



**Innovation and Networks Executive Agency**

**CALL FOR PROPOSALS CONCERNING PROJECTS OF COMMON INTEREST UNDER THE  
CONNECTING EUROPE FACILITY IN THE FIELD OF TRANS-EUROPEAN TRANSPORT NETWORK**

**ANNUAL WORK PROGRAMME 2016  
CEF TRANSPORT 2016 – GENERAL ENVELOPE**

**Projects on the Core and Comprehensive Networks  
(non-pre-identified in Annex I, Part I of the CEF Regulation)**

**Projects to connect with neighbouring countries**

**Freight Transport Services**

**Rail Freight Noise**

## **1. SUBJECT**

In the context of the Connecting Europe Facility (CEF)<sup>1</sup> and on the basis of the annual work programme<sup>2</sup> a call for proposals is launched under the general envelope of the CEF.

The call addresses the following objectives of the CEF Regulation:

- Funding Objective 1: removing bottlenecks, enhancing rail interoperability, bridging missing links, and, in particular, improving cross-border sections;
- Funding Objective 2: ensuring sustainable and efficient transport systems in the long run, with a view to preparing for expected future transport flows, as well as enabling all modes of transport to be decarbonised through transition to innovative low-carbon and energy-efficient transport technologies, while optimising safety.

<sup>1</sup> Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010, OJ L 348 of 20.12.2013, p.129.

<sup>2</sup> Commission Implementing Decision C(2016) 6380 of 7 October 2016 amending Commission Implementing Decision C(2016)1775 on the adoption of the annual work programme for 2016 and the financing for the implementation of Connecting Europe Facility - Transport sector..

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## 2. PRIORITIES

This call for proposals addresses a number of priorities, as described in sections 3.1.2, 3.1.3 and 3.2 of the annual work programme, falling within one of the Funding Objectives of the CEF Regulation described above:

Funding Objective 1:

- Cross-border sections on railways, roads and inland waterways on the core and comprehensive and networks
- Projects to connect the trans-European transport network with infrastructure networks of the neighbouring countries, on the core and comprehensive networks, in particular related to cross-border sections, concerning railways, inland waterways and roads

Funding Objective 2:

- Freight Transport Services
- Actions to reduce rail freight noise, including by retrofitting of existing rolling stock

### Type of Actions

A proposal submitted under this call must address either works or studies, within the meaning of Article 2(5) and (6) of the CEF Regulation. The same proposal cannot combine studies and works.

The type(s) of actions to be funded are further specified in the description of each specific priority and sub-priority in sections 3.1.2, 3.1.3 and 3.2 of the annual work programme.

### Cross-cutting priorities

Where applicable as part of a broader project of common interest, proposed Actions may include activities for the adaptation of TEN-T infrastructure to ensure the continuity of bicycle infrastructure for long-distance cycling paths such as the EuroVelo routes. These activities may include relevant adaptation of traffic signaling systems or the addition of infrastructure dedicated to cyclists and pedestrians, such as tunnels, bypasses, bridges, aerial cycling and walkways and protected cycling paths. They may cover activities extending along TEN-T routes or at crossings between TEN-T routes and long-distance cycling paths.

In combination with other works activities, in particular for railway stations and transport chains, e.g. accessible multi-modal terminals, the scope of the proposed Actions may include activities for improved accessibility to transport infrastructure for persons with disabilities and persons with reduced mobility according to Article 10 (2)(b)(v) of the CEF Regulation.

Increasing the opportunities for private investment to support TEN-T projects is an overarching objective of the CEF Transport programme. For all priorities under this call, in addition to specific objectives, priority will be given to projects that include the use of private finance, in particular the financial instruments available through the European Fund for Strategic Investments, developed by the Commission and implemented by the European Investment Bank.

Proposals for technical, financial and legal studies to develop Public Private Partnerships (PPPs) or other project finance model designed to attract private finance, should seek to:

- define value for money of the PPP procurement versus traditional procurement through a full life cycle assessment;
- assess which risks are most appropriate for transfer to the private sector, with

particular attention to financing risks;

- analyse options for both bank and capital markets financing, including in particular the use of EU financial instruments, especially in the case of projects with weak financial viability;
- identify any replicability and standardisation of elements particularly in the procurement procedures and documentation e.g. forms of public-private contract, that could support the development of a 'PPP project pipeline' within an overall investment plan.

Proposals for studies involving PPP project preparations and proposals for works in the context of a PPP procurement procedure should be submitted under the priority that is most relevant to the content and nature of the underlying TEN-T investment(s).

### **3. RESULTS EXPECTED FROM THE FINANCIAL ASSISTANCE**

The results expected under this call are defined in section 4 of the annual work programme.

