TITHE AN OIREACHTAIS

An Comhchoiste um Chomhshaol, Iompar, Cultúr agus Gaeltacht

Tuarascáil maidir le Rannchuidiú an Chomhchoiste leis an gCoimisiún Eorpach ar a Thogra le haghaidh Rialacháin maidir le treoirlínte Aontais chun an Gréasán Tras-Eorpach Iompair a fhorbairt, Com(2011)650

Eanair 2012

HOUSES OF THE OIREACHTAS

Joint Committee on Environment, Transport, Culture and the Gaeltacht

Report on the Joint Committee's Contribution to the European Commission on its Proposal for a Regulation on Union guidelines for the development of the Trans-European Transport Network, Com(2011)650

January 2012

31ETCG002 **PRN No. A12/0121**

TITHE AN OIREACHTAIS

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Appendices

Report on the Joint Committee's Contribution to the European Commission on its Proposal for a Regulation on Union guidelines for the development of the Trans-European Transport Network, Com(2011)650

1. Introduction

The Joint Committee on Environment, Transport, Culture and the Gaeltacht at its meeting of 8 December 2011 discussed the Commission's proposal for a Regulation on Union guidelines for the development of the Trans-European Transport Network with the Minister for Transport during his briefing in advance of the December meeting of the Transport Council. The Committee subsequently considered this proposal on 15 December 2011 and agreed that the proposal warranted further scrutiny and noted that there may be a subsidiarity question to be addressed and a decision to be taken as to whether a reasoned opinion would be required in response.

On 10 January 2012, the Joint Committee met with representatives of the Department of Transport, Tourism and Sport to hear a briefing on the proposal and to consider in particular, concerns raised by the Department that might be relevant to the application of the principle of subsidiarity in the proposed measure.

The Joint Committee wishes to thank the Minister and the Department for their assistance in relation to the Committee's work on this significant proposal.

2. Decision of the Committee

On 24 January 2012 the Joint Committee agreed the enclosed Contribution be forwarded to the European Commission and the European Parliament and that a report of the Joint Committee's consideration of the Contribution be laid before both Houses of the Oireachtas and a debate called for in both Houses on the report.

The Joint Committee further agreed that in the interests of interparliamentary cooperation on EU matters to forward to the appropriate Committee in each

EU member state national parliament a copy of this report and to ensure that a copy was made available to Ireland's MEPs and the Chairperson of the European Parliament Committee on Transport and Tourism.

Ciarán Lynch T.D.
Cathaoirleach

Joint Committee on Environment, Transport, Culture and the Gaeltacht

Joint Committee's Contribution to the European Commission on its Proposal for a Regulation on Union guidelines for the development of the Trans-European Transport Network, Com(2011)650

1. The Oireachtas Joint Committee on Environment, Transport, Culture and the Gaeltacht is pleased to participate in the ongoing dialogue between national parliaments and the European Commission and is grateful for the opportunity it affords to contribute to policy development in the European Union. The Joint Committee intends to avail of the provisions of the Lisbon Treaty to the fullest extent and looks forward to the further enhancement of the political dialogue between the Commission and the Houses of the Oireachtas which is a key factor in the development of better EU policy and laws which properly reflect the concerns and needs of Irish citizens.

2. The Joint Committee has considered the European Commission's proposal in some detail and has held public hearings on the matter with the Department of Transport and has discussed the paper with the Minister for Transport, Mr Leo Varadkar. In connection with its work the Joint Committee also discussed the Commission's proposed regulation establishing the Connecting Europe Facility, COM(2011)665. Following its deliberations the Committee has prepared this contribution which seeks to address the key issues and asks that the Commission take into account the views and positions set out in this contribution when it comes to the ongoing negotiations.

3. The Joint Committee welcomes the overarching aims and objectives of the revision of the TEN-T Guidelines and the establishment of the Connecting Europe Facility and supports the Commission's efforts to establish a truly barrier free, efficient and innovative transport network. The Joint Committee notes the importance of this initiative for the Union's economic recovery by realising the positive potential of transport infrastructure for business and growth. Clearly given Ireland's geographical position an efficient network and excellent connections to mainland Europe is vital to Ireland's interests. A regulatory framework which encourages smarter investment decisions across Europe should result in Irish exporters gaining access to European markets quicker and more cheaply and should also facilitate more opportunities for overseas tourists to visit Ireland.

4. Ireland fully supports the co-ordinated development of trans-European networks and, where necessary, action at European level, particularly for

cross-border sections of the transport networks. The Committee understands and agrees that such long term strategic thinking as shown by the Commission in its proposal is necessary. However the Joint Committee also agreed these ideal long term objectives need to be balanced with a full appreciation of the practical implications of the current difficult economic climate in which we all find ourselves.

