réseaux transeuropéens de transport identifiés par le Conseil et le Parlement représentent à eux seuls 225 milliards d'€ dont la plus grande partie des coûts sera supportée entre 2007 et 2013, ce qui représente environ 140 milliards d'€

D'une façon générale, les objectifs poursuivis ont pour but :

- d'améliorer l'écoulement du trafic au bénéfice des usagers et des entreprises ;
- d'accélérer la réalisation par les Etats Membres des projets d'intérêt commun et en particulier des projets transfrontaliers du réseau transeuropéen de transport, afin qu'au moins 75% des projets prioritaires aient été complétés en 2013, y compris pour ce qui est des sections internationales ;

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<sup>39</sup> Trafic total : +70% du trafic fret pour EU 15 et +100% pour EUR10.

<sup>40</sup> Plus de 65% du budget RTE est alloué aux projets ferroviaires, 20% aux systèmes de transport intelligents (ITS) et innovants, tels que les systèmes d'interopérabilité dans le domaine ferroviaire ou de la navigation aérienne. Un accent particulier est également mis sur le développement de grands projets transfrontaliers à vocation fret qui bénéficient d'une assurance des financements.

- de surmonter les obstacles financiers pouvant se poser dans la phase de mise en œuvre de ces projets et d'assurer de meilleurs montages financiers des projets, en minimisant le recours aux fonds publics, grâce à la souplesse des modalités d'intervention ;

- de stimuler la participation de capitaux privés au financement des projets ainsi que le partenariat entre secteurs public et privé;

Pour l'Union dans son ensemble l'achèvement de ces projets permettra de réduire les émissions de CO<sub>2</sub> de 4%, ainsi que la pollution atmosphérique en particulier dans les zones sensibles de montagne. La congestion routière devrait être réduite, quant à elle de 14% et ils feront gagner des gains de temps dans les transports entre régions valant 8 milliards € par an. Ils contribueront à stabiliser la répartition modale et pourront même l'inverser en faveur des modes de transports les plus respectueux de l'environnement sur certains axes internationaux. Par ailleurs, en contribuant à développer les échanges entre Etats membres, et en améliorant l'accessibilité, ces projets devraient accroître le potentiel de croissance de 0,2 à 0,3% du PIB, ce qui correspondrait à la création ou au maintien d'un million d'emplois permanents

### *5.1.2 Dispositions prises relevant de l'évaluation ex ante*

Dans le cadre de la révision des orientations RTE-T (COM (2003) 564) la Commission a fait réaliser une analyse d'impact approfondie de la proposition modifiant la décision n° 1692/96/CE sur le développement du réseau transeuropéen de transport. Les principales remarques du document SEC (2003) 1060 sont les suivantes :

a. Le programme d'investissement RTE-T stimulera la compétitivité et l'économie en Europe. Il contribuera au développement du commerce international, notamment dans les nouveaux pays membres.

b. A court terme, les travaux de construction stimuleront l'emploi, en particulier dans les régions concernées.

c. A plus long terme, l'amélioration des conditions de vie résultant de la multiplication des occasions de rencontres et le développement des perspectives commerciales grâce à l'amélioration des connexions et de l'accessibilité sont estimées à 0,23 % du PIB et représentent environ un million d'emplois durables.

Les besoins en investissement ont été estimés dans le cadre du rapport Van Miert s'élèvent à 600 milliards d'€ pour l'ensemble des projets d'intérêt commun, dont 225 milliards pour les projets prioritaires (140 milliards pour ces projets pour la seule période 2007-2013).

## **5.2 Actions envisagées et modalités de l'intervention budgétaire**

### Population visée

Administrations nationales et régionales de transport, sociétés et consortia réalisateurs des projets, instituts et fondations techniques, groupes économiques d'intérêt européen, usagers des infrastructures de transport. Selon le nouveau Règlement, les demandes de concours sont présentées à la Commission par le ou les Etats membres directement concernés.

### Choix des modalités d'intervention

Comme déjà indiqué, la Commission considère que le soutien maximal aux projets du réseau transeuropéen appartenant à la catégorie des projets ferroviaires transfrontaliers devant



franchir des barrières naturelles ou bien les projets visant à l'élimination de goulets d'étranglement devrait être augmenté dans une fourchette allant jusqu'à 50 % du coût total afin de déclencher un effet multiplicateur et notamment d'attirer des investisseurs privés

La modalité d'intervention pour les projets spécifiques dépend en premier lieu de la situation et du degré de maturité de chaque projet.

