



Work Programmes 2014-2020

TRANSPORT CALLS FOR PROPOSALS 2014

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, VTMS, telematics application system, 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

1.1 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.)

The project is about improving the main railway connection in Finland by constructing a tunnel. The growth estimate of the Finnish population is very high in the metropolitan area of Helsinki. The realization of the project reduces traffic volumes and congestion on roads by improving the capacity and service level of the passenger train traffic. It is estimated that the annual volume of vehicle traffic of highways and roads will decrease 7,5 million kilometres (1 355 tonnes less of carbon dioxide).

The Action decreases the journey time and congestion of the train traffic and enables smooth connections to different destinations which also all decreases air pollution and emissions. Also traffic safety improves.

Project can be considered as a measure improving the state of the environment. The project will have no such adverse effects on the environment which cannot be prevented or abated during construction.

1.2 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.

The operator has to pay the track fee for the usage of the track. This fee is defined so that it covers tear and wear costs, emission costs and accident costs.

2. Development consent

2.1 Has a development consent already been given to the Action?

Yes
 No

If YES, indicate when:

budget of (dd/mm/yyyy)
2012,
2014

2.2 Has or could an appeal be launched against the development consent given?

Yes
 No

If YES, explain:

2.3 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)

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

The Helsinki Rail Loop

- Parliament of Finland has taken the financing decision enabling the proceeding in budget of 2012 (annex 19)
- Finnish Transport Agency has accepted the general plan 16.2.2012.
- An environmental impact assessment (EIA) regarding the Action in has been made in 2011. EIA has been accepted by the environmental authority.

The additional track of Pasila

- Parliament of Finland has taken the financing decision enabling the proceeding in budget of 2014 (annex 20)
- The Centres for Economic Development, Transport and the Environment (ELY Centres) in Uusimaa has given statement in 24.2.2014 that EIA is not needed in the Pasila station.
- The Finnish Transport Agency, YIT (constructor), the City of Helsinki and Senaatti-kiinteistöt signed a contract 29.1.2014 concerning realization of the Tripla project.

The improvement of the Helsinki railway yard

- The Centres for Economic Development, Transport and the Environment (ELY Centres) in Uusimaa has given statement in 10.2.2015 that EIA is not needed in the Helsinki railway yard.
- The planning will be financed by the planning budget of the Finnish Transport Agency

3. 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

3.1 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)

3.2 When covered by Annex I of the Directive, attach the following documents:

- a) the non-technical summary of the EIA report²
- 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.

3.3 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),

Helsinki Rail Loop

See annex 1 for EIA report Helsinki Rail Loop (summary)

See annex 2 for EIA programme Helsinki Rail Loop (summary)

See annex 3 for consultation of Helsinki Rail Loop EIA report with authorities and public

See annex 4 for consultation with authorities and public in Helsinki Rail Loop EIA programme phase

Helsinki railway yard

The functionality and the capacity of the railway yard will be improved by increasing the number of the railway signals, switches and switch lanes, by modernizing the safety devices and by making the train operations more effective in the current railway yard of Helsinki. The Centres for Economic Development, Transport and the Environment (ELY Centres) in Uusimaa has given statement in 10.2.2015 that EIA is not needed. See annex 5 for statement for not carrying out EIA for the Helsinki railway yard.

The additional track of Pasila

The project includes construction of a new additional track (approximately 1,2 km) and platform at the current station of Pasila. The Action also includes some re-arrangements of tracks (this phase does not include any construction works). The new additional track will be operated by the commuter trains. The environmental impacts are minor. The Centres for Economic Development, Transport and the Environment (ELY Centres) in Uusimaa has given statement in 24.2.2014 that EIA is not needed. See annex 6 for statement for not carrying out EIA for Pasila station.

¹ JO L 26, 28.1.2012

² Prepared pursuant to Article 5 and Annex IV to the Directive 2011/92/EU

3.4 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 is not included in annex I nor in Annex II of Directive 2011/92 (EIA Directive).

Name of Authority

Contact person

Function

Signature:

Official stamp:

4. APPLICATION OF THE Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment³ (the 'SEA-Directive')

4.1 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

4.2 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:

The preparation of the Helsinki Region Transport System Plan is based on the Act on Cooperation Between Municipalities in the Helsinki Metropolitan Area in Waste Management and Public Transport (829/2009). According to the Act, the municipalities in the metropolitan area collaborate on transport system and public transport planning. Participation of different stakeholders and citizens plays a vital role in the preparation and impact assessment of the Helsinki Region Transport System Plan. The Action is also included in the investment programme 2016–2025 for the draft Helsinki Region Transport System Plan (HLJ 2015), currently being circulated for comments. The SEA of 2015 (annex 7) was given to statements 21.10.2014 and the plan will accepted the municipalities and HSL in 2015. The transport system plan currently in force, HLJ 2011 (annex 8), is the first plan that covers all 14 municipalities in the Helsinki region. It was accepted 29.3.2011 by HSL (annex 9) and 19.4.2011 by the municipalities (annex 10). These documents include information on the public and authorities consultations and documentation as required by Article 9 (b) of the SEA directive.

