



EUROPEAN
COMMISSION

Brussels, 3.3.2023
C(2023) 1387 final

COMMISSION DECISION

of 3.3.2023

on the financing of actions under the prerogatives of the Commission and its specific powers in the field of transport: Support activities to the European transport policy, transport security and passenger rights including communication activities and the adoption of the work programme for 2023

COMMISSION DECISION

of 3.3.2023

on the financing of actions under the prerogatives of the Commission and its specific powers in the field of transport: Support activities to the European transport policy, transport security and passenger rights including communication activities and the adoption of the work programme for 2023

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 58(2)(d) and Article 110 thereof,

Whereas:

- (1) In order to ensure the implementation of the actions financed under the prerogatives of the Commission and its specific powers in the field of transport, it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2023.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures² adopted pursuant to Article 215 TFEU.
- (3) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (4) Pursuant to Article 62(1)(c) of the Financial Regulation indirect management is to be used for the implementation of the programme.
- (5) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of the Financial Regulation. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (6) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) FR.

¹ OJ L 193, 30.7.2018, p.1.

² www.sanctionsmap.eu Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy the OJ prevails.

- (7) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) FR.

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

The annual financing decision, constituting the annual work programme for the implementation of the *Support activities to the European transport policy, transport security and passenger rights including communication activities* for 2023, as set out in the Annex, is hereby adopted.

Article 2
Union contribution

The maximum Union contribution for the implementation of the work programme for 2023 is set at EUR 14 433 000, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

02 20 04 01 - *Support activities to the European transport policy, transport security and passenger rights including communication activities*

The appropriations provided for in the first paragraph may also cover interest due for late payment.

Article 3
Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to in the Annex.

Article 4
Flexibility clause

Cumulated changes to the allocations to specific actions not exceeding 20% of the maximum contribution set in Article 2, first paragraph, of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046, where those changes do not significantly affect the nature of the actions and the objective of the work programme. The increase of the maximum contribution set in Article 2, first paragraph, of this Decision shall not exceed 20%.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Article 5

Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may be awarded to the bodies referred to in the Annex.

Done at Brussels, 3.3.2023

For the Commission

Adina-Ioana VĂLEAN

Member of the Commission

EN

ANNEX

to the

COMMISSION DECISION

on the financing of actions under the prerogatives of the Commission and its specific powers in the field of transport: Support activities to the European transport policy, transport security and passenger rights including communication activities and the adoption of the work programme for 2023

1. Introduction

On the basis of the objectives given in the budget remarks¹, this work programme contains the actions to be financed and the budget breakdown for year 2023 as follows:

- for grants (implemented under direct management) (point 2)
- for procurement (implemented under direct management) (point 3)
- for actions implemented under indirect management (point 4)
- for other actions or expenditure (point 5)

Legal basis

Articles 58(2)(d) of the Financial Regulation (FR)
--

Budget line(s)

02 20 04 01 - Support activities to the European transport policy, transport security and passenger rights including communication activities - EUR 14 433 000.

Objectives pursued

This appropriation is intended to cover expenditure incurred by the Commission for collecting and processing information of all kinds needed for the analysis, definition, promotion, monitoring, evaluation and implementation of the rules and measures required to improve the security of inland, air and sea transport, including extension to third countries, technical assistance and specific training.

The main objectives are to develop and apply security rules in the field of transport and in particular: — measures to prevent malicious acts in the transport sector, — approximation of legislation, technical standards and administrative monitoring practices relating to transport security, — definition of common indicators, methods and security objectives for the transport sector and collection of the data necessary for such definition, — monitoring of measures taken on transport security by the Member States, in all modes, — international coordination on transport security, — promoting research into transport security.
--

¹ [Budget On-line \(europa.eu\)](https://europea.eu)

Support activities include studies, consultancy, evaluations and impact assessments, development and maintenance of IT tools and databases, meetings of experts, information and communication, including communication campaigns, conferences and events.

This appropriation also covers expenditure on the establishment and operation of a corps of inspectors to check compliance with the requirements of Union security legislation of airports, ports and port facilities in the Member States, including extension to third countries, and of ships flying the flag of a Member State. This expenditure includes the subsistence allowances and travel expenses of the Commission inspectors and the expenses of inspectors from the Member States, borne in accordance with the provisions laid down in that legislation. The costs of training inspectors, of preparatory meetings and of the supplies needed for inspections must, in particular, be added to that expenditure.