The implementation of the 2016 annual work programme aims at contributing to the realisation of the transport Core Network by 2030 and of the Comprehensive Network, thereby further enhancing the effectiveness and visibility of the trans-European transport network, while promoting growth and job creation, in line with Europe 2020 strategy.

It is expected that the granting of support on the basis of this programme will contribute to the timely and efficient completion of a number of TEN-T projects in their entirety or in significant parts, will support the realisation of a robust and resource efficient European transport system, including connections with third countries, and will contribute to addressing climate change.

The actions which will be completed with financial assistance allocated under the 2016 call will directly contribute to the achievement of important transport policy objectives, such as: the establishment of major interoperable transport axes interconnecting national networks and facilitating the functioning of the internal market; the optimal use of existing infrastructure capacities; improving the safety and reliability of the network; enhancing accessibility of peripheral areas of the EU; facilitating congestion relief on rail infrastructure and more balanced modal distribution; and savings in terms of the environmental effects of transport, in particular contributing to addressing climate change.

Granting of financial assistance to these actions should help to reach important milestones marking the way towards the completion of the trans-European transport network, as approved by the European Parliament and the Council. Union funding should help to mobilise as much public and private financing as needed to meet the challenging timetables.

### **4. INDICATIVE BUDGET**

The indicative amount to be allocated on the basis of this call for proposals to projects of common interest in these specified areas is €190 million:

Funding Objective 1:

- €110,000,000 for Projects on the Core and Comprehensive networks
- €40,000,000 for Projects to connect with neighbouring countries

Funding Objective 2:

- €20,000,000 for Freight Transport Services
- €20,000,000 for Actions to reduce rail freight noise, including by retrofitting of existing rolling stock

Budget transfers to and from other priorities within the same funding objective under the annual work programme are permitted.

## 5. TIMETABLE

Date of publication of call for proposals	13 October 2016
Deadline for the submission of proposals	7 February 2016 (17:00:00 Brussels time)
Deadline for the submission of translations (if applicable)	14 February 2016
Evaluation of proposals	February-May 2017 (indicative)
Consultation of CEF Coordination Committee; information of European Parliament	June 2017 (indicative)
Adoption of Selection Decision	July 2017 (indicative)
Preparation and signature of individual grant agreements	As of July 2017 (indicative)

## 6. ADMISSIBILITY REQUIREMENTS

A proposal **will not be evaluated** if at least one of the following situations occurs:

- It is not submitted electronically in the TENtec Information System eSubmission module. In this respect, proposals or part(s) of proposals submitted by email or in hard copy shall not be admissible.
- It is not submitted by the deadline for submission of proposals (*see sections 5. 'Indicative timetable' and 14.2. 'Submission of proposals'*).
- The proposal is incomplete, i.e. any part of the application form (A, B, C or D) is missing.
- The proposal is not duly signed by the applicant(s). Advanced electronic signatures based on a qualified certificate as defined by Regulation 910/2014<sup>3</sup> on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation) and which comply with the signature formats specified in Commission Implementing Decision 2015/1506<sup>4</sup> shall be accepted.

<sup>3</sup> OJ L 257, 28.8.2014, p. 73 ( <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0910&from=EN> )

<sup>4</sup> OJ L 235, 9.9.2015, p. 37 ( <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1506&from=EN> )

## 7. ELIGIBILITY CRITERIA

### 7.1 Eligible applicants

#### General eligibility criteria

Pursuant to Article 9 of the CEF Regulation, only those proposals submitted by one of the following types of applicants are eligible:

- One or more Member States;
- With the agreement of the Member State(s) concerned, international organisations, joint undertakings, or public or private undertakings or bodies established in an EU Member State.

Proposals may be submitted by entities which do not have legal personality under the applicable national law, provided that their representatives have the capacity to undertake legal obligations on their behalf and offer guarantee for the protection of the Union's financial interests equivalent to that offered by legal persons.

Proposals submitted by natural persons are not eligible.

Third countries and entities established in third countries may participate in actions contributing to projects of common interest where necessary in order to achieve the objectives of a given project of common interest. They may not receive financial assistance except where it is indispensable to the achievement of the objectives of a given project of common interest.

In such cases and pursuant to Article 8(1) of the TEN-T Guidelines<sup>5</sup>, applications may be presented by neighbouring countries or entities established in neighbouring countries, with the agreement of a Member State concerned.

For multi-applicant proposals a coordinating applicant must be designated.

**Any applicant that cannot provide the agreement of the Member State concerned will not be eligible.**

Applicants may designate affiliated entities within the meaning of Article 122(2)(b) of the Financial Regulation, for the purpose of supporting the implementation of the action submitted for funding. Such affiliated entities must comply with the eligibility criteria for applicants as specified in section 6.1 of the annual work programme.

