



Procedure for the Application of IaTPS funding guideline

(valid from the approval of the conversion register for the applicant/grant recipient)

A. Application to participate in funding programme

A.1 Expression of interest

A wagon owner who wishes to participate in the funding programme for funding measures for noise reduction in existing freight wagons as part of the introduction of a noise-dependent route pricing system on the railway tracks of the government railway infrastructure company (funding guideline IaTPS) of 17.10.2013 (see [Appendix 1](#) of this procedure), but has not registered by 2nd May 2017 as an applicant or grant recipient at the granting authority, the Eisenbahn-Bundesamt (EBA), must register his interest in funding to the granting authority by sending the completed form ([Appendix 2](#)).

The expression of interest must be sent in writing to the

Eisenbahn-Bundesamt
Referat 41
Heinemannstraße 6
53175 Bonn

or signed and scanned via email to the following address:

Ref41-Grundsatz@eba.bund.de

The wagon owner interested in the funding must also correspondingly specify a contact person with their telephone number and email address in his covering letter included with the form in accordance with [Appendix 2](#). If the applicant is from abroad and does not have a domestic domicile, this contact person must work at the authorised domestic recipient agency to be specified. The authorised domestic recipient must provide evidence of their entitlement to represent the foreign applicant by submission of authorisation.

By submitting the form, the contact person affirms that s/he will assume the responsibility on the part of the wagon owner for all of the data entered within the framework of the subsequently used electronic application process.

A.2 Provision of access data

After an identity check, the EBA shall provide the person specified as a contact person for the wagon owner with access data relating to the wagon owner for the electronic application process.

Only individual-related access accounts will be set up. Only one access account per wagon owner will be granted.

For this purpose, the contact person specified under A.1 will be provided by the responsible EBA IT Administrator with a user name, the web address for the access and a telephone number at the email address specified on the application form in accordance with Appendix 2. Using this number, the contact person can then request their password from the EBA.

A.3 Electronic application

The following types of application can be chosen as part of the funding procedure:

- Application for the decree of a preliminary decision
- Application for the decree of an amendment to the preliminary decision (amendment decision)
- Application for the decree of a grant allocation decision.

The method of electronic application can be found in the fill-in helper attached to this procedure as Appendix 3.

However, decisions relating to the electronically produced applications will not be electronically decreed, rather they will be produced as letters and sent by post.

A.4 Interim ruling 1: Subsequent provision of access data for recipients of preliminary decisions

Since 2nd May 2017, all of the applications specified under A.3 can only be made via the electronic application process. All of the applications listed in section A.3 that are made via mail post can no longer be accepted and processed.

Because of this, wagon owners who received a preliminary decision before 2nd May 2017 must request their access data code in accordance with section A.1. with reference to the preliminary decision (date and reference number of the EBA) retrospectively in writing or as a scan via mail. The specified contact person will then be granted access to the electronic conversion register in accordance with section A.2. In this letter, the owner must affirm that s/he will assume the responsibility for all of the data entered within the framework of the subsequently used electronic application process. The text on page 3 of the application form (see Appendix 2 of this procedure regarding the "Applicant Declarations", i.e. the last two points) shall form the basis for this written declaration.

A.5 Interim ruling 2: Previous applications and decisions.

All applications made by 30.04.2017 (for a preliminary decision, preliminary decision amendment and grant) will be entered in EBA's conversion register.

B. Funding Process

The wagon owner must make the necessary information in the conversion register himself via the application types available online, and must also enter changes by means of this. You can find out more about this procedure in the “fill-in helper” in accordance with [Appendix 3](#) of this procedure.

Applications for a preliminary decision as well as amendment applications relating to this can be made throughout the entire year. Applications for grants only after the expiration of a timetable period until 30th April of the following year, in each case in relation to the expired timetable period.

For all types of application, in each case the applicant must attach, i.e. upload an attachment a list of the vehicles affected to the framework data in the form of Excel lists (file format “xlsx”). The appropriate templates or samples can be found as [Appendix 4](#) (Application for a preliminary decision), [Appendix 5](#) (Application for an amendment to the preliminary decision) and [Appendix 6](#) (Application for a grant allocation decision).

- The **application for a preliminary decision** allows the funding process for the vehicles listed in the respective appendix to be initiated.
Each wagon owner can only make one application for a preliminary decision relating to one vehicle, respectively to one EVN.
- If the wagon owner wishes to convert additional wagons after the non-appealability of the preliminary decision comes into force, he must make a corresponding application to amend the preliminary decision. **Amendment applications** can only be made in reference to existing preliminary decisions.
- Otherwise the wagon owner's freedom in planning is not inhibited. He can sell a wagon covered by a preliminary decision, or take it out of the funding process, for example due to scrapping (for the process in the case of legal succession, e.g. acquisition of wagons already covered by preliminary decisions of other companies, see below under section D.1). In the fill-in helper (see [Appendix 3](#) of this procedure), additional amendment applications are specified - a formal decision is not usually made regarding these applications with the amendment decision, but rather the recipient of a preliminary decision shall fulfil his obligation to notify the granting authority of amendments that are able to have an affect on the grant process (such as e.g. the identification of a wagon to be assigned another number, sale of the same to another wagon owner, etc.).
- The **grant application** allows the process of determining and paying the funds to be initiated.
It is only ever possible for a grant application to relate to the (expired) timetable period directly preceding it. (in addition to this, see B 4.1 no. 3 Missing of a term.)

B.1 Preliminary decision

B.1.1 Application for the decree of a preliminary decision

The funding process is introduced as a result of the application of the wagon owner for the decree of a preliminary decision. To this end, an applicant must submit an “Application for the decree of a preliminary decision” by means of the electronic application process. The fill-in helper in accordance with Appendix 3 of this procedure provides assistance with this matter.

The wagon owner undertakes the registration in the conversion register. The following framework data must be specified as part of an “Application for a preliminary decision”:

- i. Number of freight wagons registered in the appendix
- ii. Total number of axles of the freight wagons registered in the appendix
- iii. Planned start of conversion
- iv. Predicted kilometric performance for the coming year with the respective axle number

In the Excel table to be included, the following must be specified for the EVN applied for: Country of registration, registration office, wagon number, registration date, year of conversion, brake pad and number of axles.

B.1.2 Official decision regarding the preliminary decision applied for

As long as the application can be complied with, a preliminary decision shall be issued in accordance with § 7 paragraph 3 of the laTPS guideline. This applies to the following specifications:

1. Determination of eligibility for funding
 - i. The applicant is a wagon owner, not excluded due to insolvency proceedings and similar
 - ii. The existence of eligible wagons: Not yet converted; registration before 9.12.2012; no exclusion of eligibility e.g. due to the “Leiser Rhein” (“Quiet Rhine”) programme.
2. Permission for conversion as a requirement of government funding in accordance with the laTPS guideline after the non-appealability of the preliminary decision comes into force; the implementation of this non-appealability can be accelerated by declaring the waiver of judicial remedies - a sample of a corresponding declaration shall be included with the decision.
3. The imposition of collateral clauses, i.e. the conditions of the laTPS guideline (Appendix 1) and the general (administrative provisions general collateral clauses (Appendix 7) and no. 5 of the general collateral clauses (Appendix 8))
4. Substantiation relating to the highest funding amount of 211 €/axle in accordance with laTPS § 4 paragraph 2: This amount must be considered a fixed amount with the effect that proof of economic viability from the grant recipient as proof of the costs for the conversion process is not required.
5. Substantiation relating to the procurement/conversion process: The conversion of the freight wagons to LL pads (installation of the LL pads) can be undertaken by the grant recipients without tendering/a formal award procedure in accordance with VOL/A SektVO (Sector Ordinance), GWB.

- i. by the company's own services (i.e. in the wagon owner's own workshops as well as workshops from companies affiliated with the wagon owner in accordance with §§ 15 AktG (German Stock Corporation Act), or
 - ii. as part of the planned maintenance and revision procedures via existing (framework) agreements with third parties for maintaining the freight wagons if these (framework) agreements include the replacement of brake pads related to wear; it is irrelevant here whether these existing (framework) agreements have been awarded in turn or in accordance with no. 3 of the general collateral clauses (see Appendix Z), or not.
 - iii. in contrast to this, the conclusion of new service or delivery agreements which are to be used for the conversion of the freight wagons to LL pads (installation of the LL pad) is subject to the award provisions in accordance with the general collateral clauses (see Appendix Z).
6. Reservation of revocation in the case of a lack of budget.
 7. Reservation of the subsequent amendment to the preliminary decision, in particular based on the application for additional existing freight wagons that are to be converted.

B.2. Execution of the conversion and deployment of the converted wagon by wagon owner

1. Conversion by the company's own services or delivery and service agreement with contractors
2. Entry of the conversion into the national vehicle register (at least in the case of German wagon owners)
3. Logging of the kilometric performance upon the deployment of the converted wagon, in particular due to contractual relations/settlements with the EVU.

B.3 (Possible) Amendment decision

1. The recipient of an amendment decision must submit an application to amend the preliminary decision he has been issued with if he is seeking funding for additional freight wagons that have not been previously covered by a preliminary decision. When doing so, he must declare that conversion measures for these additional wagons have not yet been started and will also not be started before the non-appealability of the amendment decision applied for comes into force.

Upon affirmation of the funding requirements, the granting authority decrees an amendment decision relating to these additionally applied for freight wagons. After the non-appealability of the amendment decision comes into force, the conversion of these additional wagons can be started; the implementation of the non-appealability can be accelerated by declaring the waiver of judicial remedies.

In the amendment decision, it is declared that the measures of the preliminary decision shall continue to apply, and also relate to the additional wagon applied for.

2. A formal amendment decision is not usually issued in the case of the sale or acquisition of wagons that have been covered by preliminary decisions; this shall also apply in the case of amendment of the vehicle number or upon non-execution of the conversion. As the granting authority, the EBA should receive information relating to this by means of the application, since these processes have an effect on the decision relating to grant applications.
3. The granting authority must be informed in writing of amendments to the company type of the recipient of a preliminary decision, the company name, the company head office and other processes relevant to the funding, such as, in particular, the appointment of a different contact person.
4. The processes specified under 3 also do not usually result in an amendment decision unless a case of legal succession is involved that should be formally investigated in the interest of the clarity of the factual and legal situation. The applicant will then be informed of the intention to decree a corresponding amendment decision, since at this stage, additional information is normally required in any case.

Grant allocation decision

B.4.1 Annual application for payment of the grant by wagon owner to EBA

1. The following framework data must be specified as part of an “Application for a grant allocation decision”:
 - i. The reference number of the preliminary decision
 - ii. The network timetable period
 - iii. Number of freight wagons covered by the preliminary decision (if applicable in the form of amendment decisions)
 - iv. Total number of axles of these freight wagons

In the Excel table to be included, the following must be specified for the EVN applied for: Registration country, registration office, wagon number, registration date, year of conversion, brake pad, number of axles, performance in the network timetable period, if applicable funding sum paid to date.

2. Application of the wagon owner in accordance with § 7 paragraph 6 of the IaTPS funding guideline for annual payment of the grant with reference to the preliminary decision (or in the case of transitional cases: assessment decision)
 - i. Application is made after the expiration of the network timetable period i.e. after the corresponding date in December of the year.
 - ii. Application must relate to the expired network timetable period.