Expected results

In the context of the Commission's prerogatives at institutional level, as provided for in Article 58(2)(d) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, this appropriation is intended to finance the activities necessary for the analysis, definition, promotion, monitoring, evaluation and implementation of the Union's transport policy, for all transport modes (road, rail, air, sea and inland waterways). The main actions are intended to support the Union's transport policy, including extension to third countries.

This appropriation covers all transport sectors such as transport safety, internal market of transport, optimisation of transport network, multimodality, logistics, passengers' rights and protection, the use of alternative fuels, clean vehicles procurement and urban mobility, social and gender aspects as well as safety and protection of transport users.

2. Grants

The global budgetary envelope reserved for *Grants* under this work programme is EUR 585 000.

2.1 Grant to the International Civil Aviation Organization (ICAO) under the auspices of the EU-ICAO Memorandum of Cooperation

Type of applicants targeted by the direct award

Grant awarded without a call for proposals to bodies with a de jure or de facto monopoly, Article 195(c) FR of Regulation (EU, Euratom) 2018/1046

Description of the activities to be funded by the grant awarded without a call of proposals

Council Decision 2012/243/EU of 8 March 2012 on the conclusion of a Memorandum of Cooperation (MoC) between the European Union and the International Civil Aviation Organization (ICAO) provides a framework for strengthened cooperation, laying down procedural arrangements related thereto.

A three-year Framework Partnership Agreement (FPA) was signed in 2021 between the Commission and ICAO for the period 2021-2023 to cover the implementation of the activities set out in the EU-ICAO MoC, such as financing of ICAO experts and technical assistance projects under Regulation 2111/2005/EC. The grant will take the form of a Specific Grant Agreement (SGA) under the FPA.

The grant will finance a series of concrete actions, which will include:

- financing of a number of ICAO experts in areas of key interest to the European Union, notably in the standard-setting (safety, ATM, security) and policy development (environmental protection) sections;
- promotion of the recognition and role of the Regional Aviation Systems and their Regional Service Oversight Organizations (RSOO) component;
- involvement of, and cooperation with ICAO, in the EU's Safety List activities of banned airlines;
- involvement of, and cooperation with ICAO in safety issues arising from intensified automation of aircraft, air navigation and unmanned aircraft (drones);
- provision of technical expertise and assistance, focusing on countries with safety oversight issues of specific relevance to Europe based on the EU Safety List of banned airlines, and aviation agreements between the EU and those countries;
- actions in the framework of the EU's initiative to strengthen international aviation worldwide.

Collaborative activities may be undertaken in other areas covered by the Memorandum of Cooperation and its Annexes, following a process of due consideration and joint decision taking.

Implementation

Directorate-General for Mobility and Transport in agreement with other directorates-general where relevant.

2.2 Grant to the International Civil Aviation Organization for the employment of an European security expert in the context of the EU-ICAO Framework Partnership Agreement

Type of applicants targeted by the direct award

Grant awarded without a call for proposals to bodies with a de jure or de facto monopoly, Article 195(c) FR of Regulation (EU, Euratom) 2018/1046

Description of the activities to be funded by the grant awarded without a call of proposals

Council Decision 2012/243/EU of 8 March 2012 on the conclusion of a Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation, and laying down procedural arrangements related thereto.

A three-year Framework Partnership Agreement (FPA) was signed on 22 January 2021 between the Commission and ICAO for the period 2021-2023 to cover the implementation of the activities set out in the EU-ICAO MoC, such as financing of ICAO experts and technical assistance projects under Regulation 2111/2005/EC. The grant will take the form of a Specific Agreement (SA) under the FPA.

This specific grant agreement will finance an EU aviation security expert at ICAO, who will support the ICAO Secretariat in the implementation of the Global Aviation Security Plan (GASeP), in accordance with the GASeP's principles and key priorities:

- enhance risk awareness and response;
- develop security culture and human capability;

- improve technological resources and foster innovation;
- improve oversight and quality assurance;
- increase cooperation and support.

Expertise will be necessary in particular in the areas of passenger and air cargo and mail security. Tasks will include developing:

- appropriate preventive measures including enhanced screening for passengers, cargo and mail, appropriate regulatory controls for passenger, cargo, the supply chain and service providers, guidelines for the selection and training people who implement security measures;
- options for using advance cargo information to enhance aviation security processes within the context of a risk management framework;
- common measures to be applied to freight carried on all cargo and passenger aircraft;
- strategic relationships with other organisations and alignment of regulatory provisions;
- ways and means to assist ICAO Member States in the implementation of GASEP;
- dissemination of best practice information;
- technical support to ICAO-led and ICAO-coordinated assistance activities.