#### Exclusion criteria

In line with Article 106 of the Financial Regulation and Article 141 of the Rules of Application<sup>6</sup>, an applicant will be excluded from participating in the call for proposals procedure if it is in any of the following situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it has been established by a final judgement or a final administrative decision that it is

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<sup>5</sup> Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU, OJ L 348 of 20.12.2013, p.1.

<sup>6</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012, OJ L 362, 31.12.2012, p. 1, as last amended by Commission Delegated Regulation (EU) No 2015/2462 of 30 October 2015.

in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the authorising officer is located or those of the country of the performance of the contract;

- c) it has been established by a final judgement or a final administrative decision that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
- i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract, a grant agreement or a grant decision;
  - ii. entering into agreement with other persons with the aim of distorting competition;
  - iii. violating intellectual property rights;
  - iv. attempting to influence the decision-making process of the Commission/ the Agency during the award procedure;
  - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- d) it has been established by a final judgement that it is guilty of the following:
- i. fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
  - ii. corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the authorising officer is located, the country in which the entity is established or the country of the performance of the contract;
  - iii. participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;
  - iv. money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;
  - v. terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
  - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
- e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract, a grant agreement or a grant decision financed by the

Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;

- f) it has been established by a final judgment or final administrative decision that it has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, it is subject to:
  - i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
  - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
  - iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
  - iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law;
  - v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

Applicants will not be granted financial assistance if, in the course of the grant award procedure:

- i. they are subject to a conflict of interests;
- ii. they are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the grant award procedure or have failed to supply that information;
- iii. find themselves in one of the situations of exclusion, referred to above.

The same exclusion criteria apply to affiliated entities. Applicants and their affiliated entities must certify that they are not in one of the situations listed above.

## **7.2 Eligible actions**

### General eligibility criteria

Only actions which can be identified as projects of common interest as defined in Article 7 of the TEN-T Guidelines are eligible under this call.

Only actions located on the Comprehensive Network and actions located on the Core Network and which do not concern pre-identified sections, projects or horizontal priorities listed in Part I of Annex I of the CEF Regulation are eligible under this call.

For proposals submitted under the priority "Projects to connect with neighbouring countries" (section 3.2.1 of the work programme), proposals must be located on the territory of the neighbouring country and on the extension of the TEN-T network to the neighbouring

countries<sup>7</sup>. Proposals must concern sections other than those identified in Annex I, Part I of the CEF Regulation. Proposals in neighbouring countries that address ERTMS, SESAR, ITS and Motorways of the Sea priorities, which are all horizontal priorities listed in Annex I, Part I of the CEF Regulation, should be submitted under the respective priorities of the CEF Transport 2016 MAP General call.

For proposals submitted under the priority "Freight Transport Services", at least part of the supply chain/transport route being the subject of the project should be linked to the Core Network and the envisaged transportation route, the logistic chain or the service being the subject of the action must involve the territory of at least two EU Member States.

#### Cost Benefit/Cost Effectiveness Analysis

Pursuant to Article 10 of the CEF Regulation, and in view of assessing the economic and financial viability of the proposed projects, all proposals for works must be accompanied by a cost-benefit analysis (CBA) proposing the co-funding rate requested for the project, while taking into account the maximum funding rates stipulated in the CEF Regulation. Member States are asked to confirm in the application form that a methodology recognised in the respective national context has been used. It is strongly recommended that the Cohesion Policy CBA methodology for Major Projects<sup>8</sup> be used for the CBA. A proposed Action which concerns a part or a section of a larger project of common interest may be covered by a socio-economic CBA, which includes a financial analysis, for this larger project of common interest.

For projects generating net revenue, the CBA must be accompanied by a calculation of the "funding gap", i.e. the share of the project's costs that is not covered by net revenue.

For proposals submitted under the priority "Rail Freight Noise", all project proposals for 'works' that address implementation of standards laid down in the existing EU legislation must be accompanied by a cost-effectiveness analysis only, instead of a CBA. Where such proposals address areas not covered by the existing EU standards, they must be accompanied by a cost-benefit analysis (CBA).

Pursuant to Article 22(3) of the CEF Regulation, with a view to monitoring the achievement of climate-change objectives, selected proposals subject to CBA may be designated on the basis of a sampling method to perform an ex-post climate change impact assessment of the proposed Action. For this purpose, applications for works should include an estimate of the costs of such climate change impact assessment. These costs will be considered as studies and will benefit from a co-funding rate of up to 50%. The payment of the balance after the completion of the action will be conditional upon the submission of the completed climate change impact assessment.