- iii. The total kilometric performance of the converted wagon entered in the conversion register in the preceding network timetable period on the railway tracks of the government railways
- iv. If the evidence of the kilometric performance can only be provided for the entire network timetable period but the conversion took place during the year, the eligible kilometric performance of the converted wagon must be precisely determined according to month in the reference period based on a linear interpolation (the reference date is the 15th of a month in each case)
- v. The annual funding applied for must be calculated in accordance with the formula:

$$\text{Funding} = \text{number of axles} \times \text{kilometric performance} \times \text{bonuses (km / axle)}$$
; the funding amount per kilometre covered is accordingly:

$$0.5 \text{ cents per kilometre covered}$$
- vi. Which funding has already been provided in accordance with the guideline must be specified; this is used to check that the highest funding amount of currently 211 €/axle within the funding period is not exceeded at the end of the network timetable period 2019/2020
- vii. As far as they have not been provided, additional details which are necessary for demonstrating the funding requirements must be given, such as e.g. for identifying a wagon covered by a preliminary decision that has been assigned another number, or the disclosure of the acquisition of a freight wagon covered by a preliminary decision to another wagon owner due to sale by the applicant.

3. Timeliness of the application/exclusion of funding for missed periods

In accordance with § 7 paragraph 6 of the laTPS guideline, the application must be submitted at the latest on 30th April of the following year from the network timetable period applied for, i.e. the granting authority must be in possession of this application on this date. A cut-off period relating to the expired network timetable period is involved here. Funding if a term is missed is not completely excluded here, but rather it can only be applied for for the following network timetable periods, whereby the driving performance during the network timetable period, for which the funding is realised due to the cut-off period, must remain unaccounted for.

B.4.2 Grant allocation decision

The granting authority decrees, based on the preliminary decision (assessment decision in the case of transitional cases) - if applicable in the form of the last amendment decision - the (actual) grant allocation decision based on the application of the wagon owner and checking his/her details in accordance with § 7 paragraph 7 of the funding guideline.

The grant allocation decision must be accompanied with information about judicial remedies, i.e. the option of opposition in writing, or opposition to be filed by declaration within one month after disclosure to the EBA headquarters with the address; the option to waive the filing of opposition is referred to here, which results in the acceleration of the implementation of the non-appealability of the grant allocation decision as a requirement for paying the grant. The granting authority shall arrange for the payment by the responsible Federal Treasury from the title of the noise abatement programme.

The amount approved by the grant allocation decision shall be transferred after the non-appealability of the grant allocation decision comes into force (expiration of the opposition period without filing opposition or raising a complaint, or the receipt of the waiver by the authority). For this purpose, the grant recipient must submit a payment application in accordance with Appendix 9 to the EBA body (department 42) responsible for payments. In this application, the grant recipient or the person acting on his/her behalf in accordance with Appendix 10 must also declare the acknowledgement of the EBA's disclosure of information relating to subsidy relevance (Appendix 11).

The submission can be made by post or sent via email as a signed, scanned in document.

C. Use check

C.1 Method of execution

In the grant allocation decision, the obligation to submit the report on the expenditure of funds to the authority in accordance with Appendix 12 within two months after receipt of the approved amount is imposed on the grant recipient.

For the use check, it should be noted that the obligation is imposed on the grant recipient in accordance with number 7 of the general collateral clauses (see Appendix 7) to allow employees of the EBA to request books, records and other business documentation of the grant recipient, as well as to check the use of the grant funds by means of local surveys, or to have these audited by authorised agents. The grant recipient must therefore grant employees of the EBA and other auditing bodies access to his documents for checking purposes. The latter refers to the spot-checking of whether a wagon is actually in operation with converted brake pads.

Aside from this, the use check will also consist of the granting authority checking the information relevant to the funding with reference to the declarations made to the contractual partners by means of information gathering.

The existing right to audit the grant recipient independently of the Federal Audit office's audit in accordance with § 6 paragraph 2 of the laTPS guideline and number 7.3 of the general collateral clauses (see. Appendix 7) in conjunction with §§ 91, 100 of the Federal Budget Code(BHO) should also be noted

C.2 (Possible) reimbursement

The observations made as part of the use check may in particular only result in partial and, where applicable, the complete reclaim of funding. The reclaim shall be declared in accordance with §§ 49, 49a of the Administrative Procedures Act (VwVfG) (see below under D.2 with regard to the problem of possible reclaims due to decommissioning).

D. Special issues

D.1 Legal succession

As far as possible, the funding programme should not limit the economic planning authority of the grant recipient. Therefore, the funding programme is not opposed to the transfer (sale, rental etc.) of a freight wagon covered by the funding process. However, the legal succession governed by private law does not automatically occur, rather it requires approval.

This is implemented (a) by amending the preliminary decision or (b) within the framework of a grant allocation decision.

- (a) Amendment to the preliminary decision is recommended in the case of a significant acquisition for the conversion of approved freight wagons by a (new) company. It shall then be declared in the amendment decision to the preliminary decision that the rights and obligations established with the preliminary decision for another wagon owner shall also apply to the legal successor.
- (b) If the recipient of a preliminary decision has procured wagons that are covered by another preliminary decision, this must be correspondingly specified in the grant application by including the funding already granted to the legal predecessor. In this scenario, it is declared in the grant allocation decision that the measures of the preliminary decision in relation to the grant recipient shall also apply to the wagons that are covered by a preliminary decision for another wagon owner (legal predecessor).
- (c) A wagon owner who has not yet received a preliminary decision but wishes to make a grant application for procured wagons that are covered by a preliminary decision for a legal predecessor, must firstly apply for a preliminary decision by filling out the application form in accordance with Appendix 2, and declaring in the additional details that the wagons are already covered by the preliminary decisions (which must be precisely specified). It shall then be declared in the preliminary decision (which can also be issued at the same time as the amendment decision for a legal predecessor) that legal acts of the legal predecessor will be ascribed to the applicant (which shall be of benefit to the applicant in terms of the exclusion from funding of action that is initiated prematurely).

D.2 Decommissioning of the wagon

The question of reclaim is raised if a wagon covered by the preliminary decision, in particular a (part) funded one, is decommissioned. The granting authority has decided to generally not enforce any reclaim in this case, i.e. subject to special circumstances: The preliminary decision does not pose an obligation, but rather an entitlement to receive funding upon conversion measures after the non-appealability of the decision has come into force. As long as a decommissioned wagon has already been deployed and funding depending on km kilometric performance is approved, the funding purpose (to some degree) has been partly attained. Since no derivative action obligation of the converted wagon is provided in the guideline, a potential reclaim cannot be based on the non-observance of a specification of this type.

This specification also takes the guideline into account that funding should not unnecessarily limit freedom in planning.

However, it must also be noted that no further funding for a wagon is possible if the highest funding amount in the case of decommissioning of this wagon that has already been partly funded is not achieved, since no more kilometric performance can be effected with it.

Bonn, April 2017

-Signed Reinhard Hennes

(Head of Department 4)

Published in the "Verkehrsblatt" 2013, page 1030 ff

No. 215 Publication of the Federal Ministry for Transport, Building and Urban Development guideline for funding measures for noise reduction in existing freight wagons as part of the introduction of a noise-dependent route pricing system on the railway tracks of the government railway infrastructure company (funding guideline laTPS of 17.10.2013)

Bonn, 17th October 2013
LA 18/5185.10/2-02

The above mentioned guideline will be disclosed in the following.

Federal Ministry for Transport,
Building and Urban
Development.
Commission
ed by
Claudia
Horn

Federal Ministry for Transport, Building and Urban Development guideline for funding measures for noise reduction in existing freight wagons as part of the introduction of a noise-dependent route pricing system on the railway tracks of the government railway infrastructure company (funding guideline laTPS of 17.10.2013)

Preamble

The anticipated growth of freight transport will promote the further extension of the railway tracks of the government railway infrastructure company. The approval of extension measures also depends on the successful reduction of noise pollution for those residing close to heavily used railway lines. The Federal Ministry for Transport, Building and Urban Development assumes that by reducing noise pollution at the source, a significant contribution towards reducing noise pollution on railway lines can be made.

§ 1 Grant purpose, legal basis and object of funding

(1)

The government shall award grants in accordance with this guideline, as well as in accordance with the General Administrative Provisions

§§ 23, 44 of the Federal Budget Code (VV-BHO) towards a payment depending on kilometric performance to wagon owners who, since 9th December 2012, convert their existing freight wagons to use permitted noise-reducing technology upon the introduction of a noise-dependent route pricing system for use of the railway tracks of the government railway infrastructure company, and who deploy these wagons on these railway tracks. As part of the budget available for this, the government shall provide financial means of up to a maximum of 152 mil. euros across the entire period until the last payment in 2021.

(2)

This funding provides a major incentive to wagon owners to convert around 80 percent of the approximately 180,000 freight wagons that are used on the railway tracks of the government railways for freight transport to use noise-reducing technology by the end of the funding period. This should cut noise pollution in rail transport in half by 2020 compared with the situation in 2008.

(3)

The grant amount per wagon owner is limited to a maximum of 50 percent of the extra investment costs that arise during the conversion of the existing freight wagons from grey cast iron brake pads to LL brake pads.

(4)

The applicant does not have an entitlement to the grant award. Rather, the granting authority makes this decision based on their professional judgement within the framework of the available budget.

(5)

Existing freight wagons whose conversion has been funded with state funding, especially with government funding on the basis of the guideline of the Federal Ministry for Transport, Building and Urban Development for funding measures for noise reduction in existing freight wagons as part of the pilot project “Leiser Rhein” (“Quiet Rhine”) are excluded from funding in accordance with this guideline.

§ 2 Grant recipients

(1)

The grant recipients are the wagon owners as participants in rail transport within the meaning of §§ 31, 32 of the Federal General Railway Act (AEG).

(2)

Companies for the assets of which insolvency or comparable proceedings have been applied for or initiated, or against which an execution is being initiated or levied, are not entitled to receive the grant. The same shall apply to companies and, provided that the company is not a legal entity, for the bearer of the legal entity, if this entity is obligated to certify a disclosure of assets in accordance with § 807 Code of Civil Procedure or § 284 Tax Code, or this certification has been undertaken.

§ 3 Grant requirements

The grant shall be paid once annually to wagon owners entitled to receive the grant if

1. they convert their existing freight wagons to LL brake pads or to use noise-reducing technology from 9th December 2012 which demonstrably observe the limit values of the technical specification for the interoperability (TSI) relating to the subsystem “vehicles - noise”,
and
2. the existing freight wagons have been approved for the first time before the 9th December 2012, and
3. these have applied for the grant at the granting authority before the start of the conversion in accordance with § 7 paragraph 1,
and
4. these have applied for the payment of the grant by submitting reasonable and verifiable evidence to the granting authority in accordance with § 7 paragraph 1,
and
5. after their actual conversion, the converted freight wagons for which the grants should be applied for are entered into a conversion register which is managed by the granting authority in accordance with § 7 paragraph 3, at the latest by the end of the network timetable period,
and
6. the other conditions disclosed in this funding guideline, in the budget legislation and the administrative provisions based on this have been fulfilled,
and
7. before the start of the conversion, the granting authority has given the grant recipient a non-appealable preliminary decision; the start of the conversion is deemed to be the conclusion of a service or delivery contract in connection with the conversion. The implementation of the non-appealability of the grant allocation decision can be accelerated if the grant recipient waives judicial remedies.