**Les études de faisabilité** sont appropriées pour garantir que les projets sont bien définis depuis leur conception jusqu'à leur lancement.

Les autres types d'intervention, c'est-à-dire **bonifications d'intérêt, contributions aux primes de garantie d'emprunt**, sont retenus de façon à s'assurer que le type de financement retenu est le plus approprié pour le développement du projet considéré. Ceci est valable également pour les **subventions** dans les cas où elles permettent par le biais de l'additionnalité, l'accélération des projets, rendue impossible jusqu'alors par manque de fonds et par l'insuffisance de rentabilité financière pour des projets économiquement viables. La mise en œuvre **d'un fonds de garantie** permettra également de couvrir des risques postérieurs à la construction dans le cas de montages de type PPP.

Des informations précises sont fournies par les Etats Membres ou promoteurs selon les indications citées dans les formulaires de demande de soutien financier pour des études et pour des projets éligibles, c'est-à-dire les coûts éligibles estimés. Le plan de financement est aussi élaboré par les Etats Membres ou promoteurs en utilisant le tableau "Ventilation des coûts et plan de financement" qui se trouve dans le formulaire de demande de soutien financier. Ils doivent aussi déclarer avoir vérifié la possibilité d'utilisation d'autres sources de financement, notamment privées.

Les orientations RTE (n°884/2004) comprennent une série de projets d'intérêt commun et parmi ces projets on dénombre 30 projets prioritaires qui bénéficieront en priorité du financement à travers le budget RTE-T (entre 65 et 85% du total).

La sélection des projets bénéficiant d'un cofinancement RTE-T se fera sur la base des informations envoyées par les Etats membres, une première appréciation de ces informations permet d'estimer qu'un certain nombre de ces projets répondent aux objectifs liés aux réseaux transeuropéens Transport.

Selon le règlement RTE actuel, les demandes de concours financier sont présentées à la Commission par les Etats membres ou les promoteurs. Celles-ci font alors l'objet d'un examen approfondi afin de vérifier la conformité de la dotation de chaque projet, y compris les projets transfrontaliers. A cet égard, il est tenu compte, en accord avec le règlement, des points suivants :

- a) Degré de contribution du projet spécifique aux objectifs énoncés dans le traité, ainsi qu'aux objectifs et priorités couvertes par les orientations communautaires pour le développement du RTE ;
- b) Viabilité économique/financière potentielle ;
- c) Maturité du projet (y compris exécution budgétaire antérieure) ;
- d) Effet de stimulation de l'intervention communautaire sur les financements "publics/privés";

- e) Effets socio-économiques directs et indirects, notamment sur l'emploi ;
- f) Impact sur l'environnement ;
- g) garantie du respect du droit communautaire ;
- h) calendrier d'exécution et information sur l'enveloppe financière et la participation prévue d'entités publiques ou autres ;
- i) bénéfices retirés par les autres Etats membres.

### 5.3 Modalités de mise en œuvre

Gestion directe par la Commission uniquement avec du personnel statutaire ou externe – la possibilité d'avoir recours à une agence exécutive est cependant prise en compte dans la proposition de Règlement.

## 6. INCIDENCE FINANCIÈRE

### 6.1 Incidence financière totale sur la partie B (pour toute la période de programmation)

#### 6.1.1 Intervention financière

Crédits d'engagement en millions d'euros (à la 3<sup>e</sup> décimale)

Ventilation	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Programme RTE pluriannuel	760,75	1502,8	1956,7	2409,75	2970,75	3563,2	4133,55	0	0	17297,5
Autres projets d'intérêt commun	134,25	265,2	345,3	425,25	524,25	628,8	729,45	0	0	3052,5
<b>Total</b>	<b>895</b>	<b>1768</b>	<b>2302</b>	<b>2835</b>	<b>3495</b>	<b>4192</b>	<b>4863</b>	<b>0</b>	<b>0</b>	<b>20350</b>

#### 6.1.2 Assistance technique et administrative (ATA), dépenses d'appui (DDA) et dépenses TI (crédits d'engagement) en M€

	2007	2008	2009	2010	2011	2012-2013	Total
1) Assistance technique et administrative (ATA):							
a) Bureaux d'assistance technique (BAT)							
b) Autre assistance technique et administrative: - intra-muros: - extra-muros: <i>dont pour la construction et la maintenance de systèmes de gestion informatisés:</i>	1,0	1,0	1,0	1,0	1,0	2,0	

