REGULATION (EC) No 807/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 21 April 2004

amending Council Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first paragraph of Article 156 thereof,

Having regard to the proposal from the Commission ([1]),

Having regard to the opinion of the European Economic and Social Committee ([2]),

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ([3]),

Whereas:

(1) The High-Level Group on the trans-European transport network chaired by Mr Karel Van Miert expressed concern that the delays in the cross-border sections of the priority projects on the trans-European transport network (TEN) were having an adverse effect on the profitability of the investments made by the Member States in the sections in their own country, denying them the benefit of economies of scale, and recommended that the rate of Community financing should be differentiated, according to the benefits to other countries, in particular the neighbouring countries, stressing that such modulation should in the first instance benefit the cross-border projects used by long-distance transport services. Moreover, the Community financing rate should be differentiated according to the extent to which the project's economic benefits exceed its financial profitability.

(2) To this end the High-Level Group recommended a higher rate of Community aid to promote completion of the cross-border connections for the priority projects and added that the budgetary impact of such a change would be limited. This should be implemented bearing in mind the need to focus TENs resources on key projects, while recognising the need for continued financial support for non-priority projects.

(3) The possibility should be given to meet the budgetary commitments by means of annual instalments, while basing them on a global and multiannual legal commitment.

(4) A temporary increase in the rate of Community aid may provide an incentive for actors to speed up and to render effective the implementation of priority projects covered by this Regulation.

(5) The establishment of public-private partnerships (or of other forms of cooperation between the public and private sectors) demands a firm financial commitment from institutional investors which is sufficiently attractive to raise private capital. Granting Community financial aid on a multiannual basis would remove the uncertainties which are slowing down project development. Measures should therefore be taken to grant financial support to the projects selected on the basis of a multiannual legal commitment.

(6) Cross-border connections between energy networks are important for ensuring smooth operation of the internal market, security of supply and optimum use of energy infrastructure. Priority projects on the energy networks, which are necessary in the interests of the European economy but unprofitable in business terms and which do not distort competition between enterprises, should therefore also qualify for higher financial aid. This aid is in respect of priority projects on the energy networks.

(7) Council Regulation (EC) No 2236/95 ([4]) should be adapted to take account of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([5]).

([1]) OJ C 75 E, 26.3.2002, p. 316 and OJ C 151 E, 25.6.2002, p. 291.
([2]) OJ C 125, 27.5.2002, p. 13.
([3]) Opinion of the European Parliament of 2 July 2002 (OJ C 271 E, 12.11.2003, p. 163), Council Common Position of 24 February 2004 (not yet published in the Official Journal) and Position of the European Parliament of 30 March 2004 (not yet published in the Official Journal).
([4]) OJ L 228, 23.9.1995, p. 1. Regulation as amended by Regulation (EC) No 1655/1999 of the European Parliament and of the Council (OJ L 197, 29.7.1999, p. 1).
([5]) OJ L 184, 17.7.1999, p. 23.