§ 4 Type, scope and amount of grant

(1)

The government shall pay the grant recipient a grant depending on kilometric performance.

(2)

The highest funding amount for eligible existing freight wagons that have been converted from 9th December 2012

is 211 euros per axle. The right to adjust the highest funding amount remains reserved. If the highest funding amount is adjusted, the highest funding amount stipulated for the grant recipient in the grant allocation decision shall remain valid for the entire funding period.

(3)

The annual payment of the funding is calculated from the number of axles of the eligible existing freight wagon, the kilometric performance on the railway tracks of the government railways in the network timetable period relevant to the funding, as well as the funding amount per kilometre covered, which can be seen in a separate table and accessed on the Federal Railway Authority's (EBA) web page.

(4)

The grant shall be awarded as project funding by means of proportional financing. It shall be granted as a non-repayable grant

It is considered to be being used according to purpose if a converted freight wagon is in use.

§ 5 Grant duration

The grant shall be paid for the last time in 2021 for grant matters that were substantiated in the network timetable period 2019/2020.

§ 6 Other grant-related provisions

(1)

Unless otherwise provided for in this guideline, the general collateral clauses for project funding grants must be made an integral part of the preliminary decision (§ 3 number 7 and § 7 paragraph 3). The following obligations of the grant recipient in particular are stipulated here:

- a) The grant recipient is obligated to provide the granting authority with the required information, to provide evidence of use of the grant according to purpose and permit checks of the implementation of the funding project.
- b) The grant recipient is obligated to pay back and apply interest to the grant in its entirety or proportionately if the grant requirements specified under § 3 are not fulfilled.

(2)

The Federal Audit Office is entitled to undertake audits of the grant recipient in accordance with §§ 91, 100 of the Federal Budget Code.

(3)

The details of the verification of the conversion and kilometric performance, as well as the management of the conversion register shall be defined separately by the granting authority, and the grant recipient shall be notified of these in the decision.

§ 7 Procedure

(1)

The EBA is responsible for the implementation of this guideline as the granting authority. It will carry out the application and use check.

(2)

The wagon owner shall apply for the grant before starting the conversion on the grounds of the specification of the number of wagons to be converted and the predicted kilometric performance in the funding period separated by periods of one year.

(3)

After a positive preliminary decision regarding the suitability for funding has been received by the EBA and the conversion has been undertaken, the wagon owner shall register the wagon in the EBA's conversion register.

(4)

Registration in accordance with paragraph 3 shall be made by adding the data required in accordance with paragraph 5 to the conversion register. The respective applicant wagon owner is responsible and liable for ensuring that this data is complete and up-to-date. Incorrect details may result in revocation and reclaiming.

(5)

The conversion register includes

1. Administrative data (company data):
 - a) Name and address of wagon owner
 - b) Email address of the wagon owner for binding contact, and
2. Technical data (wagon data):
 - a) Wagon number
 - b) Braking system
 - c) Number of axles
 - d) Conversion date with evidence,

and

3. Kilometric performance data:
 - a) Logging of kilometric performances (in the year of conversion only the kilometric performance after the date of conversion is definitive).

(6)

After the respective network timetable period has finished, the wagon owner shall apply at the granting authority for the payment of the grant upon submission of complete details for the funding year until 30th April of the following year. The type of submission, e.g. via the conversion register, shall be determined by the granting authority.

(7)

Payment shall be made on an annual basis based in each case on a final grant allocation decision that supplements the preliminary decision in accordance with paragraph 3.

(8)

§§ 48 to 49a of the Administrative Procedures Act, as well as the administrative provisions of § 44 of the Federal Budget Code shall apply to the approval, payment and settlement of the grant, as well as to evidence, checking its use and to the potentially necessary revocation of the grant allocation decision, as well as the reimbursement and payment of interest of the awarded grant, provided that exceptions have not been granted in this guideline.

§ 8 Subsidy relevance

(1)

All matters that are of significance for the approval, grant, reclaiming, continued payment or the retention of the grant are of relevance to the subsidy within the meaning of § 264 of the Penal Code in association with § 2 of the Subsidies Law. Matters relevant to the subsidy are information in the funding request, in the report on the expenditure of funds and in the remaining submitted documents, especially the details of the wagon owners in the conversion register.

(2)

In accordance with § 3 paragraph 1 sentence 1 of the Subsidies Law, a grant recipient is obligated to inform the EBA as the granting authority of all matters that conflict with the approval, granting, continued payment or retention of the grant, or are relevant to the reclaiming of the grant, without delay.

§ 9 Interim ruling

The funding of freight wagons which was applied for once the funding guideline of 7th November 2012 became valid, shall be implemented in relation to the network timetable period 2012/2013 in accordance with the above-mentioned funding guideline. This guideline shall apply to the following timetable periods. Instead of a preliminary decision in accordance with § 7 paragraph 3, an assessment decision relating to the continued eligibility shall be issued.

§ 10 Reporting requirement of the EBA

As part of success monitoring, the EBA shall report on the number of low-noise freight wagons entered in the conversion register and the predicted kilometric performances to the Federal Ministry for Transport, Building and Urban Development on an annual basis until 30th June.

§ 11 Effective date

The funding guideline shall become effective on the date of the network timetable change 2013/2014. At the same time, subject to the provisions of § 9, the funding guideline of 7th November 2012 shall become ineffective.

Application

For participation in the funding process of measures for noise reduction in existing freight wagons as part of the introduction of a noise-dependent route pricing system (IaTPS)

To:
Eisenbahn-Bundesamt,
Abteilung 4
Heinemannstraße 6
53175 Bonn

Received on

The company _____ hereby expresses interest as a wagon owner in participating in the government funding program for the conversion of freight wagons

1. Applicant

Legally binding	
company name:	<input type="text"/>
Where applicable, domestic	
representative	<input type="text"/>
Contact person, name:	<input type="text"/>
(Telephone no:	<input type="text"/>
Email-address:	<input type="text"/>
Head office (municipality)	<input type="text"/>
Street/no:	<input type="text"/>
Postcode and town:	<input type="text"/> <input type="text"/>
Email:	<input type="text"/>
Tel: / Fax No:	<input type="text"/> <input type="text"/>
Local court: /Other	
registration office	<input type="text"/>
Register number:	<input type="text"/>

Bank details

Account holder:

IBAN.:

BIC:

Wagon owner details

Entry in the Vehicle Keeper Marking Register of the *European Railway Agency*

Applicant Declarations

We hereby declare

- that we have not yet begun the conversion measures applied for and they will also not be initiated before the non-appealability of a preliminary decision which must still be applied for; the start shall be considered to be the conclusion of a delivery agreement with the assignment of implementing the measure; the planning stage shall hereby not be deemed to be the start of the project,
- that there is no application for the implementation or initiation of insolvency proceedings in place against the applicant and no (obligation to) certify a disclosure of assets, also not in reference to the bearer of the applicant, or - in the case of applicants from other nations - there are no corresponding proceedings in place in accordance with foreign law,
- that in terms of the existing freight wagons for which a conversion is planned there is no other government funding for conversion measures, for example within the framework of the "Leiser Rhein" ("Quiet Rhine") pilot project; this shall also apply to corresponding funding measures of other nations,
- that we agree that the granting authority where applicable will audit the details for funding (conversion, km performance) at the contractual partners of our company by obtaining information,
- that we are aware that all the information in the funding request, in the report on the expenditure of funds and in the remaining submitted documentation involves matters relevant to the subsidy within the meaning of § 264 of the Penal Code in conjunction with § 2 of the Subsidies Law.

- We furthermore declare that by participating in the electronic application procedure laTPS, we shall assume responsibility for the correct completion and maintenance of the data submitted as part of this process.
- We accept that the user name and its associated password provided by the Eisenbahn-Bundesamt as part of this process shall only be given to the person named on page 1 and may only be used by this person. We furthermore accept that this name and password must not be passed on to third parties. We acknowledge that if this contact person changes, the Eisenbahn-Bundesamt must provide us with new access data for his/her successor upon our request. We accept that the access rights of the predecessor shall expire once these rights are passed on to the successor.

Additional information/comments:

(Place and Date)

(Legally binding signature)

Fill-in assistance
for
the electronic application
for conversion funding
within the framework of the IaTPS funding guideline

at
the Eisenbahn-Bundesamt (EBA)

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1. General information

The electronic application within the framework of the laTPS funding guideline relates to three types of application to the Eisenbahnbundesamt (EBA) as a granting authority:

- Applications for preliminary decision
- Applications for amendments to preliminary decisions
- Grant applications

The following information should be carefully read before starting an application. Further information can be found on the websites listed below in section 3.1 “Internet - Worldwide Web” (page 17).

1.1 Document purpose

This document has been created to provide support to applicants while making the different applications.

It is therefore requested that you read this document through before making an application, and only contact employees of the EBA if you still have questions after this.

1.2 Data protection

Information about data protection can be found in the terms of use for the electronic application for conversion within the framework of the laTPS funding guideline at the EBA. These terms of use can be viewed at the EBA.

1.3 Necessary requirements for participation in the conversion register

Applications for the funding programme for conversion to quiet brake pads for freight wagons in rail transport have been made exclusively electronically since 2nd May 2017. This shall ensure that the process flows faster for all participants in the case of more insignificant errors. The electronic application for funding measures is carried out completely by the EBA.

The participation in the electronic process of conversion funding has two essential requirements for an applicant:

- The applicant must have access to a computer with internet access that should have an up-to-date web browser
- A responsible person employed by the applicant must have personal access data for the purpose of using the website for application. This access data must be requested after application for participation in this programme via the special service of the granting authority (see the following, as well as relating to section 3.1).

(a) Computer / Web browser

The application is tested using computer settings. Web browsers such as Microsoft Internet Explorer from version 8, Mozilla Firefox from version 3.5.2 and Google Chrome can be recommended.

Please note that if applicable, the compatibility mode of the web browser will have to be activated.

(b) Personal access data

The electronic application system has the features of access checking and the management of personal data. This ensures a smooth application process and ensures that no unauthorised access takes place.

(c) Request and provision of personal access data

After the written request of an owner to participate in the funding process in accordance with the form in accordance with Appendix 2 of the procedure and after an identity check, the EBA shall provide the contact person specified by the applicant with their access data. For this purpose, a user name and the internet address for access will be provided by the responsible EBA IT administrator to the mail address specified in the form in accordance with Appendix 2 of the procedure. In addition to this, a telephone number of the EBA will be specified under which the contact person will be then able to request his password from the EBA.

Only individual-related access accounts will be set up. Only one access account will be set up per wagon owner (applicant/grant recipient).

For the purpose of avoiding misuse, the access data received must be treated as confidential and with care; this generally rules out passing on access data to third parties. If the contact person changes - e.g. in the case of the departure of the previous contact person from the applicant company, appointment of the same with different tasks and similar, the new contact data (i.e. user name and password) must be requested from the EBA in good time.

