|  |  |  |  |
| --- | --- | --- | --- |
|  |  | | |
|  | **Connecting Europe Facility 2014-2020**  **Transport CallS for proposalS 2015** | | |
|  | | | |
| **APPLICATION FORM** | | | |
| **PART C** | | | |
| **Compliance with EU Policy and Law** | | | |
|  | | | |
|  | | |  |
| **Title of the proposed action** | | |  |
|  | | |  |
|  | | |  |
| **TENtec number** | | |  |
|  | | |  |
|  | |  | |
|  | |  | |

|  |
| --- |
| **Compliance with EU policy and law** |

|  |  |
| --- | --- |
|  | Study |
|  | Works |

|  |  |
| --- | --- |
| If the proposal is a study, does it entail physical interventions? | Yes  No |

**I COMPLIANCE WITH EU ENVIRONMENTAL POLICY**

ERTMS, SESAR, ITS, VTMIS, telematics application system, actions exclusively related to implementation of electric vehicles charging stations in already existing build areas, installation to improve accessibility for persons with reduced mobility, and vessels and rail rolling stocks retrofitting proposals only need to fill in Section 1 "Compliance with EU policy on environmental protection" if the proposed action includes physical works (e.g. installation of antennas) affecting a site designated as protection zone under the "Habitats" (92/43/EC) and Birds (2009/147/EC) Directives. Section 1.6 "Actions with a potential impact on water - Water Framework Directive 2000/60/EC" needs to be completed only if these physical works are located in protected waters as defined in Article 1 of this Directive.

1. Consistency of the project with environmental policy
   1. Describe how the project contributes and takes into account the environmental policy objectives including climate change (as guidance, please consider the following: resource efficiency, preservation of biodiversity and ecosystem services, reduction of GHG emissions, resilience to climate change impacts etc.)

|  |
| --- |
|  |

* 1. Describe how the project respects the precautionary principle, the principle of preventive action, the principle that environmental damage should as a priority be rectified at source and the "polluter pays" principle.

1. Development consent

|  |  |
| --- | --- |
|  | Yes |
|  | No |

* 1. Has a development consent already been given to the Action?

If YES, indicate when:

|  |  |
| --- | --- |
|  | (dd/mm/yyyy) |

|  |  |
| --- | --- |
|  | Yes |
|  | No |

* 1. Has or could an appeal be launched against the development consent given?

If YES, explain:

|  |
| --- |
|  |

* 1. If no development consent has been given to the Action (question 2.1) please indicate when was the formal request for the development consent introduced and specify the administrative steps accomplished so far and describe those remaining:

|  |
| --- |
|  |

By which date is the final decision expected?

|  |  |
| --- | --- |
|  | (dd/mm/yyyy) |

* 1. Indicate which competent authority(ies) has(have) given or will give the development consent:

|  |
| --- |
|  |

1. **APPLICATION OF COUNCIL 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 (the 'EIA Directive')[[1]](#footnote-1)**
   1. Is the Action a class of development covered by:

|  |  |
| --- | --- |
|  | Annex I of the Directive (then go to question 3.2) |
|  | Annex II of the Directive (then go to question 3.3) |
|  | Neither of the two annexes (The declaration in section 3.4 of this form has to be signed by the Competent Authority) |

* 1. When covered by Annex I of the Directive, attach the following documents:

a) the non-technical summary of the EIA report[[2]](#footnote-2)

b) information on consultations with environmental authorities, the public and, if applicable, consultations with other Member States, carried out in accordance with Articles 6 and 7 of the EIA Directive

c) the decision of the competent authority issued in accordance with Articles 8 and 9 of the EIA Directive, including information on how it was made available to the public.

* 1. When covered by Annex II of the Directive, has an Environmental Impact Assessment been carried out for this Action?

|  |  |
| --- | --- |
|  | YES - in which case, attach the documents listed under point 3.2 |
|  | NO - in which case, please provide:  a) a copy of the determination required in Article 4(2) of the EIA Directive (known as 'screening decision'), including justification that the project will not have significant environmental effects;  or  b) explain the reasons why the action has no significant environmental effects on the basis of the thresholds or criteria established by the relevant national legislation (this information is not needed, if it is already included in the decision mentioned under point a), |

|  |
| --- |
| Justification |

* 1. **Declaration of the Competent Authority:**

(the signature is only required in case the action does not fall under the scope of the EIA Directive, i.e. the answer to 3.1 was "Neither of the two annexes)

Declares that the action      , is not included in annex I nor in Annex II of Directive 2011/92 (EIA Directive).

|  |
| --- |
| Comments |

|  |  |
| --- | --- |
| Name of Authority |  |
| Contact person |  |
| Function |  |
|  |  |
| Signature: |  |
| Official stamp: |  |