Sous-total 1	1,0	1,0	1,0	1,0	1,0	2,0	
2) Dépenses d'appui (DDA):							
a) Études	4,5	5,0	6,0	8,5	8,5	17	
b) Réunion d'experts							
c) Information et publications	0,5	0,5	0,5	0,5	0,5	1	
Sous-total 2	5,0	5,5	6,5	9,0	9,0	18,0	
<b>TOTAL</b>	6,0	6,5	7,5	10,0	10,0	20,0	

## 6.2. Calcul des coûts par mesure envisagée en partie B (pour toute la période de programmation)<sup>41</sup>

Crédits d'engagement en millions d'euros (à la 3<sup>e</sup> décimale)

Ventilation	Type de réalisations /outputs (projets, dossiers ...)	Nombre de réalisations/ outputs (total pour années 1...n)	Coût unitaire moyen	Coût total (total pour années 1...n)
	1	2	3	4=(2X3)
<i>Etudes et travaux pour la réalisation des projets RTE-T</i>	Etudes techniques, environnementales, économiques, financières	40		
	Travaux	160		
<b>COÛT TOTAL</b>		200		

(Si nécessaire, expliquer le mode de calcul.)

## 7. INCIDENCE SUR LES EFFECTIFS ET LES DÉPENSES ADMINISTRATIVES

### 7.1. Incidence sur les ressources humaines

Les besoins en ressources humaines et administratives seront couverts à l'intérieure de la dotation allouée à la DG gestionnaire dans le cadre de la procédure d'allocation annuelle

L'allocation de postes dépendra d'une part de l'organisation interne de la prochaine Commission et d'autre part d'une éventuelle réallocation de postes entre services suite aux nouvelles perspectives financières.

<sup>41</sup> Pour plus d'informations, voir le document d'orientation séparé.

<b>Situation actuelle</b> <b>Types d'emplois</b>		Effectifs à affecter à la gestion de l'action par utilisation des ressources existantes et/ou supplémentaires		Total	Description des tâches découlant de l'action
		Nombre d'emplois permanents	Nombre d'emplois temporaires		
Fonctionnaires ou agents temporaires	A	27		27	<i>(Si nécessaire, une description plus complète des tâches peut être annexée.)</i>
	B	11		11	
	C	20		20	
Autres ressources humaines					
Total		58		58	

<b>Situation future</b> <b>Types d'emplois</b> <b>Variation par rapport à la situation actuelle</b>		Effectifs à affecter à la gestion de l'action par utilisation des ressources existantes et/ou supplémentaires		Total	Description des tâches découlant de l'action
		Nombre d'emplois permanents	Nombre d'emplois temporaires		
Fonctionnaires ou agents temporaires	A	37 (+10)		37 (+10)	<i>(Si nécessaire, une description plus complète des tâches peut être annexée.)</i>
	B	29 (+18)		29 (+18)	
	C	27 (+7)		27 (+7)	
Autres ressources humaines					
Total		93 (+35)		93 (+35)	

## 7.2 Incidence financière globale des ressources humaines

Type de ressources humaines	Montants en euros	Mode de calcul *
Fonctionnaires Agents temporaires	10.044.000	108.000 € en moyenne par fonctionnaire et par an
Autres ressources humaines (indiquer la ligne budgétaire)		
Total	10.044.000	

Les montants correspondent aux dépenses totales pour 12 mois.

## 7.3 Autres dépenses de fonctionnement découlant de l'action

Ligne budgétaire (n° et intitulé)	Montants en euros	Mode de calcul
<b>Enveloppe globale (Titre A7)</b>		
A0701 – Missions	200.000	200 missions par an et 1.000 € par mission
A07030 – Réunions		
A07031 – Comités obligatoires <sup>(1)</sup>	162.000	4 réunions du comité réglementaire obligatoire RTE-T par an à 27 et 1.500 € par personne
A07032 – Comités non obligatoires <sup>(1)</sup>		
A07040 – Conférences		
A0705 – Études et consultations		
Autres dépenses (indiquer lesquelles)		
<b>Systèmes d'information (A-5001/A-4300)</b>		
<b>Autres dépenses - partie A</b> (indiquer lesquelles)		

Total	362.000	
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Les montants correspondent aux dépenses totales de l'action pour 12 mois.

<sup>(1)</sup> Préciser le type de comité ainsi que le groupe auquel il appartient.

I.	Total annuel (7.2 + 7.3)	10.406.000 euros
II.	Durée de l'action	7 années
III.	Coût total de l'action (I x II)	72.842.000 euros

## **8. SUIVI ET ÉVALUATION**

### **8.1 Système de suivi**

Le Règlement prévoit la nécessité d'un suivi et l'évaluation de chaque action. Il est ainsi prévu que les décisions de la Commission incluent, le cas échéant, des indicateurs physiques établis en accord avec les Etats membres.