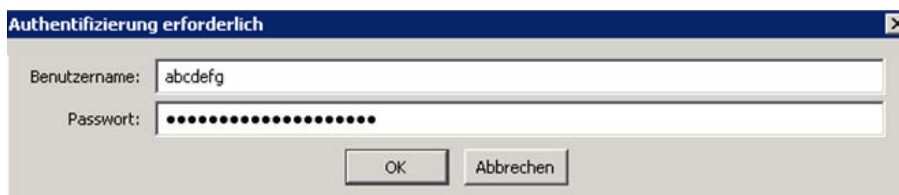
Since it has only been possible to make applications since 2nd May 2017, participation in the conversion process and therefore the application for grants is no longer possible without access data.

All participants who have already taken part in the funding programme before 30th April 2017 and have made at least one application for a preliminary decision at the EBA will be informed of their future electronic access to the application procedure by the EBA special service.

2. Application process

The electronic application system can be used with the access data provided by the EBA.

When accessing the website, the log-in page requests that the following details are entered:



- (a) the user name provided
- (b) as well as the provided password

Upper and lower case letters must be noted.

After a successful log in, the types of application for the funding process are shown below the VKM of the applicant logged in:

Umrüsförderung		Antrag stellen
Fahrzeughalterkennung(VKM)	HTT	
Antrag auf Vorbescheid *	<input type="checkbox"/>	
Antrag auf Änderung eines Vorbescheides *	<input type="checkbox"/>	
Antrag auf Zuwendung *	<input type="checkbox"/>	

By clicking on one of the selectable fields, the desired application can be accessed via the “Make application” button.

Three types of application are available:

- i. "Application for a preliminary decision" for initiating the funding process for the freight wagons listed respectively with their vehicle number (EVN);
- ii. "Application for the amendment of a preliminary decision" to change the details of preliminary decisions that have already been made;
- iii. "Grant application" to claim the funding after conversion, as well as running the vehicle over the course of a timetable period.



Each of these applications requests the entry of header and framework data, as well as the inclusion as an attachment of a corresponding detailed list of the vehicles for which the funding should be applied for or claimed. This list must also be uploaded as a file while the application is being made. Only Excel tables in the format ".xlsx" are accepted, formatted templates for these tables that also contain data examples can be found in Appendices 4 to 6 of this procedure.

Both the header data and the detailed data in the attached list are mandatory fields (exceptions are marked where applicable at the appropriate position). If a mandatory field has not been completed, notification is made of this at the latest before the conclusion of the application process and a request to complete it is made.

Unfinished applications - i.e. all applications not sent to the EBA - cannot be saved. They are deleted when the website is exited.

Since the application process varies for all application types, in the following only the procedure for the "application for the preliminary decision" is described in detail. Only the special features of the other application options are discussed in more detail.

2.1 Applications for a preliminary decision

Umrüstförderung



Antrag stellen

Fahrzeughalterkennung(VKM)	HTT
Antrag auf Vorbescheid *	<input checked="" type="checkbox"/>
Antrag auf Änderung eines Vorbescheides *	<input type="checkbox"/>
Antrag auf Zuwendung *	<input type="checkbox"/>

After "Make application", the screen with the header data appears, with:

a. Header data

Antrag auf Vorbescheid stellen

Abbrechen Güterwagenliste hochladen

Anzahl Güterwagen *	<input type="text"/>																								
Anzahl aller Achsen *	<input type="text"/>																								
Geplanter Beginn der Umrüstung *	<input type="text"/>																								
Laufleistungsprognose *																									
	<table><thead><tr><th>Netzfahrplanperiode</th><th>Laufleistung aller Güter</th><th>Anzahl Achsen *</th></tr></thead><tbody><tr><td>1 2014</td><td><input type="text" value="0"/></td><td><input type="text" value="0"/></td></tr><tr><td>2 2015</td><td><input type="text" value="0"/></td><td><input type="text" value="0"/></td></tr><tr><td>3 2016</td><td><input type="text" value="0"/></td><td><input type="text" value="0"/></td></tr><tr><td>4 2017</td><td><input type="text"/></td><td><input type="text"/></td></tr><tr><td>5 2018</td><td><input type="text"/></td><td><input type="text"/></td></tr><tr><td>6 2019</td><td><input type="text"/></td><td><input type="text"/></td></tr><tr><td>7 2020</td><td><input type="text"/></td><td><input type="text"/></td></tr></tbody></table>	Netzfahrplanperiode	Laufleistung aller Güter	Anzahl Achsen *	1 2014	<input type="text" value="0"/>	<input type="text" value="0"/>	2 2015	<input type="text" value="0"/>	<input type="text" value="0"/>	3 2016	<input type="text" value="0"/>	<input type="text" value="0"/>	4 2017	<input type="text"/>	<input type="text"/>	5 2018	<input type="text"/>	<input type="text"/>	6 2019	<input type="text"/>	<input type="text"/>	7 2020	<input type="text"/>	<input type="text"/>
Netzfahrplanperiode	Laufleistung aller Güter	Anzahl Achsen *																							
1 2014	<input type="text" value="0"/>	<input type="text" value="0"/>																							
2 2015	<input type="text" value="0"/>	<input type="text" value="0"/>																							
3 2016	<input type="text" value="0"/>	<input type="text" value="0"/>																							
4 2017	<input type="text"/>	<input type="text"/>																							
5 2018	<input type="text"/>	<input type="text"/>																							
6 2019	<input type="text"/>	<input type="text"/>																							
7 2020	<input type="text"/>	<input type="text"/>																							
Güterwagen																									
Ergänzende Angaben	<input type="text"/>																								

- “Number of freight wagons” – the total number of freight wagons listed in the detailed list included is requested (see row number in the Excel table minus 1)
 - “Number of axles” - the total number of axles of all the freight wagons listed on the list included (this is the sum of all axles in the Excel column “number of axles”)
 - “Planned conversion start” - the date on which the start of the conversion is planned is requested. If only the year is known, the day should be entered as 1.1.
 - “Additional information” - optional free text for notes or comments relating to this application.
- Up until “additional information”, all fields previously specified are mandatory fields.

b. Forecast data

Forecast data for the funding years still outstanding must be entered below the header data.

- “Kilometric performance of all freight wagons” - the kilometric performances related to year of all the freight wagons listed in the Appendix are estimated;
- in “Number of axles” - the total number of axles both for the current and also all future years until 2020.

Previous years are prepopulated with “0”.

c. Freight wagon list

The file to be uploaded as an attachment “Antrag_Vorbescheid_Güterwagen.xlsx” for the application for a preliminary decision has the following fields (and conditions):

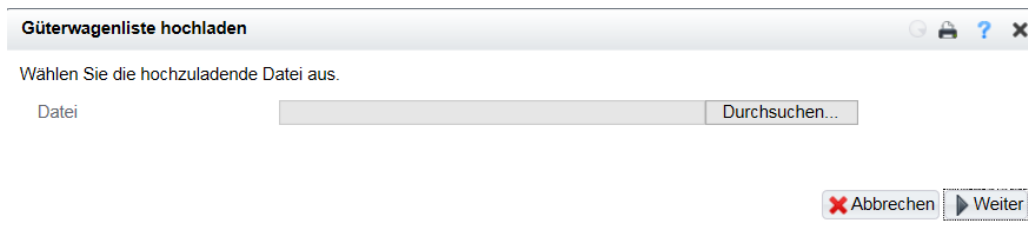
- Country registration: in correspondence with the country code in accordance with ISO 3166-1 (ALPHA-2), i.e. max two characters;

- Registration: max. 100 characters;
- Wagon number: only 12 digit containing only numbers, blank spaces or hyphens; the check digit in the wagon number (position 12 of the wagon number) must be correct;
- Registration date: must correspond to the type “01.01.2001”
- Year of conversion must correspond to the type “2001” and be between 2013 and 2020.
- Brake pad: GG, D, K, L or LL;
- Number of axles: only whole numbers smaller than 100;
- Number of brake pads: only whole numbers smaller than 1000.

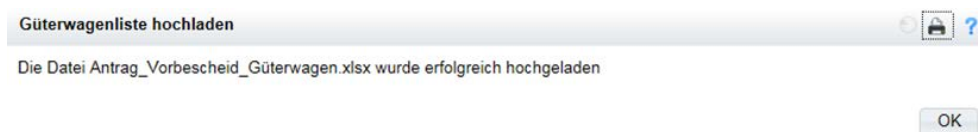
All of the previously specified fields are mandatory fields, with the exception of the last field “number of brake pads”, which is not generally a mandatory field.

Uploading the Excel file is started with the button “upload freight wagons”

The following appears:



- The file that must be attached must be marked via “Search”. The data listed there must take into account the format specifications of the sample or template file (see Appendix 4). The file format must be an xlsx file.
- If it is found, the file is uploaded by pressing “Continue” and after this has been completed, confirmed with “successfully uploaded”.




After acknowledging this notification with "OK", the application form appears again.

d. Sending to the EBA

- Before completing an application, the application page shown can be printed via the print button for the applicant’s own records.

Antrag auf Vorbescheid stellen

   Abbrechen

Anzahl Güterwagen *
Anzahl aller Achsen *
Geplanter Beginn der Umrüstung * 

- The application process is completed via the “send application” button (top right) via the “send application” button, and is transmitted to the internal department of the EBA. Notification of this is made by “the application has been transmitted to the EBA for processing”.

Antrag gestellt

Der Antrag wurde zur Bearbeitung an das EBA übertragen

- This notification must also be acknowledged with the “OK” button.

Comment: The application data will be deleted in the external system after successful transmission to the EBA.

f. Error messages

- If incorrect digits are used as framework data, the page reports this immediately when continue is clicked with “upload freight wagons” and a corresponding note.
- If discrepancies between the data in the vehicle list and the framework data exist, an error is only reported if the application should be sent to the EBA. A corresponding note to the impediment can be found in the error message. If the list to be included contains errors, these must be corrected and firstly saved under a new name before they can be uploaded again. The uploads can occur in multiple succession with the file names changed in each case.

(g) Terminating the connection to the application

By ending the application page and closing the browsers, the applicant is logged out and the connection terminated.




2.2 Application for the amendment of a preliminary decision

Preliminary note: If unclarity or uncertainty exist in relation to the method of applying for amendments, speaking to the EBA special service beforehand is recommended (see section 3.2).

If the wagon owner wishes to report amendments to the wagon status previously decided upon, he can do this via the application type “amendments to the preliminary decision.” There is no difference between the “application for a preliminary decision” and the “applications to amend a preliminary decision” in the functional process.

The process here must therefore be carried out in the way described under “2.1 application for a preliminary decision”.

However, when completing both the header fields, the forecast fields and the excel table to be included, specific entry specification depending on the type of amendment request must be observed.