1. **APPLICATION OF THE Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment**[[3]](#footnote-3) **(the 'SEA-Directive')**
   1. Is the project implemented as a result of a plan or programme (e.g. plan or programme prepared for the transport sector, country planning or land use)?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Yes |  |  | No |  |

* 1. If the reply is 'Yes', please specify if the plan or programme was made subject to a strategic environmental assessment in accordance with the SEA Directive?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Yes |  |  | No |  |

If the reply (to 4.2.) is 'No', please provide a short explanation:

|  |
| --- |
|  |

If the reply (to 4.2.) is 'Yes', please provide the non-technical summary[[4]](#footnote-4) of the Environmental Report and the information required by Article 9.1 (b) of that Directive (either an internet link or an electronic copy).

1. APPLICATION OF THE Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora[[5]](#footnote-5) (Habitats Directive); assessment of effects on Natura 2000 sites

### Is the Action likely to have significant effects on sites included or intended to be included in the NATURA 2000 network?

|  |  |
| --- | --- |
|  | NO  If NO, please attach a completed Annex C-I declaration, signed, dated and stamped by the relevant competent authority |

|  |  |
| --- | --- |
|  | YES  If YES, please provide: |

1. the decision of the competent authority approving the action;
2. the results of the appropriate assessment carried out in accordance with Article 6(3) of the Habitats Directive (this information is not needed, if it is already included in the decision mentioned under point 1);
3. a map (at a scale of 1:100,000 or the nearest possible scale) indicating the location of the action and the Natura 2000 sites concerned;

and

1. Only in cases where the competent authority has determined that the project has significant negative effects on one or more sites included or intended to be included on the Natura 2000 network, the following information should be provided:
   1. a copy of the standard notification form “Information to the European Commission according to Article 6(4) of the Habitats Directive[[6]](#footnote-6), as notified to the Commission (DG Environment) and/or;
   2. an opinion of the Commission under Article 6(4) of the Habitats Directive in case of projects having significant impacts on the priority habitats and/or species and justified by imperative reasons of overriding public interest other than human health and public safety or beneficial consequences of primary importance for the environment.
2. APPLICATION OF THE Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (Water Framework Directive)[[7]](#footnote-7)

Does the Action involve a new modification to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater which deteriorate the status of a water body or cause failure to achieve good water status/potential?

|  |  |
| --- | --- |
|  | NO |

|  |  |
| --- | --- |
|  | YES  If YES, please provide the assessment of the impacts on the water body and a detailed explanation of how the conditions under Article 4 (7). of the Water Framework Directive were/are fulfilled. |

|  |
| --- |
| Explain if needed: |

**Confirmation by the Authority responsible for water management[[8]](#footnote-8) of information above**

|  |  |
| --- | --- |
| Contact person: |  |
| Name: |  |
| Function: |  |
| Signature: |  |
| Official stamp: |  |

**II COMPATIBILITY WITH EU POLICY ON INTEROPERABILITY (railway actions only)**

|  |  |
| --- | --- |
|  | Yes |
|  | No |

The proposed Action will be implemented in conformity with the applicable Interoperability legislation, in particular Technical Specifications of Interoperability currently in force and Directive 2008/57/EC[[9]](#footnote-9)?

If NO, indicate which elements of the interoperability specifications will not be respected and why. If appropriate, make reference to any exemption request previously addressed to the Commission:

|  |
| --- |
|  |

|  |  |
| --- | --- |
|  |  |
|  |  |

**III COMPATIBILITY WITH EU LAW ON STATE AIDS**

|  |  |
| --- | --- |
|  | Yes |
|  | No |

Has any State/public funding been granted or is foreseen to be granted to this Action[[10]](#footnote-10)?

|  |  |
| --- | --- |
|  |  |
|  |  |

|  |  |
| --- | --- |
|  | Yes |
|  | No |

If YES, does the public funding involve State aid under Art 107(1) of the Treaty?

Please explain on which basis you draw this conclusion[[11]](#footnote-11).

|  |
| --- |
|  |

|  |  |
| --- | --- |
|  | Yes |
|  | No |

Should State aid be involved, has it been already notified or is it planned to be notified to the Commission (DG Competition) pursuant to Article 108(3) of the Treaty?

**Please note that it is the sole responsibility of the Member State to notify any State aid involved in the Action and that a Commission decision on TEN-T funding is without prejudice to EU State aid rules.**

Please provide information on the possible compatibility grounds (*OPTIONAL*)

|  |
| --- |
|  |

**IV COMPATIBILITY WITH EU LAW ON ROAD CHARGING (for road actions only)**

Art. 7(f) of the Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures as amended allows under certain conditions a mark-up to be added to the tolls of specific sections.

