

P-3803/06EN

Supplementary Answer given by Mrs Huebner  
on behalf of the Commission  
(23.1.2007)

The N8 Watergrasshill By-Pass project was co-funded by the Commission under the Economic and Social Infrastructure Operational Programme. On 18 December 2002 the Commission decided to fix the contribution from the European Regional Development Fund to €45,537,000 corresponding to 43% of total public or similar expenditure on this project. The project was financed in the framework of improving one of the major inter-urban routes connecting Dublin with Cork that belongs to the Trans-European Transport Network.

According to Article 30 of Council Regulation (EC) No 1260/1999<sup>1</sup> of 21 June 1999, the Member State shall ensure that an operation retains the contribution from the Funds only if that operation does not, within five years of the date of the decision of the competent national authorities or the managing authority on the contribution of the Funds, undergo a substantial modification affecting the nature and implementation conditions of the project resulting from a change in the nature of ownership in an item of infrastructure. These conditions are cumulative, i.e. both should occur.

The Commission has analysed if a substantial modification resulting from a change in the nature of ownership has occurred in this case. The Commission has reached a conclusion that there has been no change in the nature of ownership of the N8 Watergrasshill By-Pass project as it is still owned and maintained by the local County Authority.

The national authorities have communicated to the Commission that the tolls applied in the Rathcormac/Fermoy Bypass are calculated so that it will be possible only to recover the private sector investment in meeting its obligations in respect of the 17.5 kilometre (km) section of the new Rathcormac/Fermoy Bypass. Therefore, the use of the co-funded section remains free of charge for road users.

After receiving the Honourable Member's question regarding the unfortunate situation where people from Rathcormac village can no longer directly access the new motorway, the Commission has made enquiries with the national authorities and has received the following explanation on the exit to Rathcormac village: The former tie-in was an interim single carriageway link from the Watergrasshill scheme to the then N8 Dublin - Cork road and was discontinued in October 2006 upon opening of the new Rathcormac/Fermoy bypass. This had to be removed as standard engineering practice after new sections of the primary road network came on stream. The new route is being developed to high quality dual carriageway/motorway standards. This 2 + 2 carriageway is divided by a physical median barrier and incorporates purpose designed interchanges to cater for on/off traffic movements. The interim tie-in that previously existed would not be consistent with these 2 + 2 road design standards and as a consequence the 200 - 300 metre single carriageway could not have been left in place after the completion of the new Rathcormac/Fermoy scheme.

Northbound traffic from Cork wishing to access the old N8 Dublin - Cork road can do so by means of the full grade separated interchange at Watergrasshill. Accordingly, access to Watergrasshill - and also Rathcormac - will continue to be facilitated by the new arrangements and no toll will apply for traffic using the old N8.

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<sup>1</sup> Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, OJ L 161, 26.6.1999.

The above information was made available by the Irish authorities. The Commission would appreciate receiving any new elements that are brought to its attention and shall endeavour to follow developments closely.