Umrüstkföderung




Fahrzeughalterkennung(VKM)	HTT
Antrag auf Vorbescheid *	<input type="checkbox"/>
Antrag auf Änderung eines Vorbescheides *	<input checked="" type="checkbox"/>
Antrag auf Zuwendung *	<input type="checkbox"/>

Basically, the following options are available:

- (i) Registration of additional freight wagons for the funding process, i.e. an increase in the number of freight wagons that are to participate in the funding process;
- (ii) Correction of accompanying data of the freight wagons of a preceding application for a preliminary decision; a change in ownership also counts towards this in terms of a freight wagon covered by a preliminary decision;
- (iii) Notification of the amendment of vehicle numbers (EVN) of freight wagons for which a preliminary decision has already been issued;
- (iv) Waiver of funding of freight wagons which have been reported in a preceding application for a preliminary decision and for which a positive decision has been made.

(a) Extended Excel table

In contrast to 2.1., the Excel table to be included contains two extra columns for which examples for the different amendment applications are specified in the submission “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx” (Appendix 5):

- Previous wagon number: 12 digit, only numbers, blank spaces or hyphens, the check digit in the wagon number (position 12 of the wagon number) must be correct;
- Waiver of conversion - only “x” may be entered here.

The data included must take into account the format specifications of the sample or template file “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx” (Appendix 5). It is recommended to copy the data into these template files as simple “values” in order to preserve the formats specified there. The file format must be an xlsx file.

(b.) Data of the “Kilometric performance forecast”.

- The differences for the forecast data previously provided in the preliminary decision or preliminary decision amendment applications must be generally specified in amendment applications in the case of forecast data for the annual kilometre data relating to the “kilometric performance of all freight wagons”. Positive and negative (with prefixed minus signs) data is possible. If the forecast data for the “kilometric performance of all freight wagons” does not change, “0” must be entered here.
- The respective predicted (positive) total number of operatively used axles for the current and all future years up to 2020 must be specified under “Number of axles.”

Previous years are respectively prepopulated with “0”.

These fields are mandatory fields.

Note: There will generally only be a formal amendment decision in the case of increase of the vehicle stocks (see 2.2.1); in the case of the conversion of the additional freight wagons, the non-appealability of this amendment decision must then be awaited. (See Procedure, Ch. B.3)

2.2.1 Amendment application: Additional freight wagons.

a. Header data

Header data must be entered here as under 2.1, relating to the Excel data list to be included “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx”.

b. Forecast data

- “Kilometric performance of all freight wagons” - if the forecast for the kilometric performance of the freight wagons recorded here changes in the case of this type of amendment application, the (presumably positive but possibly also negative) differences for the forecasts previously made per

year must be entered here; if the forecast does not change, “0” must be entered for the current and “0” for the following years;

- “Number of axles” - The predicted total number of operatively used axles for the current and all future years up to 2020 must be entered.

See also ch. 2.2 (b)

c. Freight wagon list

The Excel table to be included “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx” is only completed in the columns under 2.1.

d. Sending to the EBA

The application is completed via the “Sending to the EBA” button as described in Ch. 2.1.

2.2.2 Amendment application: Amendment of accompanying data.

Before the amendment of other accompanying data to vehicles is intended, it is recommended to consult the special service as to whether the concerns of the funding are necessary.

a. Header data

Header data must be entered as under 2.1, relating to the Excel data list to be included “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx”.

b. Forecast data

- “Kilometric performance of all freight wagons” - if the forecast for the kilometric performance of the freight wagons recorded here changes in the case of this type of amendment application, the difference for the forecast data previously provided must be specified here; if the forecast does not change, “0” must be entered for the current and “0” for the following years;
- “Number of axles” - The predicted total number of operatively used axles for the current and all future years up to 2020 must be entered.

See also ch. 2.2 (b.)

c. Freight wagon list

In the Excel table to be included “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx” only the columns also mentioned under 2.1 are completed.

- Changes can be entered here for every amendment requirement for each one field, i.e. respectively in the column:
 - Country registration
 - Registration office
 - Registration date
 - Year of conversion
 - Brake pad: GG, D, K, L or LL;
 - Number of axles
 - Number of brake pads

These changes are then applied during application processing.

- The “Waiver” column remains empty.

All of the previously specified fields are mandatory fields, with the exception of the last field “number of brake pads”.

The “Previous wagon number” and “Waiver” columns remain empty

d. Sending to the EBA

The application is completed via the “Sending to the EBA” button as described in Ch. 2.1.

2.2.3 Amendment application: Amendment of vehicle numbers

a. Header data

Header data must be entered here as under 2.1, relating to the Excel data list to be included “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx”.

b. Forecast data

- “Kilometric performance of all freight wagons” - if the forecast for the kilometric performance of the freight wagons recorded here does not change in the case of this type of amendment application, “0” must be entered here for the current year and the “0” for the following years; if the forecast does change, the (positive or negative) differences relating to the previously provided

forecast data must be specified;

- “Number of axles” - The predicted total number of operatively used axles for the current and all future years up to 2020 must be entered.

See also ch. 2.2 (b.)

c. Freight wagon list

- The Excel table to be included “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx” is only completed with the columns specified under 2.1.;
- However, the previously applied for number for every freight wagon is entered in the “previous wagon number” column, and the “wagon number” column is filled with the new respective wagon numbers;
- The wagon numbers must be 12 digit and may only contain numbers, blank spaces or hyphens; the check digit in the wagon number (position 12 of the wagon number) must be correct.

All of the previously specified fields are mandatory fields.

- The “Waiver” column remains empty.

d. Sending to the EBA

The application is completed via the “Sending to the EBA” button as described in Ch. 2.1.

2.2.4 Amendment application: Waiver of funding.

a. Header data

Header data must be entered here as under 2.1, relating to the Excel data list to be included “Antrag_Änderung_Vorbescheid_Güterwagen.xlsx”.

b. Forecast data

- “Kilometric performance of all freight wagons” - if the forecast for the kilometric performance of the freight wagons recorded here reduces in the case of this type of amendment application, the predicted reduction in wagon kilometric performance relating to the previously provided forecast data for the current and the following years must be entered (in the form of a negative kilometre input); however, upon increase the positive differences per year would have to be respectively

entered as "0" if the forecast remains the same.

- "Number of axles" - The predicted total number of operatively used axles for the current and all future years up to 2020 must be entered.

See also ch. 2.2 (b.)

c. Freight wagon list

In the Excel table to be included "Antrag_Änderung_Vorbescheid_Güterwagen.xlsx" only the columns also mentioned under 2.1 are completed.

- In addition to this, an "x" is entered in the "Waiver of conversion" column; other characters or comments are not permitted.

Comment: In the "waiver of conversion" column, the value "x" means: "Yes, i.e.: "Waiver of conversion": a field left blank means: "No, i.e. no waiver of conversion"

- The "Previous wagon number" column remains empty.

d. Sending to the EBA

The application is completed via the "Sending to the EBA" button as described in Ch. 2.1.

2.3 Grant application

A grant can only be applied for after the non-appealability of a preliminary decision comes into force, the implementation of which can potentially be accelerated by declaring the waiver of judicial remedies. This preliminary decision is issued if a positive decision is made regarding the application of a wagon owner, this preliminary decision of the Eisenbahn-Bundesamt also includes information for the continued procedure.

The grant application must refer to the preliminary decision i.e. to the date and EBA reference number.

Umrüstkföderung

   [Antrag stellen](#)




Fahrzeughalterkennung(VKM) HTT

Antrag auf Vorbescheid *

Antrag auf Änderung eines Vorbescheides *

Antrag auf Zuwendung *

The following are shown with the grant application

Antrag auf Zuwendung stellen   

Aktenzeichen des Vorbescheides *	<input type="text"/>
Netzfahrplanperiode *	<input type="text"/>
Anzahl Güterwagen *	<input type="text"/>
Anzahl aller Achsen *	<input type="text"/>
Laufleistung	
Ergänzende Angaben	<input type="text"/>

a. Header data

The following must be specified as header data:

- The reference number - can be found in the preliminary decision of the freight wagons disclosed here in the Appendix;
- Network timetable period - a selection list (button on the right) also provides the annual figures of the network timetable periods that can still be applied for
- “Number of freight wagons” – the total number of freight wagons listed in the detailed list included is requested (see row number in the Excel table minus 1)
- “Number of axles” - the total number of axles of all the freight wagons listed on the list included (this is the sum of all axles in the Excel column “number of axles”)
- “Additional information” - optional free text for notes or comments relating to this application.

b. List of kilometric performances of freight wagons

The Excel table to be included must follow the template file “Antrag_Zuwendung_Laufleistung.xlsx” (Appendix 6) and be completed as follows:

- Country registration: in correspondence with the country code in accordance with ISO 3166-1 (ALPHA-2), i.e. max two characters;
- Registration: max. 100 characters;
- Wagon number: only 12 digit containing only numbers, blank spaces or hyphens; the check digit in the wagon number (position 12 of the wagon number) must be correct;
- Registration date: must correspond to the type “01.01.2001”
- Conversion date: must correspond to the type “01.01.2001”
- Brake pad: D, K, L or LL;
- Number of axles: only whole numbers smaller than 100;
- Kilometric performance network timetable period and lower than 10 million.

- Funding amount: Numerical with two decimal places and smaller than 100,000.00.

These fields are mandatory fields.

The Excel table is uploaded as described under ch. 2.1. (c).

c. Sending to the EBA

- The application process is completed via the “send application” button via the “send application” button, and is transmitted to the internal department of the EBA. Notification of this is made by “the application has been transmitted to the EBA for processing”.
- This notification must also be acknowledged with the “OK” button.

Comment: The application data will be deleted in the external system after successful transmission to the EBA.

3. Further Help/Contact

3.1 Internet - Worldwide Web

Current notes and information about the laTPS conversion programme can be found on the websites of Eisenbahn-Bundesamt. It is recommended to subscribe to the Eisenbahn-Bundesamt newsletter.

Eisenbahn-Bundesamt (General)

<https://www.eba.bund.de>

**To the application form and further information about the
laTPS conversion programme: <https://www.eba.bund.de/latps>**

3.2 Internet - Email

Please use the following address to the special service of the conversion program at the Eisenbahn-Bundesamt to apply to participate in the funding process as well as for queries relating to the funding process and the application:

Ref41-Grundsatz@eba.bund.de

3.3 Written correspondence

Written correspondence must be sent to:

Eisenbahn-Bundesamt,
Referat 41 (Umrüstungsregister)
Heinemannstraße 6
53175 Bonn
Germany

Since 2nd May 2017, only the electronic application system provided must be used. It is no longer possible to make applications in another way.

3.4 Telephone contact

If required, you can reach the employees of the Eisenbahn-Bundesamt responsible for the conversion funding under the following number:

+49 (0) 228 / 98 26 0

Monday to Friday from 09:00 to 15:00.

Country registration	Registration office	Wagon number	Registration date	Year of conversion	Brake pad	Number of axles	Number of brake pads
DE	EBA	37 80 788 7 229-8	01.01.1981	2012	GG	4	8

Country registration	Registration office	Previous wagon number	Wagon number	Registration date	Year of conversion	Brake pads	Number of axles	Number of brake pads	Waiver of conversion
DE	EBA	37 80 789 7 229-8	37 80 788 7 229-8	01.01.1981	2012	GG	4	8	
DE	EBA		37 80 788 7 230-7	01.01.1981	2012	GG	4	8	
DE	EBA		37 80 788 7 231-9	01.01.1981		GG	4	8	x

Country registration	Registration office	Wagon number	Registration date	Conversion date	Brake pad	Number of axles	Kilometric performance network timetable period [km]	Funding sum in €
DE	EBA	37 80 788 7 229-8	01.01.1981	28.03.2012	LL	4	9207	0.00

General collateral clauses for project funding grants (general collateral clauses)

Dated: 21.09.2016

The general collateral clauses contain collateral clauses within the meaning of § 36 of the Administrative Procedures Act (VwVfG), as well as necessary explanations. The collateral clauses are an integral part of the grant allocation decision, as far as no other provision has been expressly made there.