Implementation

Directorate-General for Mobility and Transport in agreement with other directorates-general where relevant.

2.3 ENCASIA-10-11: Support to safety activities managed by the European Network of Civil Aviation Safety Investigation Authorities during 2023-2024

Type of applicants targeted by the direct award

Grant awarded without a call for proposals to bodies with a de jure or de facto monopoly, Article 195(c) FR of Regulation (EU, Euratom) 2018/1046

Description of the activities to be funded by the grant(s) awarded without a call for proposals on the basis of Article 195 of the Financial Regulation

Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation provides for the establishment of a European Network of Civil Aviation Safety Investigation Authorities (ENCASIA). This legislation recognises that the capacities of the safety investigation authorities in Member States should be strengthened and cooperation is necessary to improve the efficiency of the investigation and prevention of civil aviation accidents and incidents in the EU. Under the Regulation, ENCASIA is required to develop actions in order to improve the quality of investigations conducted by safety investigation authorities and to enhance accident prevention in the EU.

Article 7(7) of the Regulation states that "the Commission shall be closely associated with the work of the Network (...) and shall provide the Network with the necessary support (...)", including the financing of ENCASIA activities.

The Commission will focus its financial support on specific safety actions such as investigators' training, peer reviews and the development of reinforced cooperation mechanisms between

Member States, notably in case of major commercial air transport accident. Training will contribute to reinforce and harmonise the skills of European safety investigators. The peer review process will help ensure the correct implementation of the Regulation and improve aviation safety through feedback from investigations. The mutual assistance project (ENCASIA Mutual Support System) will support the development of mechanisms for Member States to pool and share technical and human resources.

Implementation

Directorate-General for Mobility and Transport in agreement with other directorates-general where relevant.

3. Procurement

The global budgetary envelope reserved for procurement contracts in 2023 is EUR 11 428 000.

3.1 Support activities to the European transport policy, transport security and passenger rights including communication activities

General description of the contracts envisaged

- Consultancy, surveys and studies, including evaluations and impact assessments
- Conferences and communication activities
- Translation of transport-related documents
- Development and maintenance of operational IT systems
- Publications
- Framework contract for long-term quantitative assessment of transport policy scenarios
- Framework contract for assessment of infrastructure costs and tolls calculation and variation for vehicles in Member States
- Framework contract for support to PRIME activities: key performance indicators, benchmarking and assistance to the Rail Market Monitoring Scheme Report (RMMS)

Implementation

Directorate-General for Mobility and Transport in agreement with other directorates-general such as Translation, the Joint Research Centre and Informatics where appropriate.

4. Actions implemented in indirect management

The global budgetary envelope reserved for actions implemented in indirect management in 2023 is EUR 1 500 000

4.1. Contribution agreement with the European Maritime Safety Agency for FuelEU Maritime

Implementing entity

The European Maritime Safety Agency (EMSA) is a decentralised agency, falling under Article 70 of Regulation (EU, Euratom) 2018/1046.

Description

Contribution agreement with EMSA for the development of the FuelEU Compliance Database in the context of the FuelEU Maritime Regulation.²

EMSA will be tasked with the design, operation and maintenance of the Compliance Database that will support the monitoring, reporting and verification requirements of the FuelEU Maritime Regulation. It will be integrated in the THETIS-MRV system and will benefit as much as possible from functional synergies with the EU ETS Maritime implementation. The system will also support communication and exchange between companies, verifiers and competent authorities, including notification mechanisms, the pooling documentation and other flexibility mechanisms, and the management of compliance, including penalties for non-compliance.

4.2. Contribution agreement with European Maritime Safety Agency on the European Maritime Single Window environment

Implementing entity

The European Maritime Safety Agency (EMSA) is a decentralised agency, falling under Article 70 of Regulation (EU, Euratom) 2018/1046.

Description

The action will contribute to the implementation of Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment (EMSWe). In particular, it will finance the development of the EMSWe Ship Database, the Common Hazmat Database, the Common Location Database and system interface guides and the Ship Sanitation Database required by Articles 14, 15, 16, 17 of the Regulation. The contribution agreement will cover integration with the stakeholders' IT systems and will include testing, deployment and hosting, as well as support to connect and interact with the databases. EMSA has unique expertise of designing and operating similar IT components for the maritime sector.

