



State Aid in the context of TEN-T projects

As part of the ongoing modernisation of state aid policy, the Commission launched a stakeholder consultation on a Draft Communication on State aid to promote Important Projects of Common European Interest (IPCEI). The aim of the IPCEI is provide guidance to Member States on how to support transnational projects which are of strategic dimension for the EU and for the realisation of the Europe 2020 objectives.

The undersigning associations in the transport sector, ASECAP, CER, EFIP, EIM, ESPO, IRU , welcome this initiative and would like to use this opportunity to draw the attention of the Commission to the specific issue of state aid in the context of TEN-T projects.

The Trans-European Transport Network aims to strengthen the social, economic and territorial cohesion of the Union. It contributes to the creation of a single European Transport Area which is to be efficient and sustainable, thereby increasing the benefits for its users and supporting inclusive growth.

TEN-T projects typically benefit from EU-funding with a maximum co-financing rate of about 20-30%. The remaining part of the project funding has to be covered through other means. These are often public resources. The evaluation of the EU funding and national financing is done in different ways. Whereas the European Commission considers EU funding fully compatible with the Treaty, it may consider national financing as state aid, which has to be separately notified to the Commission and which can potentially be incompatible with the Treaty.

This approach **creates significant legal uncertainty for the investors**, as well as the **double administrative burden of the TEN-T application and the state aid notification**, which can result in important delays of a project.

Therefore, we, undersigning associations in the transport sector, ASECAP, CER, EFIP, EIM, ESPO, IRU recognise that the European Commission must assess the funding applications in terms of their conformity with the Treaty, but would ask to better streamline procedures within the European Commission in such a way as to ensure that the compatibility of all elements of the funding of a project with EU law can be assessed during the general TEN-T application process. A positive TEN-T funding decision should entail the legal certainty that the possible use of state aid for the same project will not be too easily challenged at a later stage.

The undersigning associations in the transport sector, ASECAP, CER, EFIP, EIM, ESPO, IRU call the European Commission to adapt the draft communication on IPCEI to take into consideration the requested streamlining of the process within the Commission with the aim of ensuring the legal certainty of approved TEN-T projects.

Description of issuing organisations:

ASECAP: ASECAP is the European Association of Operators of Toll Road Infrastructures whose members' networks span more than 48.000 Km of motorways, bridges and tunnels across 21 countries ASECAP's purpose is to defend and develop the system of motorways and road infrastructure in Europe. Tolls are applied as a means to ensure the financing of their infrastructure, maintenance and operation

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CER: The Community of European Railway and Infrastructure Companies (CER) brings together more than 80 members - European railway undertakings, their national associations as well as infrastructure companies. The membership covers long-established bodies, new entrants and both private and public-sector organisations. CER members represent about 70% of the rail network length, more than 85% of the rail freight business and over 96% of rail passenger operations in EU, EFTA and EU accession countries.

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EFIP: The European Federation of Inland Ports (EFIP) is the official voice of nearly 200 inland ports in 19 countries of the European Union, Switzerland and Ukraine. EFIP highlights and promotes the role of European inland ports as intermodal nodal points in the transport and logistics chain, combining inland waterway transport with rail, road, and maritime transport.

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EIM: European Rail Infrastructure Managers (EIM) is an international, non-profit association which represents the common interests of independent rail infrastructure managers in Europe. EIM currently has 13 members which accounts for 11 European countries. EIM members are dedicated to improve railway infrastructure management and the service they provide to their customers. EIM members manage 53% of the European Union's railway lines, with 40% of EU's rail freight traffic and 58% of the passenger traffic.

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ESPO: The European Sea Ports Organisation represents the port authorities, port associations and port administrations of the seaports of the Member States of the European Union and Norway. ESPO has also observer members in several neighbouring countries to the EU. 90 % of Europe's cargo trade in goods passes through the more than 1200 seaports existing in the 23 maritime Member States of the EU and more than 400 million passengers pass through Europe's ports every year using ferry and cruise services. ESPO ensures that seaports have a clear voice in the European Union. The organisation promotes the common interests of its members throughout Europe and is also engaged in dialogue with European stakeholders in the Port and Maritime sector.

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IRU: The International Road Transport Union (IRU) is the world road transport organisation, which upholds the interests of bus, coach, taxi and truck operators, from large fleets to individual owner-operators, to ensure economic growth and prosperity via the sustainable mobility of people and goods by road worldwide. The IRU is a global industry federation of national Member Associations and Associate Members in 73 countries on 5 continents. As such, the IRU has a truly global vision and acts effectively at the international, regional, national and even local level. The IRU, as the global voice of the road transport industry, works towards achieving the twin goals of [Sustainable Development](#) and [Facilitation](#) of road transport worldwide. The organisation was established in 1948 and is mandated by the United Nations to manage the TIR (*Transports Internationaux Routiers*) customs guarantee and trade facilitation scheme, guaranteeing more than \$100 million worth of goods every day. For more information please contact stuart.colley@iru.org