Contents

- No. 1 Requesting and using the grant
- No. 2 Subsequent expenses reduction or change of financing
- No. 3 Award of contracts
- No. 4 Objects procured for fulfilling the grant purpose
- No. 5 Disclosure requirements of grant recipient
- No. 6 Proof of use of funds
- No. 7 Auditing the use of funds
- No. 8 Reimbursement of grant, interest

1. Requesting and using the grant

- 1.1 The grant must be used economically and in a money-saving way.
- 1.2 All earnings associated with the grant purpose (especially grants, services of third parties) and the co-payment of the grant recipient must be used as covering funds for all expenses associated with the grant purpose. The financing plan is binding in terms of the overall result. The individual estimates may be exceeded by up to 20 percent, provided that this exceedance can be balanced by corresponding savings in the case of other individual estimates. If this exceedance of an individual estimate is based on official conditions or requirements, in particular within the framework of the legal building procedure, further deviations within the overall result of the financing plan are also permissible. Sentences 2 to 4 shall not apply in the case of fixed amount financing.
- 1.3 If staff expenses or administration expenses can also be paid from the grant and if the total expenses of the grant recipient are to be predominantly met by public funding, the grant recipient must not put its employees in a better position than similar federal employees. Granting higher charges than in accordance with the wage agreement for the civil service (TVÖD) as well as services that are above or outside the wage agreement is not permissible.
- 1.4 Normally, the grants will be provided by means of the claim procedure. In these cases, the regulations of the "BNBest-Abruf" (special collateral clauses for claiming grants) shall apply. If a claim procedure is not participated in, the grants shall be provided as follows: The grant may only be requested in so far as and not be requested sooner than is immediately needed after payment for due payments. The request of each part payment must include the necessary information for evaluating the funding need. Aside from this, the grant can be used as follows:
 - 1.4.1 In the case of proportional or fixed amount financing in each case in parts with possible grants of other grant givers and the grant recipient's own and other provided funding,
 - 1.4.2 In the case of uncovered demand financing if the grant recipient's own and other provided funding have been used. If an uncovered demand (no. 1.4.2) is part financed by several grant givers, the grant may only be requested in parts with the grants of the other grant givers.
- 1.5 Payments before receipt of the return service may only be arranged or effected as far as this is common practice or justified as a result of special circumstances.
- 1.6 The granting authority reserves the right to revoke the grant allocation decision with effect for the future if it emerges that the grant purpose cannot be attained.

2. Subsequent expenses reduction or change of financing

- 2.1 If the total expenses estimated in the financing plan for the grant purpose are reduced after the grant approval, the covering funds increase or new covering funds are added (e.g. investment grants), the grant shall be reduced
 - 2.1.1 in the case of proportional financing in parts with possible grants of other grant givers and the grant recipient's own provided and other means,
 - 2.1.2 in the case of uncovered demand financing and full financing around the full amount taken into consideration.
- 2.2 No. 2.1 shall only apply (except for in the case of full financing and recurrent funding for the same grant purpose) if the total expenses or the covering funds change by more than 500 euros.

3. Award of contracts

- 3.1 If the grant or, in the case of financing, the total amount of the grant due to several positions is more than 100,000 euros, the following must be applied
 - when awarding contracts for building services of section I of part A of the German Construction Contract Procedures (VOB/A),
 - when awarding contracts for deliveries and services of section I of part A of the German Procurement and Contract Procedures for Services (VOL/A).
- 3.2 The obligations of the grant recipient as a contracting authority in accordance with the fourth part of the Act against Restraints of Competition (GWB) shall remain unaffected

4. Objects procured for fulfilling the grant purpose

- 4.1 Objects that are procured or manufactured to fulfil the grant purpose must be used for the grant purpose and handled with care. The grant recipient must not use these for another purpose before the time commitment determined in the grant allocation decision expires.
- 4.2 The grant recipient must make an inventory of the objects procured to fulfil the grant purpose whose procurement or manufacture value exceeds 410 euros (without VAT). Provided that the federal government is not or will not become the proprietor due to special reasons, the objects must be specially marked in the inventory.

5. Disclosure requirements of grant recipient

The grant recipient is obligated to inform the granting authority without delay if

- 5.1 after submitting the finance plan - also after submitting the report on the expenditure of funds- he applies for additional grants for the same purpose at other public bodies, or receives these from them or if he receives - where applicable further - funding from third parties,
- 5.2 the purpose or other circumstances significant to the grant approval change or cease to apply,
- 5.3 It turns out that the grant purpose cannot be achieved, or cannot be achieved with the approved grant.
- 5.4 the requested or paid amounts cannot be used for due payments as soon as they are paid,
- 5.5 objects to be included on the inventory are no longer being used within the time commitment according to the grant purpose, or are no longer needed,
- 5.6 insolvency proceedings regarding his assets are being applied for or initiated.

6. Proof of use of funds

- 6.1 Evidence of the use of the grant funds must be provided to the granting authority within six months after the grant purpose has been fulfilled, however at the latest upon the expiration of the sixth month following the approval period (report on the expenditure of funds). If the grant purpose has not been fulfilled by the end of the budget year, interim evidence of the amounts received in this year must be provided within four months after the budget year has ended. Case reports as a part of the interim evidence in accordance with no. 6.3 may be combined with the next due case report if the report period for a financial year does not exceed three months.
- 6.2 The report on the expenditure of funds consists of a case report and numerical evidence.
- 6.2.1 The use of the funds and the result targeted must be individually presented in the case report and compared with the pre-determined targets. Details about the most important positions of the numerical evidence must be provided in the case report. Furthermore, the necessity and appropriateness of the work done must be explained.
- 6.2.2 The earnings and expenses must be separately disclosed in the numerical evidence in chronological order in accordance with the structure of the financing plan. The evidence must include all earnings associated with the grant purpose (grants, third party services, the recipient's own means) and expenses. A record overview in table form in which the expenses are separately listed according to type and in chronological order must be included with the evidence (record list). The date, recipient/payer and reason and individual amount of every payment must be visible in the record list. Provided that the grant recipient has the option for input tax deduction in accordance with § 15 of the VAT Act, only the charges (prices without VAT) may be taken into consideration. Evidence must be provided in the report on the expenditure of funds that all expenses were necessary, that an economical and money-saving procedure has been followed and the data corresponds to the books and, where applicable, the records.
- 6.3 The interim evidence (no. 6.1 sentence 2) consists of a case report and numerical evidence (without a record list in accordance with no. 6.2.2. sentence 3) in which the earnings and expenses according to the structure of the financing plan must be compiled in summary.
- 6.4 The records must contain the information and attachments customary for business operations, the expenses records in particular the payment recipient, reason and date of the payment, the proof of payment and in the case of objects, the purpose. Furthermore, the records must contain a clear allocation reference to the project (e.g. project number).
- 6.5 The grant recipient must keep original records (earnings and expenses records) relating to individual payments and the agreements relating to contract award, as well as all other documentation linked to the funding (cf. no. 7.1. sentence 1) for five years after the report on the expenditure of funds has been submitted, as long as a longer retention period is not specified in accordance with tax law or other provisions. Image or data carriers can be used to save this data. The recording and reproduction process must correspond to the principles of standard accounting practice or a generally approved public administration regulation.
- 6.6 If the grant recipient is permitted to forward funding to third parties to fulfil the grant purpose, the reports on the expenditure of funds and interim evidence from the receiving bodies to be provided to him must be included with the report on the expenditure of funds or interim evidence in accordance with no. 6.1.

7. Auditing the use of funds

- 7.1 The granting authority is entitled to request books, records and other business documentation, as well as to audit the use of the grant funds by means of local surveys, or to have these audited by authorised agents. The grant recipient must keep the required documentation ready and provide the necessary information. In the cases of no. 6.6., these rights of the granting authority are also to be stipulated to the third party.
- 7.2 If the grant recipient has his own auditing body, the report on the expenditure of funds must be checked by it beforehand and the audit certified by providing its results.
- 7.3 The Federal Audit Office is entitled to undertake audits of the grant recipients (§§ 91, 100 BHO, Federal Budget Code).

8. Reimbursement of grant, interest

- 8.1 The grant must be reimbursed if a grant allocation decision in accordance with the Administrative Procedures Act (in particular §§ 48, 49VwVfG) or other legal provisions with retroactive effect is withdrawn, revoked or becomes otherwise invalid.
- 8.2 No. 8.1. shall particularly apply if
 - 8.2.1 the grant has been obtained by means of incorrect or incomplete details,
 - 8.2.2 the grant is not being used or is no longer being used for the intended purpose,
 - 8.2.3 a condition subsequent has occurred (e.g. retrospective reduction of expenses or change of financing in accordance with no. 2).
- 8.3 A revocation with retroactive effect may also be considered provided that the grant recipient
 - 8.3.1 does not use the grant immediately after payment to fulfil the grant purpose, or
 - 8.3.2 does not fulfil requirements, or does not fulfil these within a set period, in particular does not submit the prescribed report on the expenditure of funds or meet the disclosure requirements (no. 5) within the correct time frame.
- 8.4 Annual interest must be applied to the reimbursed amount in accordance with § 49a paragraph 3 VwVfG with five percentage points above the base interest rate in accordance with § 247 BGB.
- 8.5 If grants are not used immediately after payment to fulfil the grant purpose and the grant allocation decision is not withdrawn or revoked, interest of five percentage points above the base interest rate in accordance with § 247 BGB for the time of payment until use according to purpose can be requested on an annual basis; the same shall apply provided that a service is used, although other funding must be used proportionately or predominantly (§ 49a paragraph 4 VwVfG). An immediate use of the funding, however, is not deemed to exist in the request procedure if after payment the funding is used for payments due after the expiration of more than six weeks.

General collateral clauses for project funding grants (general collateral clauses costs)

Dated: 01.01.2014

The general collateral clauses costs contain collateral clauses within the meaning of § 36 of the Administrative Procedures Act (VwVfG), as well as necessary explanations. The collateral clauses are an integral part of the grant allocation decision, as far as no other provision has been expressly made there.

Contents

- No. 1 Requesting and using the grant
- No. 2 Subsequent costs reduction or change of financing
- No. 3 Award of contracts
- No. 4 Disclosure requirements of grant recipient no. 5
Settlement according to prime costs
- No. 6 Lump sum settlement
- No. 7 Proof of use of funds
- No. 8 Auditing the use of funds
- No. 9 Reimbursement of grant, interest

1. Requesting and using the grant

- 1.1 The grant must be used economically and in a money-saving way.
- 1.2.1 All earnings/income associated with the grant purpose (e.g. grants, services of third parties and additional income) and the co-payment of the grant recipient must be used as covering funds for all costs associated with the grant purpose. The pre-calculation in terms of the overall costs is binding as a maximum sum (prime costs maximum sum).