#### Cross-border sections

Actions involving a cross-border section or a part of such a section shall be eligible to receive EU financial assistance only if there is a written agreement between the Member States concerned or between the Member State(s) and neighbouring country(ies) concerned relating to the completion of the cross-border section.

#### Twinned proposals

If a multi-applicant proposal concerns an Action for which some parts are entitled to funding under the Cohesion Fund envelope and other parts under the general CEF Transport envelope,

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<sup>7</sup> As last amended by the Commission Delegated Regulation (EU) 2016/758 of 4 February 2016

<sup>8</sup> [http://ec.europa.eu/regional\\_policy/sources/docgener/studies/pdf/cba\\_guide.pdf](http://ec.europa.eu/regional_policy/sources/docgener/studies/pdf/cba_guide.pdf)

the application must be split and each part submitted separately under the relevant Cohesion call or General call. The proposal code or application number and the title of the twinned proposal must be cross-referenced in order to allow clear identification of the two parts in the appropriate part of the application form. Complementary applications will be evaluated jointly to appreciate their common EU added value.

## **8. SELECTION CRITERIA**

The selection criteria are detailed in section 7 of the annual work programme.

The operational and financial capacity of applicants will be assessed as specified below.

The need to demonstrate financial and operational capacity does not apply to applicants which are:

- a Member State,
- a third country,
- a public sector body established in the EU (i.e. regional or local authority, body governed by public law or association formed by one or several such authorities or one or several such bodies governed by public law),
- international organisation<sup>9</sup>,
- a European Economic Interest Grouping (EEIG) established in line with Council Regulation (EEC) N° 2137/85 of 25 July 1985, in which at least one member is a public body, or
- a Joint Undertaking in line with eligibility criteria established under Article 187 of the Treaty on the Functioning of the European Union.

The requirement to demonstrate operational and financial capacity also applies to affiliated entities **only where**, according to the proposal, the affiliated entity(ies) will be the only one(s) implementing the proposed Action.

### **8.1 Financial capacity**

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the period during which the proposed Action is being carried out and to participate in its funding.

Applicants shall provide their financial statements certified by an external auditor for the last financial year for which the accounts have been closed. If an applicant has been operating for less than one year, the financial statements may be replaced by a letter of support obtained from a third party (for example, the applicant's parent company) or by another applicant of the proposed Action, who shall also provide its own certified financial statements. These documents must be attached to the application.

### **8.2 Operational capacity**

Applicants must have the operational and technical competencies and capacities required to complete the proposed Action for which the grant is awarded. They must provide appropriate

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<sup>9</sup> According to article 43 (2) of the Rules of Application, international organisations are:  
(a) international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations;  
(b) the International Committee of the Red Cross (ICRC);  
(c) the International Federation of National Red Cross and Red Crescent Societies;  
(d) other non-profit organisations assimilated to international organisations by a Commission decision.

documents attesting to that capacity (e.g. organisations' activity report, proof of the experience in carrying out infrastructure projects).

Information submitted by applicants who benefited from TEN-T support as from 2004 or CEF support as from 2014 may be taken into account in the evaluation of these applicants' operational capacity.

## 9. AWARD CRITERIA

Only admissible proposals compliant with the eligibility criteria will be evaluated against the award criteria.

The award criteria are specified in Section 8 of the annual work programme. For the purpose of the evaluation, these criteria will be grouped in the following four blocks and specified as follows:

- **Relevance.** This refers to the contribution of the proposed Action to the TEN-T priorities as laid out in the TEN-T Guidelines, the funding priorities as laid down in the CEF Regulation and specific priorities and objectives described in the work programme and addressed by the call for proposals. In particular, under relevance, the EU added value of the proposed Action will be considered in light of the definition included in Article 3(d) of the TEN-T Guidelines. In that respect, the highest EU added value is demonstrated when remedying major missing cross-border projects and improving major bottlenecks and other cross-border sections<sup>10</sup>. Where applicable, multimodal integration and interoperability will also be considered as part of the relevance of a proposed Action.
- **Maturity.** This refers to the state of preparation of the proposed Action and the readiness to start the implementation of the proposed activities. This will be determined by the degree of completion of preparatory steps and conditions required for the start of the proposed Action. Proposed Actions that have received political commitments, completed a number of administrative procedures and committed financial resources, as well as proposed Actions which involve the final steps of implementation, can be considered as demonstrating strong maturity. Maturity will also be evidenced by low uncertainty/risks about the start of the Action. Proposed Actions should be ready to start, at the latest, within eighteen months after the closure of the call.
- **Impact.** This refers to the expected effect of the EU financial support on a financial viability of an economically and socially desirable investment. An assessment will be made of the impact of the financing plan to drive the most efficient use of EU financial support, in particular in the mobilisation of additional private funding. Moreover, on the basis of the socio-economic CBA to be provided for proposed Actions concerning works and/or other related information provided in the application form, the impact of the proposed Action will be assessed in terms of positive socio-economic effects (at local, regional and national level), climate and environmental aspects, improvement of accessibility, etc., as applicable. For studies, the use of the study as a decision-making tool and its impact in terms of policy-making and best practices will also be assessed under this criterion.
- **Quality.** This refers to the soundness of the proposed Action. This will be determined