The impacts of land use plans are assessed under the provisions of the Land Use and Building Act (132/1999) and Decree (895/1999). As the land use plans concern sections of the overall project they do not present overall evaluation of the cumulative effects.

The Helsinki Rail Loop

The alignment has been presented in the underground Master Plan of Helsinki (2010) and in the Regional Land Use Plan of Uusimaa Region (19.1.2007).

The additional track of Pasila

- The Regional Land Use Plan of Uusimaa Region (confirmed 8.11.2006)
- The Regional Land Use Plan of Uusimaa Region, 2nd phase (confirmed 30.10.2014)
- The Master Plan of Helsinki (confirmed 19.1.2007)
- The Local Master of Central Pasila (confirmed by the city council 14.6.2006)
- City Plans confirmed 30.10.2014
 - 8400 (confirmed 7.1.1982)
 - 8390 (confirmed 1.10.1981)
 - 10290 (confirmed 21.12.1995)
 - 694-2:61 (confirmed 18.8.1992)
 - 694-16:9 (confirmed 14.2.2000)
 - HÄME/53/423/2003 (confirmed 18.8.2003)
 - HÄME/12/423/2004 (confirmed 19.1.2004)

The Helsinki Railway yard

- The Regional Land Use Plan of Uusimaa Region (confirmed 8.11.2006)
- The Regional Land Use Plan of Uusimaa Region, 2nd phase (confirmed 30.10.2014)
- The Master Plan of Helsinki (confirmed 19.1.2007)
- City Plan of 10290 (confirmed 21.12.1995)

If the reply (to 4.2.) is 'Yes', please provide the non-technical summary⁴ of the Environmental Report and the information required by Article 9.1 (b) of that Directive (either an internet link or an electronic copy).

³ OJ L 197 of 21.7.2001.

⁴ Prepared pursuant to Article 5 and Annex I to Directive 2001/42/EC.

5. APPLICATION OF THE Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora⁵ (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

- 4) 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:
 - (a) a copy of the standard notification form "Information to the European Commission according to Article 6(4) of the Habitats Directive⁶, as notified to the Commission (DG Environment) and/or;
 - (b) 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.

6. 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

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.

Following legislation forms part of Finland's ongoing implementation of the EU Water Framework Directive: The Act on Water Resources Management (1299/2004), the Decree on River Basin Districts (1303/2004), the Decree of Water Resources Management (1040/2006) and the Decree on Hazardous and Harmful Substance on Aquatic Environment (1022/2006) implement the EU Water Framework Directive at national level. The Environmental Protection Act and the Water Act have both been amended as necessary.

The Finnish Government approved December 2009 a set of regional river basin management plans based on the EU Water Framework Directive. These regional plans will give more detailed consideration to local factors and the need for water protection measures in each river basin.

⁵ OJ L206, 22.7.1992, p.7

⁶ Revised version adopted by the Habitats Committee on 26.4.2012
http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm#art6

⁷ OJ L 327, 22.12.2000, p.1

Evaluation of the possible impacts on the water resources is thus based on the present practice on the environmental permits and EIA where applicable. These requirements have been met in this project.

Confirmation by the Authority responsible for water management⁸ of information above

Contact person:

Name: Timo Tanninen

Function: Director General,

Ministry of the Environment

Signature:



Official stamp:



⁸ Competent Authority identified in accordance with Article 3(2) of the Water Framework Directive.

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

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/EC⁹? Yes No

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:

N.A.

III COMPATIBILITY WITH EU LAW ON STATE AIDS

Has any State/public funding been granted or is foreseen to be granted to this Action¹⁰? Yes No

If YES, does the public funding involve State aid under Art 107(1) of the Treaty? Yes No

Please explain on which basis you draw this conclusion¹¹.

N.A.

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? Yes No

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*)

N.A.

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.

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

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.

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.

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:

N.A.

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

N.A.

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?

N.A.

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

N.A.

V COMPATIBILITY WITH UNION LAW ON PUBLIC PROCUREMENT

Is the Action planned to be implemented in compliance with Union Law on public procurement, especially with Directives 2004/18¹² and 2004/17¹³ 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

¹² 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)

¹³ 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)



ANNEX C-I

DECLARATION BY THE COMPETENT AUTHORITY RESPONSIBLE FOR MONITORING OF NATURA 2000 SITES¹⁴

Responsible Authority: Ministry of the Environment

Having examined the Action application: Planning of the Core Network Railway Corridors in Helsinki

Which is to be located at: Finland, Uusimaa

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

The Helsinki Rail Loop is located under The City Central of Helsinki and has no connection to any Natura 2000 sites. The construction of the additional track of Pasila and improvement of the Helsinki railway yard does not have any direct impacts on NATURA 2000 sites.

See annex 11 for the location of the Action near the NATURA 2000 sites.

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): 19/02/2015

Signed:

Name:

Position:

Organisation:


Timo Tanninen

Director General

Ministry of the Environment

(Authority responsible for monitoring NATURA 2000 sites)

Official Seal:



¹⁴ 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.