Deviations above 20 percent of the pre-calculation estimates are only permitted within the maximum sum if the granting authority has agreed to this beforehand.
- 1.3 The request for the grant is based upon the costs incurred. The request of each part payment must include the necessary information for evaluating the funding need. Aside from this, the grant can only be used proportionately with possible grants of other grant givers and the grant recipient's own provided means.
- 1.4 The granting authority reserves the right to revoke the grant allocation decision with effect for the future if it emerges that the grant purpose cannot be attained.

2. Subsequent cost reduction or change of financing

- If the total costs estimated in the pre-calculation for the grant purpose are reduced after the grant approval, the covering funds increase or new covering funds are added (e.g. investment grants), the grant shall be reduced,
- 2.1 in the case of proportional financing in parts with possible grants of other grant givers and the grant recipient's own provided means,
 - 2.2 in the case of full financing around the full amount taken into consideration

3. Award of contracts

The grant recipient must only award contracts to skilled and proficient suppliers in a competitive manner at economical prices. As far as is possible, at least three different offers must be obtained for this purpose.

4. Disclosure requirements of grant recipient

The grant recipient is obligated to inform the granting authority without delay if

- 4.1 after submitting the pre-calculation he applies for additional grants for the same purpose at other public bodies, or receives these from them or if he receives - where applicable further - funding from third parties,
- 4.2 in comparison with the pre-calculation, a reduction of more than 7.5 percent of the total costs or by more than 10,000 euros, or a change in financing of more than 10,000 euros arises,
- 4.3 the purpose or other circumstances significant to the grant approval change or cease to apply,
- 4.4 It turns out that the grant purpose cannot be achieved, or cannot be achieved with the approved grant.
- 4.5 the requested or paid amounts that do not relate to imputed costs cannot be used immediately after payment for payments due.
- 4.6 before the project has ended, special tools and equipment are no longer being used according to the grant purpose or are no longer needed,
- 4.7 income/expense credit notes arise after the report on the expenditure of funds has been submitted, or if he receives additional covering funds within the meaning of no. 1.2,
- 4.8 insolvency proceedings regarding his assets are being applied for or initiated.

5. Settlement according to prime costs

- 5.1 In accordance with the grant allocation decision and these collateral clauses, only the prime costs brought about by the project, that are of an appropriate level, can be verified and that have arisen during economic management in the approval period, can be charged. If the actual prime costs of the project exceed the maximum prime costs amount, the grant recipient must cover the surplus amount himself.
- 5.2 The prime costs must be determined in accordance with the Rules for the Calculation of Prices based on Prime Costs
- LSP - (Annex to Regulation PR No. 30/53 of 21st November 1953 - Federal Gazette no. 244 of 18th December 1953) in the respective valid version.
- 5.3 Non-eligible are:
 - 5.3.1 the sales costs, including advertising costs,
 - 5.3.2 business tax
 - 5.3.3 costs of free research and development (nos. 27 and 28 LSP),
 - 5.3.4 costs for individual ventures (nos. 47 to 50 LSP),
 - 5.3.5 the imputed profit (nos. 51 and 52 LSP),
 - 5.3.6 the interest share in the allocations to the pension provisions.
- 5.4 Granted discounts are to be deducted when determining the purchase prices of the objects specially procured for the project and the other third-party services provided.

- 5.5 If prices for marketable services (without VAT) are used as a basis for part services instead of prime costs, these must be reduced by ten percent for non-eligible costs (no. 5.3). The part services must be separately disclosed in the post calculation (see no. 7.4).
- 5.6 Costs for special tools and equipment (no. 14 LSP) may only be settled as far as they have been acknowledged as eligible by the granting authority. No objects of company standard basic equipment are included in the special tools and equipment. In addition to this, the following shall apply:
- 5.6.1 The grant recipient must compensate for the residual value for special tools and equipment after the project has ended. Interest must be applied to a possible compensation claim under corresponding application of no. 9.4.
- If special tools and equipment are no longer required even before the grant purpose is fulfilled, the residual value must be compensated for without delay.
- 5.6.2 Development objects (dummies, prototypes and similar) that are produced as part of the project will be treated as special tools and equipment.

6. Lump sum settlement

The grant recipient shall settle the eligible costs in accordance with the following rules, provided that a lump sum settlement is permitted in the grant allocation decision regarding his application.

- 6.1 The following individual costs are eligible:
- 6.1.1 Material costs,
- 6.1.2 Costs for third-party services,
- 6.1.3 Staff costs, determined from the gross wages and salaries liable for income/wages tax per calendar year without employer social security contributions and without surcharges dependent on revenue or profit. If managing directors or executive board members or similar management staff are active in the project, only individual staff costs of corresponding management staff can be settled in the project (e.g. project manager); this also applies to contractors without a fixed salary. An hourly rate is to be produced from the annual wages/salaries determined from the division by means of the theoretically possible annual working hours (without the deduction of absence periods) in accordance with the wage agreement/company agreement/employment agreement. As far as the total hours actually worked are above the total hours agreed based on the wage/company/employment agreement, the hourly rate shall also be calculated by dividing the annual salary by the hours actually worked.
- Only the hours worked directly in support of the project and that have been logged by time logging (productive hours) can be settled as individual staff costs by multiplication with the hourly rate that has been produced relating to the year in accordance with paragraph 1. For persons who are not employed exclusively for the project, only the productive hours relating to the project can be proportionately settled in relation to the productive overall service.
- 6.1.4 Travel expenses,
- 6.1.5 Amortisation of the procurement prices or manufacturing costs at plants specific to the project.

The costs must be determined in accordance with the nos. 6.1.1 to 6.1.5 in accordance with the nos. 5.1. to 5.5.

6.2 The remaining costs caused by the project will be covered as a lump sum by a surcharge of 120 percent on the individual staff costs in accordance with no. 6.1.3. In particular, staff costs for national holidays, annual leave, sick leave and other periods of absence as well as employer social insurance contributions are covered by the surcharge.

7. Proof of use of funds

7.1 Evidence of the use of the grant funds must be provided to the granting authority within six months after the grant purpose has been fulfilled, however at the latest upon the expiration of the sixth month following the approval period (report on the expenditure of funds). If the grant purpose has not been fulfilled by the end of the budget year, interim evidence must be provided within four months after the budget year has ended. Case reports as a part of the interim evidence in accordance with no. 7.2 may be combined with the next due case report if the report period for a budget year does not exceed three months.

7.2 The interim evidence and the report on the expenditure of funds consist of a case report and numerical evidence.

7.3 The use of the funds and the result targeted must be individually presented in the case report and compared with the pre-determined targets. Details about the most important positions of the numerical evidence must be provided in the case report. Furthermore, the necessity and appropriateness of the work done must be explained.

7.4 The numerical evidence consists of a post calculation and a calculation relating to the project financing. The post calculation must be structured in the same way as the pre-calculation. In the case of a lump sum settlement in accordance with no. 6, an overview of the charged staff costs with the time sheets (no. 6.1.3) must be attached to the post calculation.

7.5 The grant recipient must provide evidence of the project financing. An itemised specification of the following must be provided

7.5.1 the personal contribution of the grant recipient,

7.5.2 the grant of the granting authority, other grants and other financial contributions from public and private funding,

7.5.3 other earnings/income that are connected to the project,

7.5.4 free goods and services provided by third parties.

Deviations from the financing detailed in the grant application must be shown.

7.6 The grant recipient must keep the invoicing documents for five years after the report on the expenditure of funds has been submitted, as long as a longer retention period is not specified in accordance with tax law or other provisions. Image or data carriers can be used to save this data. The recording and reproduction process must correspond to the principles of standard accounting practice.

7.7 If the grant recipient does not produce the report on the expenditure of funds on the basis of an organised accounting system within the meaning of no. 2 LSP, the grant shall be retrospectively calculated in accordance with the eligible expenses proven by the grant recipient, provided that they are economically appropriately allocable to the approval period and the project. For too high amounts received, no. 2 shall apply under corresponding application.

8. Auditing the use of funds

- 8.1 The granting authority is entitled to request books, records and other business documentation, as well as to audit the use of the grant funds by means of local surveys, or to have these audited by authorised agents. The grant recipient must keep the required documentation ready and provide the necessary information.
- 8.2 The Federal Audit Office is entitled to undertake audits of the grant recipients (§§ 91, 100 BHO, Federal Budget Code).

9. Reimbursement of grant, interest

- 9.1 The grant must be reimbursed if a grant allocation decision in accordance with the Administrative Procedures Act (in particular §§ 48, 49VwVfG) or other legal provisions with retroactive effect is withdrawn, revoked or becomes otherwise invalid.
- 9.2 No. 9.1. shall particularly apply if
 - 9.2.1 the grant has been obtained by means of incorrect or incomplete details,
 - 9.2.2 the grant is not being used or is no longer being used for the intended purpose,
 - 9.2.3 a condition subsequent has occurred (e.g. retrospective reduction of costs or change of financing in accordance with no. 2).
- 9.3 A revocation with retroactive effect may also be considered provided that the grant recipient
 - 9.3.1 does not use the grant - with the exception of the amounts relating to imputed costs - immediately after its payment to fulfil the grant purpose, or
 - 9.3.2 does not fulfil requirements, or does not fulfil these within a set period, in particular does not submit the prescribed report on the expenditure of funds or meet the disclosure requirements (no. 4) within the correct time frame.
- 9.4 Annual interest must be applied to the reimbursed amount in accordance with § 49a VwVfG with five percentage points above the base interest rate in accordance with § 247 BGB.
- 9.5 If grants in accordance with no. 9.3.1 are not used immediately after payment to fulfil the grant purpose and the grant allocation decision is not withdrawn or revoked, interest of five percentage points above the base interest rate in accordance with § 247 BGB for the time of payment until use according to purpose can be requested on an annual basis; the same shall apply provided that a service is used, although other funding must be used proportionately or predominantly (§ 49a paragraph 4 VwVfG). An immediate use of the funding, however, is not deemed to exist in the request procedure if after payment the funding is used for payments due after the expiration of more than six weeks.

 Sender (Grant Recipient)

**Eisenbahn-Bundesamt,
 Referat 42
 Heinemannstr. 6
 53175 Bonn**

Yellow fields must be completed by
 the grant recipient.

Ref42@eba.bund.de

Payment application

1. Applicant details

Name of the grant recipient

Type of funding programme: Conversion of existing freight wagons (funding guideline Ia TPS)

Funding period: [2015 / 16]

2. Grant allocation decision data

Date of grant allocation decision			
EBA reference number			
Date of receipt of the grant allocation decision			
Opposition/complaint filed	Yes/No	Approved government funding of:	€
Non-opposition	Yes/No		
Acknowledgement of the disclosure of information relating to subsidy relevance/subsidy fraud	Yes/No		

3. Signature

I hereby request the payment of the funding approved in the grant allocation decision to the grant recipient.