4.3. Prevention and Technical Assistance projects in the framework of EU Regulation (EC) No 2111/2005

Implementing entity

The European Aviation Safety Agency (EASA) is a decentralised agency, falling under Article 70 of Regulation (EU, Euratom) 2018/1046.

Description

² Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime), COM(2021)562 final

Based on Articles 3 to 5 of Regulation (EC) No 2111/2005, the Commission may impose total bans or restrictions on air carriers from third countries coming to the EU. In this context, and in accordance with Article 3(4) of Commission Regulation (EC) No 473/2006, the Commission, the European Union Aviation Safety Agency (EASA) and experts from the Member States may carry out assessment missions to verify on the spot that air carriers and/or national civil aviation authorities responsible for the oversight of the air carriers comply with the relevant international safety standards.

This action will cover the technical assistance needed to implement the corrective actions required to solve the most urgent safety deficiencies in an oversight authority that led to or could lead to an EU ban or restriction, and the development of preventive actions when there are several elements likely leading to an EU ban or restriction of one or more carriers under the responsibility of an authority. The action targets the most significant safety shortcomings of the civil aviation authorities concerned in particular areas, usually those already identified in safety audits of international organisations, such as ICAO.

The action will mainly consist of on-site training courses for oversight authorities and airlines personnel, and advice on: - the reorganisation of the Authority; - the improvement of the qualification of their civil aviation staff; - the review of methodology and practices used for the oversight function, and the improvement of the safety standards used by the Authority. Missions will be carried out by EASA's internal and external experts and will consist of a combination of desktop analysis and on-the-spot visits to assess the safety surveillance capacity, provide technical assistance and formulate recommendations for improvement of the safety oversight.

5 Other actions or expenditure

The global budgetary envelope reserved for Other actions or expenditure in 2023 is EUR 920 000

5.1 Aviation security inspections: missions and meetings, equipment and services

Amount

EUR 495 000

Description

The Directorate-General for Mobility and Transport carries out aviation security inspections in Member States and in third countries in accordance with Article 15(1) of Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72.) on Commission inspections.

The amount of EUR 495 000 is required to:

- carry out inspection and evaluation missions to airports and appropriate authorities of Member States, Switzerland and third countries (US, Canada, etc.),
- carry out consultation missions to Member States, Switzerland and third countries (US, Canada, etc.), and
- organise meetings with policy advisers and national auditors who participate in inspections

through a Commission mandate (peer-review system).

The above budget is divided into three parts:

1. Aviation security inspection **missions** of Commission and national inspectors (EUR 353 000): inspections of appropriate authorities, airport inspections, follow-up inspections at airports, airport visits 'Article 15' (i.e. immediate correction checks in case of serious deficiencies), missions in the framework of international cooperation (European Free Trade Association, EFTA, Surveillance Authority, International Civil Aviation Organization, ICAO, Transport Security Administration, TSA, Canada, etc.) and third country evaluations in the context of One Stop Security.

2. Aviation security inspection **meetings** with national inspectors to train and improve national quality control (EUR 122 000): annual information meeting with national auditors (currently 102), including a social event, training meeting for newly nominated national auditors by their Member State, meeting of an inspection working group to advance some legislative work or to clarify the interpretation of legislation.

3. For **equipment and services**, EUR 20 000 are required to renew the inspectors' equipment (protective clothing, test objects, tablets, cameras, etc.) and for training. Inspectors could follow aviation security training courses offered by outside organisations (e.g. the European Aviation Security Training Institute, EASTI) that do not exist in the Commission's catalogue. Transport during training of national auditors may be required. As part of an annual training and networking event among all aviation security inspectors at European level, a catering service or restaurant may be required.

5.2 Maritime security inspections

Amount

EUR 375 000

Description

Both Regulation 725/2004 and Directive 2005/65 charge the Commission with maritime security inspections in order to verify compliance of the implementation by the Member States. The Commission shall implement the Memorandum of Understanding between DG Mobility and Transport and the US Coast Guard.

Commission maritime security inspections have taken place since 2005. Commission inspections are managed and carried out by a small team of 4 maritime security inspectors. Each mission comprises a series of inspections by teams of minimum two, joined by one European Maritime Safety Agency (EMSA) official per inspection, and in the context of mutual trust building by a national inspector.