Does Article 7(f) of the Directive 1999/62/EC apply to the Action?

|  |  |
| --- | --- |
|  | NO |
|  |  |
|  | YES  If YES, please answer the questions below |

Provide information on the conditions fulfilled:

|  |
| --- |
|  |

When did the Member State(s) concerned submit the plan for charges to the Commission?

|  |
| --- |
|  |

Did the Commission (i) agree to these plans, or (ii) reject these plans, or (iii) request modifications of these plans - if so, when did the Commission agree to the modified plans?

|  |
| --- |
|  |

Provide the decision number and date of the Decision of the Commission:

|  |
| --- |
|  |

**V COMPATIBILITY WITH UNION LAW ON PUBLIC PROCUREMENT[[12]](#footnote-12)**

Is the Action planned to be implemented in compliance with Union Law on public procurement, especially with Directives 2004/18[[13]](#footnote-13) and 2004/17[[14]](#footnote-14) as amended?

|  |  |
| --- | --- |
|  | YES |
|  |  |
|  | NO  If NO please explain |

|  |
| --- |
|  |

**VI OTHER SOURCES OF EU FINANCING**

Have you received or do you expect to receive any other Union funding for this Action?

|  |  |
| --- | --- |
|  | YES |
|  |  |
|  | NO  If YES please explain |

|  |
| --- |
|  |

**ANNEX C-I**

|  |
| --- |
| **DECLARATION BY THE COMPETENT AUTHORITY RESPONSIBLE FOR**  **MONITORING OF NATURA 2000 SITES[[15]](#footnote-15)** |

Responsible Authority:

Having examined the Action application:

Which is to be located at:

Declares that the Action is not likely to have significant effects on a NATURA 2000 site on the following grounds:

|  |
| --- |
|  |

Therefore an appropriate assessment as described by Article 6(3) of Directive 92/43/EEC was not deemed necessary.

**A map at scale of 1:100.000 (or the nearest possible scale) is attached, indicating the location of the Action as well as the NATURA 2000 sites concerned, if any**.

|  |  |
| --- | --- |
| Date (dd/mm/yyyy): |  |
| Signed: |  |
| Name: |  |
| Position: |  |
| Organisation: |  |
|  | (Authority responsible for monitoring NATURA 2000 sites) |

Official Seal:

1. JO L 26, 28.1.2012 [↑](#footnote-ref-1)
2. Prepared pursuant to Article 5 and Annex IV to the Directive 2011/92/EU [↑](#footnote-ref-2)
3. OJ L 197 of 21.7.2001. [↑](#footnote-ref-3)
4. Prepared pursuant to Article 5 and Annex I to Directive 2001/42/EC. [↑](#footnote-ref-4)
5. OJ L206, 22.7.1992, p.7 [↑](#footnote-ref-5)
6. Revised version adopted by the Habitats Committee on 26.4.2012 http://ec.europa.eu/environment/nature/natura2000/management/guidance\_en.htm#art6 [↑](#footnote-ref-6)
7. OJ L 327, 22.12.2000, p.1 [↑](#footnote-ref-7)
8. Competent Authority identified in accordance with Article 3(2) of the Water Framework Directive. [↑](#footnote-ref-8)
9. Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the EU, which is a recast of (i) Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system *-* OJ L 235, 17.9.1996, and (ii) Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system *-* OJ L 110, 20.4.2001 [↑](#footnote-ref-9)
10. Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union, that is not directly or indirectly under the control of Member States, does not constitute State aid. [↑](#footnote-ref-10)
11. In order to determine whether the measure in question constitutes aid within the meaning of Article 107(1) of the Treaty all of the following conditions need to be fulfilled: (a) be granted by the State or through State resources; (b) favour certain undertakings or the production of certain goods; (c) distort or threaten to distort competition; and (d) affect trade between Member States. These criteria are cumulative; if one of them is not met, no state aid is present. State aid may not be involved if the public funding concerns works or services within the public policy remit. [↑](#footnote-ref-11)
12. Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 134, 30.4.2004, p. 114) and Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 134, 30.4.2004, p. 1) as amended. Any reference to these Directives shall be understood to references to respectively Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 (OJ L 94, 28.3.2014, p. 65) and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 (OJ L 94, 28.3.2014, p. 243) where the latter Directives have entered into force. [↑](#footnote-ref-12)
13. Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114) [↑](#footnote-ref-13)
14. Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 134, 30.4.2004, p. 1) [↑](#footnote-ref-14)
15. The Annex I declaration shall provide the name of the relevant site(s), reference number, the distance of the project to the nearest Natura 2000 site(s), and justification that project (either individually or in combination with other projects) is not likely to have significant negative effects on Natura 2000 site(s) included or intended to be included in the Natura 2000 network, and, if relevant, an administrative decision. [↑](#footnote-ref-15)