D'autre part, selon les termes des Décisions standard de la Commission, les bénéficiaires doivent fournir annuellement des informations sur le déroulement des actions (Project Status Report) qui alimentent les analyses permettant l'évaluation conjointe avec les Etats Membres sur les modalités de réalisation des projets.

Les études, pour lesquelles des indicateurs ne peuvent pas être élaborés, seront évaluées conjointement avec les Etats membres, en fonction des objectifs poursuivis.

### **8.2 Modalités et périodicité de l'évaluation prévue**

Indicateurs d'impact selon les objectifs poursuivis

L'impact et les résultats vis-à-vis les objectifs spécifiques seront évalués autant que possible selon les effets dérivés :

- augmentation des capacités et de l'efficacité des infrastructures RTE-T;
- sécurité des transports (passagers, cargos dangereux etc.) et réduction du nombre d'accidents;
- évolution d'indicateurs socio-économiques par rapport aux prévisions ex-ante;
- réduction de la congestion ;
- réduction de pollution ;
- évaluation qualitative chez les utilisateurs des réseaux ;
- bénéfices retirés par d'autres Etats membres ;
- avantages économiques engendrés par l'intervention communautaire (y compris justification des choix d'instruments financiers, en l'occurrence bonifications d'intérêt, subventions directes, primes de garantie etc.).

Ces indicateurs seront chiffrés selon les types d'action évalués et après discussion avec les Etats membres.

Evaluation ponctuelle: pour un nombre limité d'actions, il est possible de lancer des évaluations de projets ou d'un ensemble de projets.

Par ailleurs, une évaluation à mi-parcours sera réalisée avant fin 2010 pour adapter le programme si nécessaire. Une évaluation générale des résultats de l'activité RTE-Énergie sera réalisée à la fin du programme.

Cette évaluation visera à mesurer les résultats des actions financées dans le cadre des RTE-transport et à voir dans quelle mesure ces actions ont contribué par leur impact à atteindre ou à s'approcher des objectifs politiques de l'Union. Elle permettra également l'adaptation future des orientations RTE-transport.

## **9. MESURES ANTI-FRAUDE**

Les dispositions anti-fraude sont établies par le règlement modifié qui prévoit des dispositions renforcées par rapport au règlement en vigueur et définit que les Etats Membres et la Commission, chacun dans son domaine de compétence, prennent les mesures nécessaires pour vérifier l'exécution des projets, prévenir et sanctionner les irrégularités et récupérer les fonds perdus suite à une irrégularité.

1. Afin de garantir l'opportunité, la légalité et la régularité des dépenses couvertes dans le cadre des projets financés au titre du présent règlement, les Etats membres et la Commission, chacun dans son domaine de compétence, prennent les mesures nécessaires pour :
  - vérifier régulièrement que les projets et les études bénéficiant d'un soutien financier communautaire ont été exécutés correctement ;
  - prévenir et sanctionner les irrégularités, récupérer les fonds perdus à la suite d'une irrégularité, y compris les intérêts y afférents.
2. L'Etat membre effectue les contrôles nécessaires y inclus les contrôles sur place afin de vérifier et certifier la régularité et l'exactitude des demandes de paiements établies. L'Etat membre peut demander la participation de la Commission lors des contrôles sur place.

L'Office de Lutte Anti-Fraude de la Commission (OLAF) peut également procéder à des contrôles et vérifications sur place en application du règlement (Euratom, CE) n° 2185/96 du Conseil.

Pour les actions communautaires financées par le présent règlement, la notion d'irrégularité visée à l'article 1 paragraphe 2 du règlement (CE, Euratom) n° 2988/95 s'entend comme toute violation d'une disposition du droit communautaire ou toute méconnaissance d'une obligation contractuelle résultant d'un acte ou d'une omission par une entité juridique qui a ou aurait pour effet de porter préjudice au budget général de l'Union européenne ou à des budgets gérés par celles-ci par une dépense indue.

Les décisions prises au titre du présent règlement prévoient notamment un suivi et un contrôle financier de la Commission (ou tout représentant autorisé par elle) et des audits de la Cour des Comptes, le cas échéant sur place.

L'Etat membre concerné et la Commission se transmettent immédiatement toutes les informations appropriées concernant les résultats des contrôles effectués.