 Legally binding signature/stamp

 Place/Date

(Grant recipient)

To
Eisenbahn-Bundesamt,
Heinemannstraße 6
53175 Bonn

**Confirmation of Receipt
Declaration of non-opposition and
affirmation relating to the Subsidies Law**

It is hereby confirmed that the company received the grant allocation decision of xx.xx.20xx, - [EBA reference number] - in accordance with § 7 paragraph 7 of the guideline for funding measures for noise reduction in existing freight wagons as part of the introduction of a noise-dependent route pricing system on the railway tracks of the government railway infrastructure company (funding guideline laTPS) of 17.10.2013 for the timetable period 2013/14

on

The grant recipient hereby waives the entitlement to file opposition.

Furthermore, the signatory/signatories affirm that the disclosure of the Federal Railway Authority relating to subsidy relevance and to the punishability of subsidy fraud in accordance with appendix 3 of the grant allocation decision is

....., the.....

(Place)

.....

(ppa Signature(s))

Disclosure
in accordance with § 2 of the Subsidies Law
relating to matters relevant to the subsidy
in the case of the requested funding for converting freight wagons to freight
wagons with quiet brake pads

In accordance with § 2 of the law against the misuse of subsidies (Subsidies Law), the Federal Railway Authority (EBA) as the responsible granting authority for the Federal Ministry for Transport, Building and Urban Development guideline for funding measures for noise reduction in existing freight wagons as part of the introduction of a noise-dependent route pricing system on the railway tracks of the government railway infrastructure company (funding guideline laTPS) of 17.10.2013 (VkBl. 2013, p. 1030) determines the following matters as relevant to the subsidy within the meaning of the Subsidies Law in conjunction with the administrative provisions (VV) nos 3.4.1 to 3.4.3 in § 44 Federal Budget Code (BHO):

1. All matters that are relevant to the award of the grant applied for. These include
 - a. The following actual information that was entered on the application form for participation in the funding process
 - Matters whose presence or absence has been declared in the “Applicant Declarations”, i.e. the three first points of the “Declarations” on the application form;
 - b. the following actual information that was entered in the application for the decree of a preliminary decision/amendment decision, relating to the
 - Country of the wagon registration
 - Wagon number
 - Registration date, especially before 9.12.2012
 - Number of axles
 - c. The matters declared in the grant application relating to
 - The valid conversion of the freight wagon registered before 9.12.2012 to the specified approved noise-reducing technology
 - The driving performance of the converted freight wagon;
 - d. The matters declared in the report on the expenditure of funds relating to

- Correlation of the information entered in the conversion register with the conversion
 - Observation of the specifications of the Trans-European Railway Interoperability Ordinance (TEIV),
 - Correlation of the information entered with books and records.
2. Matters for assessing the necessity and appropriateness of the grant which are of significance for the continued payment, use of, retention or reclaiming of the grant.
- This includes all the matters that the EBA must be informed of when implementing the funding project in accordance with the provisions of the grant allocation decision along with its appendices, or for which the grant recipient must provide declarations of its existence, including of corresponding records and invoices.
3. Misuse of possible procedures
- Legal transactions or acts that misuse the possible procedures associated with the grant applied for are ultimately relevant to the subsidy in accordance with § 4 SubvG (Subsidies Law). This can be assumed if the formal requirements of the grant are artificially created in a way that conflicts with the purpose of the grant.

Note re: punishability of subsidy fraud

It should be noted that anyone acting on behalf of an applicant who provides incorrect or incomplete information in the case of matters relevant to the subsidy shall make himself liable to prosecution in accordance with § 264 of the Penal Code (StGB) due to subsidy fraud. This criminal offence may also be committed as a result of carelessness.

We refer here to the following excerpts from the Penal Code and the Subsidies Law.

**Excerpt from the Penal Code
and the Subsidies Law**

A) Penal Code

§ 264
Subsidy Fraud

(1) Whosoever

1. Makes incorrect or incomplete statements about matters relevant for granting a subsidy to himself or another that are advantageous for himself or the other, to a public authority competent to approve a subsidy or to another agency or person involved in the subsidy procedure (subsidy giver);

2. Uses an object or monetary benefit the use of which is restricted by legislation or by the subsidy giver in relation to a subsidy contrary to that restriction;

3. Withholds, contrary to legislation relating to grants of subsidies, information about matters relevant to the subsidy from the subsidy giver; or

4. Uses a certificate of subsidy entitlement or about matters relevant to a subsidy, which was acquired through incorrect or incomplete statements in subsidy proceedings, shall be liable to imprisonment not exceeding five years or a fine

(2) In especially serious cases the penalty shall be imprisonment from six months to ten years. An especially serious case typically occurs if the offender

1. Acquires, out of gross self-seeking or by using counterfeit or falsified documentation, an unjustifiably large subsidy for himself or another;

2. Abuses his powers or his position as a public official; or

3. Uses the assistance of a public official who abuses his powers or his position

(3) § 263 paragraph 5 shall apply mutatis mutandis.¹

(4) Whosoever acts in gross negligence in cases under paragraph 1 nos 1 to 3 above shall be liable to imprisonment not exceeding three years or a fine.

(5) Whosoever voluntarily prevents the granting of a subsidy on the basis of the offence shall not be liable pursuant to paragraphs 1 and 4 above. If the subsidy is not granted regardless of the contribution of the offender he shall be exempt from liability if he voluntarily and earnestly makes efforts to prevent the subsidy from being granted.

(6) In addition to a sentence of imprisonment of at least one year for an offence under paragraphs 1 to 3 above the court may order the loss of the ability to hold public office, to vote and be elected in public elections (§ 45 paragraph 2). Objects to which the offence relates may be subject to a deprivation order; § 74a shall apply.

(7) A subsidy for the purposes of this provision shall mean

1. a benefit from public funds under Federal or state law for businesses or enterprises, which at least in part

a) is granted without market-related consideration; and

(b) is intended for the promotion of the economy;

2. a benefit from public funds under the law of the European Communities which is granted at least in part without market-related consideration. A public enterprise shall also be deemed to be a business or enterprise within the meaning of the 1st sentence no 1 above.

(8) Matters shall be relevant to a subsidy within the meaning of paragraph 1

1. if they are designated as being relevant to a subsidy by law or by the subsidy giver

¹ § 263 paragraph 5 StGB: Whosoever on a commercial basis commits fraud as a member of a gang, whose purpose is the continued commission of offences under §§ 263 to 264 or 267 to 269 shall be liable to imprisonment from one to ten years, in less serious cases to imprisonment from six months to five years.

on the basis of a law; or

2. if the approval, grant, reclaiming, continued payment or the retention of a subsidy or a subsidy benefit depends on them for reasons of law.

B) Subsidies Law

§ 3

Disclosure requirement when using subsidies

(1) The subsidy recipient is obligated to inform the subsidy giver immediately of all matters that conflict with the approval, grant, continued payment, use of or the retention of the subsidy or the subsidy benefit, or that are significant to reclaiming the subsidy or the subsidy benefit. In particular, existing disclosure requirements shall remain unaffected.

(2) Whosoever seeks to use an object or monetary benefit the use of which is restricted by law or by the subsidy giver in relation to a subsidy contrary to that restriction must notify the subsidy giver of this in good time beforehand.

§ 4

Sham transactions, Misuse of possible procedures

(1) Sham transactions and sham operations are irrelevant to the approval, grant, reclaiming and continued payment or the retention of a subsidy or a subsidy advantage. If a sham transaction or a sham operation conceals another issue, the issue concealed shall be definitive for the approval, grant, reclaiming, continued payment or the retention of the subsidy or the subsidy benefit.

(2) The approval or granting of a subsidy or a subsidy benefit is excluded if a legal transaction or act connected to a subsidy that has been applied for is undertaken while misusing possible procedures. Misuse is deemed to have taken place if a person makes use of a possible procedure which is inappropriate to the specified matters and circumstances in order to make use of a subsidy or a subsidy benefit for himself or for another person, although this contradicts the subsidy purpose. This can be particularly assumed if the formal requirements of the subsidy or a subsidy benefit are artificially created in a way that contradicts the subsidy purpose.

§ 5

Issuance of subsidy benefits

(1) Whosoever uses an object or monetary benefit the use of which is restricted by law or by the subsidy giver in relation to a subsidy contrary to that restriction, and as secures a benefit as a result of this, must notify the subsidy giver of this.

(2) The provisions of the German Civil Code relating to issuing unjustified enrichment shall correspondingly apply to the extent of this issuance. The person obligated to provide the issuance cannot claim the omission of enrichment, insofar as he was aware of the use restriction, or unaware of it as a result of gross negligence.

(3) In particular, existing issuance obligations shall remain unaffected.

Report on the Expenditure of Funds

BMVI guideline noise-dependent route pricing system (laTPS)

Interim report on the expenditure of funds

Report on the expenditure of funds

Budget Year:	
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Grant recipient

Name			
Address			
Contact person			
Tel. no.		FAX no.	
Email:			

Network timetable period

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Preliminary decision, poss. amendment decisions

Granting Body	Reference Number	Date	Amount in [€]
EBA			
EBA			
EBA			
EBA			
EBA			
Approved total amount of government funding			0.00

Approved grants (grant allocation decision poss. amendment decisions)

Granting body	Reference number	Date	Network timetable	Amount in [€]
EBA				
EBA				
EBA				
EBA				
EBA				
EBA				
EBA				
EBA				
Approved total amount of government funding				0.00

0	Government funding received in the	
	total - in the budget year and the previous years - government funding	

Case Report

Detailed account of the implementation of construction work - if necessary as a separate sheet

[Example:]

In [...], [...] wagons were converted. The wagons were converted by *[company's own services/third party services/company with whom a framework agreement exists/ ...]* with the contact details *[Name, Address, Telephone number,...]* as part of *[routine maintenance services/separate award/ ...]*. The records and record numbers *[are submitted individually from an internal list/summarised under the number ... managed in the internal database.../...]* and are available to the EBA at any time on request.

The kilometric performances have been verified via *[e.g. database name, GPS data, AVV record, stopping points...]*. The journeys on government railway tracks have been verified via *[s. a., ...]*.

Numerical Evidence

Budget Year	
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Financing Overview

All amounts in [€]

	Total amount according to grant allocation decision	Used in the VN year for which evidence must be provided	Used in the previous years	Total Use
Approved government funding				
Other cash inflow (e.g. third parties,....) total expenses				
	0.00	0.00	0.00	0.00

Grant Recipient Declaration

The undersigned grant recipient(s) declare/s that

- > The information entered in the conversion register correlates with the conversion,
 - > The list(s) produced for making the application continue(s) to apply, or the following corrections must be made (if necessary, see supplementary sheet): [...]
 - > The conditions and requirements of the decisions have been observed
 - > The expenses were necessary and an economical and money-saving procedure has been followed,
 - > The information correlates with the records,
 - > The information about the conversion and the deployment of converted wagons is complete and has been recorded,
 - > The provisions of the general collateral clauses have been observed,
- The required documents attesting to the conversion and kilometric performance are available

Place	Date	Signature
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Result of EBA Audit

The report on the expenditure of funds has been audited using the submitted documentation.

There were no objections.

There were objections (see reimbursement notice/correspondence).

> Reimbursed amount:

> Reimbursement notice(s)/correspondence
from

Ref. no.

Confirmation of EBA:

Eligible Costs:

.....

Poss. explanations:

Place	Date	Signature	Official Seal
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