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<sup>10</sup> See also Communication from the Commission "Building the Transport Core Network: Core Network Corridors and Connecting Europe Facility", COM(2013)940 final, 07.01.2014.

by the coherence between the objectives of the proposed Action, the proposed activities, the planned resources, and the appropriateness of the project management processes. Under this criterion, the capacity for the Action to be completed in accordance with the proposed timeline, implementation plans and the technical specifications will be assessed. Other aspects related to the quality of the proposed Action include the soundness of control procedures, quality management and risk management during the implementation of the proposed Action; plans for monitoring, evaluation and internal/external audit of the proposed Action, and publicity regarding the financial support from the CEF. Additionally, the completeness and clarity of the information provided by the applicant(s) will also be taken into account during the assessment of this criterion.

Relevant information for assessing the above blocks of award criteria must be clearly described in the application form.

Each block of award criteria will be given a score between 0 and 5 points (with half-marks allowed). A proposal must obtain at least 3 points for each block of award criteria to be recommended for funding.

When it is considered that a proposal is more relevant to a priority or sub-priority other than that under which it was submitted, the Commission services may propose to transfer the proposal to the priority in question. Such transfer is only carried out during the phase of evaluation of the proposals provided that: (i) the proposal is eligible under the conditions of the funding priority to which it is proposed to be transferred; and (ii) there is written agreement of the applicant(s). In such case, the funding conditions of the funding priority to which a proposal has been transferred shall apply. Such transfer shall not include any other modifications in the proposal. The transfer of a given proposal does not prejudice the results of its evaluation.

## **10. FINAL SELECTION PROCESS**

During the final selection process, the Commission will in particular take into account the following aspects, as appropriate:

- The contribution of the proposed Action to the balanced development of the network,
- The complementarity of the proposed Action with other EU funded projects, in view of optimising the impact of investments already made in the region/country/global project,
- The comparative EU added value (high, medium, low) of the proposed Action in relation to other proposed Actions, taking into account the respective Cost Benefit Analysis where appropriate,
- Any identified/identifiable risks of double-funding from other Union sources,
- Potential synergies across the different CEF sectors and/or other EU Programmes, notably Horizon 2020, where particular consideration will be given to Actions involving the deployment of innovation and technology developed under the EU's research programmes,
- Budgetary constraints.

In exceptional and duly justified cases, and on the basis of the above-mentioned aspects, the Commission may recommend for funding a proposal that has obtained less than 3 points in

one or more blocks of award criteria. In the same way, it may decide to not recommend for funding a proposal that has obtained at least 3 points for each block of award criteria.

## **11. COMPLIANCE WITH EU LAW**

In accordance with Article 23 of the CEF Regulation, only actions in conformity with EU law and which are in line with the relevant EU policies, in particular, in the areas of interoperability, environmental protection<sup>11</sup>, competition and public procurement, shall be financed.

## **12. FINANCIAL PROVISIONS**

### **12.1 General principles**

#### *12.1.1 Other sources of financing*

Pursuant to Article 129 of the Financial Regulation, no EU financial aid will be awarded to actions receiving funds from other sources of EU financing. Under no circumstances will the same costs be financed twice by the EU budget.

In that respect, any proposed Action or part thereof that receive or have already received EU funding under the CEF or other EU Programmes (i.e. TEN-T, Marco Polo II, Cohesion Fund, FP7, Horizon 2020, ESIF, etc.) will not be funded under this call.

#### *12.1.2 Non-profit principle*

In accordance with Article 125 of the Financial Regulation, grants shall not have the purpose or effect of producing a profit within the framework of the proposed Action. Where a profit is made, the Commission shall be entitled to recover the percentage of the profit corresponding to the EU contribution to the eligible costs actually incurred by the beneficiary to carry out the proposed Action<sup>12</sup>.

#### *12.1.3 Non-retroactivity*

Pursuant to Article 130 of the Financial Regulation, no grants may be awarded retrospectively for actions already completed. A grant may be awarded for an action which has already begun provided that the applicant(s) can demonstrate the need for starting the action prior to the signature of the grant agreement.