3. L'Etat membre est responsable du remboursement des sommes indûment payées.

Plus spécifiquement, la Commission a mis en place une série de mesures, destinées à réduire le risque de fraude, parmi lesquelles on peut citer :

- la mise en place de procédures financières et contractuelles dérivées des dispositions du règlement financier et de ses modalités d'application ; ces procédures permettent d'assurer une application homogène des règles ;
- la vérification de la réalité de la prestation sur la base de rapports techniques détaillés ainsi que la vérification systématique des décomptes financiers avant paiement en tenant compte des obligations contractuelles ainsi que des principes d'économie et de bonne gestion financière ;
- la réalisation d'audits financiers sur place, soit selon un programme basé sur l'analyse de risques, soit en cas de doute sur un contractant ;
- la revue de l'adéquation du système de contrôle interne par la capacité d'audit interne, sur base d'une analyse des risques.

**FICHE FINANCIÈRE LÉGISLATIVE : POINTS SPECIFIQUES POUR LE RESEAU  
TRANSEUROPEENS D'ENERGIE**

**DÉNOMINATION DE L'ACTION: PROGRAMME RTE - ENERGIE**

**1. LIGNE(S) BUDGÉTAIRE(S) + INTITULÉ(S)**

**2. DONNÉES CHIFFRÉES GLOBALES**

**2.1 Enveloppe totale de l'action (partie B): 340 Mio€ en CE**

**2.2 Période d'application: 2007 - 2013**

**2.3 Estimation globale pluriannuelle des dépenses:**

a) Echancier crédits d'engagement/crédits de paiement (intervention financière) (cf. point 6.1.1)

	Année 2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Crédits d'engagement	19,8	19,7	49,5	49,5	59,5	58,5	78,5			335,0
Crédits de paiement	5,9	13,8	28,7	40,6	52,5	56,2	64,8	49,0	23,6	335,0

Mio€ (à la 3<sup>ème</sup> décimale)

b) Assistance technique et administrative (ATA) et dépenses d'appui (DDA) (cf. point 6.1.2)

CE	0,2	0,3	0,5	0,5	0,5	1,5	1,5			5
CP	0,2	0,3	0,5	0,5	0,5	1,5	1,5			5

Sous-total a+b										
CE	20,0	20,0	50,0	50,0	60,0	60,0	80,0	-	-	340,0
CP	6,1	14,1	29,2	41,1	53,0	57,7	66,3	49,0	23,6	340,0

c) Incidence financière globale des ressources humaines et autres dépenses de fonctionnement (cf. points 7.2 et 7.3)

CE/CP	0,573	0,573	0,573	0,573	0,573	0,573	0,573			4,011
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TOTAL a+b+c										
CE	20,6	20,6	50,6	50,6	60,6	60,6	80,6	-	-	344,0
CP	6,7	14,7	29,7	41,6	53,6	58,3	66,9	49,0	23,6	344,0



### 3. CARACTÉRISTIQUES BUDGÉTAIRES

voir ci-dessus

### 4. BASE JURIDIQUE

voir ci-dessus

### 5. DESCRIPTION ET JUSTIFICATION

#### 5.1 Nécessité d'une intervention communautaire

##### 5.1.1 Objectifs poursuivis

La Communauté favorise l'interconnexion, l'interopérabilité et le développement des réseaux transeuropéens d'énergie, ainsi que l'accès à ces réseaux, en conformité avec le droit communautaire en vigueur, dans le but de:

- a) favoriser la réalisation effective du marché intérieur en général et du marché intérieur de l'énergie en particulier, tout en encourageant la production, la distribution et l'utilisation rationnelles de ressources énergétiques ainsi que la valorisation et la connexion des ressources renouvelables, en vue de réduire le coût de l'énergie pour les consommateurs et de contribuer à la diversification des sources d'énergie;
- b) faciliter le développement et le désenclavement des régions moins favorisées et insulaires de la Communauté et contribuer ainsi au renforcement de la cohésion économique et sociale;
- c) renforcer la sécurité d'approvisionnement énergétique, y compris par le renforcement des relations, dans le secteur de l'énergie, avec les pays tiers dans leur intérêt mutuel, notamment dans le cadre du traité sur la Charte de l'énergie ainsi que des accords de coopération conclus par la Communauté.

Une attention particulière sera portée aux projets qui contribuent à:

- l'intégration du marché intérieur de l'énergie, et notamment les sections transfrontalières,
- la sécurité d'approvisionnement énergétique, et notamment les interconnexions avec les pays tiers,
- la connexion des sources d'énergie renouvelables et/ou
- la sûreté, la fiabilité et l'interopérabilité des réseaux interconnectés.