Maritime security inspections cover: a) national administrations; b) ports; c) port facilities and ships; d) Recognised Security Organisations and companies; e) following national inspections and verifications on EU flagged ships outside the EU. Follow-up inspections are also scheduled on a sample basis in case of rectification of serious deficiencies.

In 2013, the Commission concluded a Memorandum of Understanding with the US Coast Guard on mutual recognition of maritime security inspections. One of the requirements is an annual visit in the respective premises (Commission / US Coast Guard) in order to perform a desktop analysis of the other party's inspection work. Reciprocal visits to ports are also carried out annually in the EU

and in the US. As the team of the US Coast Guard comprises several participants, the Commission should send the equivalent number of participants, both from inspection and policy team to verify the US results, in order to guarantee full reciprocity. Representatives of Member States which host the US Coast Guard in their ports are invited to join the delegation of Commission officials.

The budget of EUR 375 000 is divided into five parts:

1. Maritime security inspections: missions of Commission inspectors plus national inspectors, EUR 205 000.
2. Meetings with national inspectors in order to improve national quality control, EUR 100 000.
3. High level training of inspectors, EUR 35 000.
4. Equipment, in particular for safety and health at work when on inspection, EUR 5 000.
5. Missions to the US in the framework of the implementation of the MoU with the US Coast Guards, EUR 30 000.

5.3 On-site assessment visits in States of the Safety List in the framework of EU Regulation (EC) No 2111/2005

Amount

EUR 50 000

Description

Based on Regulation (EC) No 2111/2005, the Commission may impose or remove total bans or partial restrictions on air carriers from third countries coming to the EU. In this context, and in accordance with Commission Regulation (EC) No 473/2006 (article 3(4)) and Commission Implementing Regulations (EU) amending Regulation (EC) No 474/2006 establishing the EU Air Safety list, experts from the Commission, EASA (European Aviation Safety Agency) and the Member States may carry out assessment missions verify on the spot that air carriers and/or national civil aviation authorities responsible for the oversight of the air carriers comply with the relevant international safety standards.

The primary aim of EU on-site assessment visits is to verify whether air carriers and/or national civil aviation authorities responsible for the oversight of the air carriers meet relevant international safety standards (principally contained in the Chicago Convention and its Annexes as well as, where applicable, those in relevant Union law) taking into account the ability and/or willingness of an air carrier and/or the relevant competent authorities responsible for the oversight of an air carrier to address safety deficiencies.

In particular, EU on-site assessment visits seek to: - verify that Civil Aviation Authorities (CAAs) are able to conduct effective oversight and to confirm compliance with safety regulations of air carriers certified in the State; - confirm that CAAs are able to detect any significant safety risks within an air carrier and act in an effective manner to contain the risk; - confirm that air carriers are able to ensure compliance with national civil aviation regulations and are able to identify and take effective action concerning any safety risks to their operations; - verify that the measures taken by CAAs to address the safety concerns which led to a ban are effective and sustainable.

In order to achieve the aims of the EU on-site assessment visit, the following principle areas within the CAA and the air carriers can be reviewed (non-exhaustive):

CAA: - organisation and resources; - rules and regulations pertaining to oversight activity; - details of

certified air carriers; - training of inspecting staff; - certification and continued oversight activity; - system for the follow-up and closure of findings; - system for taking enforcement action.

Air carriers: - Quality Management System; - Safety Management System; - Airworthiness Management System.

A visit generally lasts for one or two weeks and consist of four or five experts specialised in the different aspects of aviation safety (legislation/standards, organisation of the authorities, personnel licensing, operations, airworthiness and maintenance, accident and incident investigations).

The cost of the visits to the affected countries to perform the required activities is calculated on the basis of expenses of experts to be recruited for the specific assessment visits. It does not consider the expenses of DG Mobility and Transport or EASA staff who could also participate in these actions. The missions of Commission staff are paid under missions' budget. EASA experts are not reimbursed by the Commission.

The total budget for 2023 is EUR 50 000. This budget is calculated on the basis of two experts per assessment visit and the expected number of visits (4) for 2023, with an average cost of EUR 12 500 per assessment visit.

Missions are planned to countries of which the safety standards decline to a level where it could be necessary to put them on the Safety List. However, in case of unforeseen events requiring urgent safety interventions other countries may be selected for an assessment visit.