### **12.2 Funding form**

Grants to be awarded further to this call for proposals will take the form of reimbursement of a specified proportion of the eligible costs actually incurred.

#### *12.2.1 Co-funding rates*

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<sup>11</sup> In particular, but not limited to: the EIA (Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012), SEA (Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001), Habitats (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, OJ L206, 22.7.1992, p.7) and Birds Directives (Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p.7), as well as the Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p.1)

<sup>12</sup> In the meaning of Article 125 of the Financial Regulation, profit shall be defined as a surplus of the receipts over the eligible costs incurred by the beneficiary, when the request is made for payment of the balance.

In line with Article 10(2) of the CEF Regulation, the EU financial assistance to be granted under this call for proposals cannot exceed the rates referred to in section 9.1 of the annual work programme:

(a) with regard to grants for studies, 50% of the eligible costs;

(b) with regard to grants for works:

- i. for railway networks, and road networks in the case of Member States with no railway network established in their territory or in the case of a Member State, or part thereof, with an isolated network without long-distance rail freight transport: 20% of the eligible costs; the funding rate may be increased to a maximum of 30% for actions addressing bottlenecks and to 40% for actions concerning cross-border sections;
- ii. for inland waterways: 40% for actions concerning cross-border sections;
- iii. for actions to reduce rail freight noise including by retrofitting existing rolling stock: 20% of the eligible costs;
- iv. for actions to support cross-border roads sections: 10% of the eligible costs;

(c) with regard to grants for telematic applications systems and services:

- i. for freight transport services: 20% of the eligible costs;

In line with Article 10(5) of the CEF Regulation, these co-funding rates may be increased by up to 10 percentage points for actions with synergies between transport and at least one other sector covered by the CEF Regulation, which address the priorities of Article 4 of the CEF Regulation.

The Commission reserves the right to award a grant of less than the amount requested by the applicant.

In order to ensure efficiency in EU funding interventions, applicants are strongly encouraged to submit applications for actions with a total requested EU contribution to the eligible costs of no less than €500,000 for studies and no less than €1,000,000 for works. Where possible, related actions should be grouped and submitted as one proposal.

#### *12.2.2 Eligible costs*

Eligible costs are costs actually incurred by the beneficiary of a grant which meet all the criteria laid down in Article 126(2) of the Financial Regulation. The same criteria apply to the costs incurred by affiliated entities and implementing bodies.

Applicants should refer to points (3) to (8) of Article 8 of the CEF Regulation concerning the eligibility of costs. The full costs of purchase of equipment and infrastructure which are treated as capital expenditure are eligible under this call.

Costs will be eligible, at the earliest, from the date on which an application is submitted and, at the latest, to the date of completion of the Action, which should be 31 December 2020 at the latest.

In line with the second subparagraph of Article 8(7) of the CEF Regulation and Article 126(3)(c) of the Financial Regulation, VAT paid by beneficiaries of grants awarded following this call for proposals is eligible except:

- deductible VAT (VAT paid by the beneficiary for the implementation of taxed activities or exempt activities with right of deduction);

- VAT paid for the implementation of activities engaged in as a public authority by the beneficiary where it is a Member State, regional or local government authority of a Member State or another body governed by public law of a Member State.

The following costs are not eligible (non-exhaustive list):

- Infrastructure maintenance
- Superstructure such as warehouses, new passenger and freight terminals, etc. except for small scale ancillary infrastructure, superstructures and equipment (including on-board equipment), as described in section 3.2.1 of the work programme
- Infrastructure and facilities for tourism (e.g. cruise ships, cruise ship terminals)
- Research activities
- Operating costs
- Losses
- Overhead costs
- Indirect costs

Ceilings are applicable to eligible costs related to:

- Activities for improved accessibility to transport infrastructure for persons with disabilities and persons with reduced mobility according to Article 10 (2)(b)(v) of the CEF Regulation; costs of these activities may not exceed in any case 10% of the total eligible costs of works of the proposed Action

Detailed information on eligible and ineligible costs is included in the model grant agreement, which is available on the call webpage.

### *12.2.3 Payment arrangements*

A single pre-financing payment corresponding to 40% of the maximum grant amount will be made within 30 days after the last party signs the grant agreement or following the 20<sup>th</sup> of December 2017 whichever is the latest. No interim payment will be made.