##### 5.1.2 Dispositions prises relevant de l'évaluation ex ante

*See the conclusions of the Extended Impact Assessment : SEC(2003) 1369*

This assessment comes to the conclusion that the need for action in conjunction with matched support for authorisation procedures and accelerating investments call for **increased co-ordination** from side of the Commission, as well as action on the demand side.

The creation of a more favourable context for investment in energy networks is an essential cornerstone as the construction of new transmission projects requires attention of not only all energy markets participants but also of governmental and local authorities. In this context, the European Commission will promote cooperation between Member States with a view to enhancing authorisation procedures for projects on Trans-European energy networks and will promote technical cooperation projects between the operators responsible for the management, monitoring and control of the Trans-European energy networks. As a first priority the selection of truly important projects from a large list of eligible projects needs to be addressed. These projects have to satisfy the following two criteria: they are cross-border interconnections or they have significant impact on cross-border transmission capacity. For this objective there is a need to set up an appropriate instrument, e.g. a forum, for the decision to attribute to individual priority projects the highest level of priority, through a **Declaration of European Interest**. It is emphasised that this declaration is the consequence of defining priority axes on the highest level (Annex 1 of decision) in the recently adopted guidelines and the extensive list of projects on a lower level (Annex 3 of decision).

For establishing a more favourable context it is also essential to ensure that regulation will develop in a harmonised and consistent way so that it will not introduce market distortions at national level. These risks can be avoided if high-level dialogue and co-operation between regulators are established. Co-ordination between regulators and TSOs are crucial to enhance the coherence of the market. The appropriate co-ordination employed by the Commission need to be dynamic and problem oriented and not static and formal. Expertise from all sectors involved needs to get heard and the corresponding experts invited. Involvement of both the Member States concerned and the Commission, each within its own range of competence, is indispensable for carrying out the priority projects especially cross-border projects. In particular, the Commission may designate a **Coordinator for a given priority axis or for an individual priority project**.

The third component in the endeavour for progressing in the completion of needed infrastructure is given by the co-ordinated European-wide planning which will establish the tools for developing studies and simulations covering the entire European network. The action has two phases, consultation and execution. The exchange of findings and expertise in the process of consultation with Member States, including key stakeholders, constitutes an important aspect in the first phase. The objective is to agree on a detailed plan for network construction together with the corresponding investment. The second, i.e. execution phase can be described by a predictor-corrector scheme, where the TSO's report annually on their investment strategy and the regulatory authorities give feedback concerning existing and planned generation, transmission and distribution. This feedback can incorporate measures for correcting the course of action when obstacles or delays occur.

In this fashion the positive features building on the economic viability of the energy sector and the strength of the liberalised markets are integrated. The minimum co-ordination option was otherwise not found appropriate for mastering the challenges.

At several occasions the possible insufficiencies of simply continuing the current TEN-E policy, i.e. the balanced co-ordination option, have been elucidated. One might argue that the proposed option of increased co-ordination is basically the relevant adaptation of the current TEN-E policy. We can agree to this view as a possibly natural evolution.

Concerning the European Regulatory Approach option, one can summarise the arguments by saying that the time is not yet ripe for really drastic regulatory measures. There are many concerns expressed with regard to the consequences for industry, employment and society in

general. Again it is argued that certain appropriate measures are incorporated in the future TEN-E policy actions.

Put briefly, the option called '**increased co-ordination**' aims at incorporating strong elements of both the market strength and the regulatory supervision in the future TEN-E policy. This '**increased co-ordination**' entails two new instruments, namely the **Declaration of European Interest** for the selection of important projects and the Commission-designated **co-ordinator** for a given axis or project for finalising new infrastructure. This new policy should be put into effect by developing dynamic actions in conjunction with variable arrangements for guidance and co-ordination, tailored to specific and quite different challenges and needs.

The third component in the strategy aiming at the completion of needed infrastructure is given by the **European consolidated planning** with consultation and execution phases respectively.

### *5.1.3 Dispositions prises à la suite de l'évaluation ex post*

**L'évaluation intérimaire du programme en cours a confirmé l'utilité du programme RTE Energie en concluant que la Communauté doit financer les actions préparatoires ainsi que les investissements des travaux pour les projets prioritaires.**

## **5.2 Actions envisagées et modalités de l'intervention budgétaire**

*- la/les population(s) visée(s) (spécifier les bénéficiaires en termes quantitatifs si possible);*

### **Toute l'Union Européenne**

*- les objectifs spécifiques fixés pour la période de programmation (en termes mesurables)*

**Mobiliser 20 milliards d'investissements privés dans l'union européenne pour la réalisation des projets prioritaires dans les réseaux transeuropéens de l'énergie.**

*- les mesures concrètes à prendre pour la mise en œuvre de l'action;*

### **Programme pluriannuel et annuel**

*- les réalisations immédiates ;*

### **Cofinancement des actions préparatoires et des travaux**

*- les effets/l'impact attendu(s) sur la réalisation de l'objectif général.*

Cofinancement des études et autres actions préparatoires des projets jusqu'à 50% du coût éligible

Cofinancement des travaux pour la réalisation des projets :

Jusqu'à 20% du coût éligible pour les projets prioritaire

Jusqu'à 10% du coût éligible pour les autres projets d'intérêt commun

Participation à des instruments financiers

- des bonifications d'intérêt sur les prêts accordés par la Banque européenne d'investissement ou d'autres organismes financiers publics ou privés ;

- des subventions aux primes de garanties et
- d'une aide sous forme de participation aux fonds de garantie d'investissement ou des dispositifs financiers comparables.

### 5.3 Modalités de mise en œuvre

*Gestion directe par les services de la Commission avec du personnel statutaire ou externe*

## 6. INCIDENCE FINANCIÈRE

### 6.1 Incidence financière totale sur la partie B (pour toute la période de programmation)

#### 6.1.1 Intervention financière 335 CE en Mio€ (à la 3ème décimale)

Ventilation	2007	2008	2009	2010	2011	2012	2013	Total
Action 1	19,8	19,7	49,5	49,5	59,5	58,5	78,5	335
Action 2								
Etc.								
<b>TOTAL</b>	19,8	19,7	49,5	49,5	59,5	58,5	78,5	335

#### 6.1.2 Assistance technique et administrative (ATA), dépenses d'appui (DDA) et dépenses TI (crédits d'engagement)

	2007	2008	2009	2010	2011	2012	2013	Total
1) Assistance technique et administrative (ATA):	0.2	0.3	0.5	0.5	0.5	1.5	1.5	5
a) Bureaux d'assistance technique (BAT)								
b) Autre assistance technique et administrative: - intra-muros: - extra-muros:  <i>dont pour la construction et la maintenance de systèmes de gestion informatisés:</i>								
Sous-total 1	0.2	0.3	0.5	0.5	0.5	1.5	1.5	5
2) Dépenses d'appui (DDA):								
a) Études								

b) Réunion d'experts								
c) Information et publications								
Sous-total 2								
<b>TOTAL</b>	0.2	0.3	0.5	0.5	0.5	1.5	1.5	5

## 6.2. Calcul des coûts par mesure envisagée en partie B (pour toute la période de programmation)<sup>42</sup>

CE en Mio€(à la 3<sup>ème</sup> décimale)

Ventilation	Type de réalisations /outputs (projets, dossiers ...)	Nombre de réalisations/ outputs (total pour années 1...n)	Coût unitaire moyen	Coût total (total pour années 1...n)
	1	2	3	4=(2X3)
<u>Action 1</u>	Etudes	60	0.6	36
<u>Action 2</u>	Projets	60	5	300
<b>COÛT TOTAL</b>				335

## 7. INCIDENCE SUR LES EFFECTIFS ET LES DEPENSES ADMINISTRATIVES

### 7.1. Incidence sur les ressources humaines

Les effectifs actuels pour la gestion des réseaux transeuropéens d'Energie sont de 2,5 personnes.

Types d'emplois	Effectifs à affecter à la gestion de l'action par utilisation des ressources existantes et/ou supplémentaires		Total	Description des tâches découlant de l'action
	Nombre d'emplois permanents	Nombre d'emplois temporaires		
Fonctionnaires ou agents temporaires	A B C	3  1	3  1	<i>Si nécessaire, une description plus complète des tâches peut être annexée.</i>

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<sup>42</sup> Pour plus d'informations, voir le document d'orientation séparé.

Autres ressources humaines				
Total	4		4	

Les besoins en ressources humaines et administratives seront couverts à l'intérieur de la dotation allouée à la DG gestionnaire dans le cadre de la procédure d'allocation annuelle

L'allocation de postes dépendra d'une part de l'organisation interne de la prochaine Commission et d'autre part d'une éventuelle réallocation de postes entre services suite aux nouvelles perspectives financières.

## 7.2 Incidence financière globale des ressources humaines

Type de ressources humaines	Montants €	Mode de calcul *
Fonctionnaires Agents temporaires	432.000	4*108.000 €
Autres ressources humaines (indiquer la ligne budgétaire)		
Total	432.000 €	

Les montants correspondent aux dépenses totales pour 12 mois.