In the event that the beneficiary's financial capacity is not satisfactory, the pre-financing payment(s) may be subject to the receipt of a financial guarantee for up to the same amount as the pre-financing payment to be made. The financial guarantee, in euro, shall be provided by an approved bank or financial institution established in one of the EU Member States. When the beneficiary is established in a third country, INEA may agree that a bank or financial institution established in a third country may provide the guarantee if the bank or financial institution is considered to offer equivalent security and characteristics as those offered by a bank or financial institution established in a Member State. Amounts blocked in bank accounts will not be accepted as financial guarantees.

The guarantee may be replaced by a joint or several guarantees provided by third parties or by a joint guarantee of the beneficiaries of an action that are parties to the same grant agreement. The guarantee will be released when the pre-financing is cleared against the balance payment made, in accordance with the conditions laid down in the grant agreement.

In the event that the beneficiary's financial capacity is not satisfactory, a limited joint and several financial liability for recoveries may be applied in accordance with the terms and conditions of the model grant agreement. The final amount of the grant to be awarded to the beneficiary is established after completion of the Action, upon approval of the request for

payment including, where applicable, the supporting documents as described in the model grant agreement.

For multi-beneficiary actions, a coordinator must be designated. The coordinator will be the contact point for INEA and will have, *inter alia*, the responsibility for receiving the payment and coordinating the reporting exercise. It is strongly recommended that beneficiaries sign an internal cooperation agreement regarding their operation and coordination, including all internal aspects related to the management of the beneficiaries and the implementation of the proposed Action. Such internal cooperation agreements shall not undermine, under any circumstances, the terms and conditions of the model grant agreement.

### **13. MODEL GRANT AGREEMENT**

Applicant(s) will be invited to sign the grant agreement if a proposal is selected for funding. The standard model grant agreement is not negotiable and will be signed in English.

Submitting an application implies the acceptance of the terms and conditions of the model grant agreement, available on the call page. Applicants are invited to carefully read this document and its annexes before submitting an application.

### **14. PROCEDURE FOR SUBMISSION OF PROPOSALS**

All practical information on this call for proposals and the evaluation process is detailed in the Guide for Applicants. It is available, together with the application forms, model grant agreement, the annual work programme, the CEF Regulation, the TEN-T Guidelines, and other relevant documents, on the call page, accessible via the following link:

<https://ec.europa.eu/inea/connecting-europe-facility/cef-transport/apply-funding/2016-cef-transport-calls-proposals>

Applicants are requested to carefully read all call-related documents, including the instructions given in the Guide for Applicants and other guidance documents and information, in particular the Frequently Asked Questions (FAQ).

#### **14.1 Application forms**

Proposals must be submitted using the application forms provided on the call page at the link above.

Proposals must be signed by the applicant(s) or its duly authorised representative and must be perfectly legible so that there can be no doubt as to words and figures. Advanced electronic signatures based on a qualified certificate as defined by Regulation 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation) and which comply with the signature formats specified in Commission Implementing Decision 2015/1506 shall be accepted.

The applicant(s) specified in the application form part A will automatically be considered as the beneficiary(ies) if the proposal is selected for funding. If applicants designate affiliated entities within the meaning of Article 122 of the Financial Regulation to support the implementation of the proposed Action, the information on these affiliated entities must be encoded in the application form part A, and any relevant supporting documents must be provided.

Applicants must indicate in application form part A to which priority/sub-priority their proposal is submitted. Proposals that include elements of more than one priority/sub-priority

must be submitted in the priority/sub-priority to which their content has the highest comparative relevance. In this respect, it is the responsibility of the applicant(s) to assess which priority/sub-priority is better addressed by the nature of the proposal.

## **14.2 Submission of proposals**

Applicants are strongly encouraged to submit their applications in the English language as the evaluation of proposals is entirely conducted in English. Applicants also have the possibility to submit their proposal in another EU official language together with an English translation<sup>13</sup>. The latter will be used for the evaluation.

Proposals must be submitted ***electronically*** using the TENtec eSubmission module at the following link: <https://webgate.ec.europa.eu/tentec/grant/esubmission/>.

The electronic submission of proposals must be completed at the latest on **7 February 2017 at 17:00.00 Brussels time** (see also Section 6 "Admissibility requirements").

Application form part A is automatically generated by the TENtec eSubmission module. Application form parts B, C and D must be downloaded from the call page at the link above and duly filled in. Once final, these must be uploaded into the TENtec eSubmission module. The same applies to any annexes or supporting documents accompanying the proposal. Application form part D may not exceed 40 pages.

Any parts of the application form that require signatures of applicants or relevant authorities must be scanned and uploaded into the TENtec eSubmission module. Advanced electronic signatures based on a qualified certificate as defined by Regulation 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation) and which comply with the signature formats specified in Commission Implementing Decision 2015/1506 shall be accepted.

Applicants must be able to provide the original documents and send them to the Commission/Agency services upon request.