## 7.3 Autres dépenses de fonctionnement découlant de l'action

Ligne budgétaire (n° et intitulé)	Montants €	Mode de calcul
<b>Enveloppe globale (Titre A7)</b>		
A0701 – Missions	10.285	10 missions / an
A07030 – Réunions		
A07031 – Comités obligatoires <sup>(1)</sup>	81.000	2 réunions/an x 27 experts x 1500 €
A07032 – Comités non obligatoires <sup>(1)</sup>		
A07040 – Conférences		
A0705 – Etudes et consultations		
... Autres dépenses (indiquer lesquelles)		
<b>Systèmes d'information (A-5001/A-4300)</b>	50.000	PMS : système de gestion de projets
<b>Autres dépenses - partie A</b> (indiquer lesquelles)		
Total	141.285	

Les montants correspondent aux dépenses totales de l'action pour 12 mois.

<sup>(1)</sup> Préciser le type de comité ainsi que le groupe auquel il appartient.

I.	Total annuel (7.2 + 7.3)	573.285 €
II.	Durée de l'action	7Années
III.	Coût total de l'action (I x II)	4.012.996 €

*(Dans l'estimation des ressources humaines et administratives nécessaires pour l'action, les DG/services devront tenir compte des décisions arrêtées par la Commission lors du débat d'orientation et de l'approbation de l'avant-projet de budget (APB). Ceci signifie que les DG devront indiquer que les ressources humaines peuvent être couvertes à l'intérieur de la pré-allocation indicative prévue lors de l'adoption de l'APB.)*

*Dans des cas exceptionnels où les actions visées n'étaient pas prévisibles lors de la préparation de l'APB, la Commission devra être saisie afin de décider si et comment (à travers une modification de la pré-allocation indicative, une opération ad hoc de redéploiement, un budget rectificatif et supplémentaire ou une lettre rectificative au projet de budget) la mise en œuvre de l'action proposée peut être acceptée)*

## **8. SUIVI ET ÉVALUATION**

### **8.1 Système de suivi**

Au cours de la période 2007-2013, l'activité "RTE-énergie" fera l'objet d'un **monitorage annuel** qui n'est ni une évaluation ni un audit mais vise essentiellement à donner une analyse indépendante et rapide de la mise en place du programme afin de pouvoir en corriger les éventuelles dérives ou faiblesses

Il s'agira d'une analyse factuelle qui, en début de période 2007-2013, se concentrera sur les actions lancées et qui, au fur et à mesure de l'avancement des années, portera aussi sur les résultats et les impacts. Une partie de l'analyse sera consacrée à la valeur ajoutée européenne.

Les experts en charge du monitoring étudieront les volets suivants :

- efficacité et transparence de la conduite du programme (notamment appels à proposition, information des soumissionnaires, procédure d'évaluation et de sélection des offres, aspects contractuels) et de la coordination interne à la Commission ;
- cohérence des projets sélectionnés avec les objectifs du programme et avec les autres objectifs politiques de l'Union européenne;
- répartition géographique équilibrée des organisations et des entreprises retenues dans les appels d'offres, compte tenu des besoins identifiés par les orientations RTE-énergie ;

Les rapports de monitoring seront adressés au Secrétariat général, à la DG BUDG, à la DG AUDIT et, le cas échéant, aux autres services intéressés de la Commission.

### **8.2 Modalités et périodicité de l'évaluation prévue**

Une évaluation à mi-parcours sera réalisée avant fin 2010 pour adapter le programme si nécessaire.

Une évaluation générale des résultats de l'activité RTE-Énergie sera réalisée à la fin du programme, ainsi que le prévoit le Règlement.

Cette évaluation visera à mesurer les résultats des actions financées dans le cadre des RTE-énergie et à voir dans quelle mesure ces actions ont contribué par leur impact à atteindre ou à s'approcher des objectifs politiques des RTE-énergie. Elle permettra également l'adaptation future des orientations en fonction de l'évolution technologique et des changements de la structure de production et de consommation d'énergie en Europe et chez ses voisins concernés par les RTE-énergie.

Les rapports d'évaluation seront adressés au Secrétariat général, à la DG BUDG et le cas échéant, aux autres services intéressés de la Commission. Ils seront également soumis aux autres Institutions communautaires.

## **9. MESURES ANTI-FRAUDE**

voir point 9 des dispositifs pour les Réseaux transeuropéens de transport

[...]