## **15. COMMUNICATION ON THE CALL FOR PROPOSALS**

Further information or clarifications on this call for proposals will be published on the call page at the following link: <https://ec.europa.eu/inea/connecting-europe-facility/cef-transport/apply-funding/2016-cef-transport-calls-proposals>.

Applicants are invited to regularly consult this page and the INEA website/Twitter feed (@inea\_eu) regularly until the deadline for submission of proposals.

Any additional specific questions related to this call may be addressed to the call helpdesk: [INEA-CEF-transport-calls@ec.europa.eu](mailto:INEA-CEF-transport-calls@ec.europa.eu).

Answers to submitted questions will be published in a FAQ list on the call page, to ensure equal treatment of all potential applicants. Questions related to the call should be submitted at least by 24 January 2017 to ensure sufficient time for the last update of the FAQs by 31 January 2017.

Questions which are specific to a particular proposal and where the answer would provide a comparative advantage to the applicant will not be answered.

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<sup>13</sup> The Commission will reimburse the translation costs resulting from the translation into English of a proposal submitted in response to this call, for a maximum amount of €1500 per proposal, provided that the translation was submitted before the specified deadline. Please see the Guide for Applicants for details on the reimbursement procedure.

However, individual technical questions related to TENtec eSubmission module will be treated until the call deadline.

## **16. PROCESSING OF PERSONAL DATA**

An applicant's reply to the grant application involves the recording and processing of personal data (such as name, address and CV), which will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, applicant's replies to the questions in the application form and any personal data requested are required to assess an applicant's grant application in accordance with the specifications of the call for proposals and will be processed solely for that purpose by INEA as data controller for this purpose. An applicant may, upon request, have his/her personal data sent to him/her and rectify any inaccurate or incomplete particulars. Should an applicant have any queries concerning the processing of his/her personal data, please address them to the entity acting as data controller within INEA.

The data subjects have the right of recourse at any time to INEA's Data Protection Officer ([INEA-DPO@ec.europa.eu](mailto:INEA-DPO@ec.europa.eu)) or in case of conflict with the Controller or data protection officer concerning the processing of his/her personal data, an applicant has the right to submit a complaint at any time directly to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)).

Details concerning the processing of an applicant's personal data are available in the privacy statement on the call page: <https://ec.europa.eu/inea/connecting-europe-facility/cef-transport/apply-funding/2016-cef-transport-calls-proposals>.

Personal data included in the application (name, title, organisation, contact information) may be shared with the concerned Member States' representatives in the CEF Coordination Committee on a need to know basis in view of their role in the approval of proposals selected for funding as well as responsibilities under the CEF Regulation.

An applicant personal data (name, given name if natural person, address, legal form, registration number and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered by the Accounting Officer of the Commission in the Early Detection and Exclusion System (EDES) established by the Commission pursuant to Article 108(1) of Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union, as amended by Regulation (EU, Euratom) No 2015/1929 (OJ L 286, 30.10.2015, p. 1).

For more information on EDES (including the grounds for being registered in the database), please see [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm) ,

and the privacy statement at [http://ec.europa.eu/budget/library/explained/management/protecting/privacy\\_statement\\_edes\\_en.pdf](http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf) .

Applicants are informed that, to ensure that the EU's financial interests are protected, their personal data may be communicated to internal audit services, the European Commission, the European Court of Auditors, the body specialising in financial irregularities (Financial Irregularities Panel) or the European Anti-Fraud Office (OLAF).

The data of applicants in any of the situations referred to in Articles 106(1), 107 and 109(2)(a) of the Financial Regulation may be included in a central exclusion database and

communicated to designated persons in the Commission, the other institutions, agencies, authorities and bodies referred to in Article 108(1) and (2) of the Financial Regulation. This also applies to those with powers of representation, decision-making power or powers of control in respect of such applicants. Following a request to the Commission's Accounting Officer, anyone registered in the database is entitled to be informed of the data recorded about them.

## **17. IMPORTANT DOCUMENTS**

In preparing an application, applicants should refer to all of the following documents, which are available on the call page:

- Annual work programme
- CEF Regulation
- TEN-T Guidelines
- Commission Delegated Regulation (EU) 2016/758
- Application form (parts A, B, C and D)
- Guide for Applicants
- FAQs published on the call page
- Application checklist
- Model grant agreement
- EU Financial Regulation and Rules of application
- Decision on personnel costs<sup>14</sup>
- Cohesion Policy CBA methodology for Major Projects

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<sup>14</sup> Commission Decision C(2016)478 final of 3.2.2016 on the reimbursement of personnel costs of beneficiaries of the Connecting Europe Facility