5. The Joint Committee considered the Commission's proposal from the point of view of adherence with the Protocol on the Application of the Principles of Subsidiarity and Proportionality. The Committee noted that the Commission in its proposal and impact assessment justifies its action in this area by reference to the recognition in the treaties of the need for EU level action on Trans European networks. The Joint Committee formed the view that in terms of the "necessity" and greater benefits test; the objectives of this measure includes transnational aspects which potentially can be better be regulated at EU level. The Joint Committee agreed that on balance it did not believe that there had strictly been a breach of the principle of subsidiarity and therefore agreed not to consider a Reasoned Opinion on this proposal. However the Committee did express some concerns from a proportionality point of view, in particular with regard to how far the proposal goes to achieve its objectives as set out below.

<u>General Comments</u>

6. Proposed Governance structures: The Joint Committee has strong concerns regarding the proposed governance structures designed to ensure the delivery of objectives as set out in the draft Regulation. The Committee supports the Commission's initiatives to reduce administrative burdens and would like to see this philosophy more to the fore in this instance. A key principle should be the avoidance of unnecessary administrative burden on Member States or commercial stakeholders. In addition the Committee is concerned at the degree to which this Regulation imposes top-down requirements on Ireland and other Member State's transport networks and investment decisions - over and above what might be necessary. The Committee understands that a number of other Member States have raised concerns in this regard in particular that the regulation may result in the Commission being required to instigate infringement proceedings on Member States for non-compliance or delays in carrying out works.

7. Specifications: As regards the specifications set out in the Regulation the Joint Committee believes that a one size fits all approach is not optimum

given the diversity of transport infrastructures and national requirements that exists across the EU. In Ireland's case the level of specification envisaged for both the Core and Comprehensive Networks may be disproportionate to the level of traffic flows across the network and the isolated nature of Ireland's transport network. This is particularly true for the rail network where the Commission's focus is on improving interoperability and developing higher speed rail links across Europe.

8. The Joint Committee believes that there is a clear case for a calibrated approach to the implementation of this Regulation which takes account of the specific nature of Member States' transport infrastructure and projected traffic volumes on the Network in more peripheral parts of that Network.

9. The Joint Committee looks forward to receiving the Commission's response to its observations and it hopes that the Committee's recommendations can be taken into account. The Joint Committee also intends to directly contact our counterparts in other national parliaments to share our views on this matter.

Oireachtas Joint Committee on Environment, Transport, Culture and the Gaeltacht

Dublin
24 January 2012

APPENDIX 1

BRIEF FOR OIREACHTAS COMMITTEE
10 JANUARY 2012

CONTENTS

Statement by Micheal Harper, Transport Counsellor,
Irish Permanent Representation to the EU

Re: Commission proposal Com (2011) 650 – Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network

Joint Oireachtas Committee - 10 January 2012

Introduction

I would first like to thank the Chairman and the Committee for this opportunity to address you in relation to what is a very important legislative dossier on the EU transport agenda. With your permission, I propose to give some background on the Commission proposal; some of more important implications for Ireland and our position on the proposal; and the current state of play in relation to the negotiations with Council and the European Parliament. I understand you are particularly interested in the concerns we have raised in relation to technical specifications and the governance structures for the implementation of the proposal. I will cover these in my presentation.

What is the proposal about?

On 19 October, the European Commission announced two major proposals to further develop Trans European Transport Networks. These were firstly:

a Regulation defining a framework for the development of the European network over the next 4 decades to 2050 – the so-called *TENS T regulation*, and secondly:

a Regulation – called the *Connecting Europe Facility* - to support, inter alia, the development of the most strategic elements of the network over the period 2014 to 2020.

While today's focus is on the first part of the package, both proposals are very much interlinked and represent vital instruments in shaping EU transport policy over the medium to longer term. They are, to a very large extent, based on the vision set out in the Commission's White Paper on Transport – published earlier this year. I understand the Committee has received information notes on all three initiatives.

As regards TENS T specifically, the Commission is proposing a strategic framework for coordinating investment decisions on Europe's transport infrastructure which aim to ensure better, smarter and more sustainable transport systems are in place over the next 20 to 40 years. Once adopted, the new TENS T regulation will replace an existing Decision of the Council, EP and Commission on TENS T.

The key difference between the new and existing TENS T framework is that the new one will consist of two layers: a Core Network to be completed by 2030 and a Comprehensive Network feeding into this, to be completed by 2050. These are specified in Maps annexed to the Commission proposal.

The comprehensive network is intended to ensure extensive coverage of the EU and accessibility for all European regions to the Core Network. The Core Network comprises the most important links and nodes on the network and has been devised by the Commission based on various criteria including traffic demand. It is intended that the Core Network will be fully functional by 2030. Both layers include all transport modes: road, rail, air, inland waterways and maritime transport.

The TEN-T guidelines set common requirements for both the Comprehensive and the Core Network in order to ensure seamless and consistent transport links along the network. Specifications for the core network are higher than those for the comprehensive network. The guidelines also foster the implementation of traffic management systems which will allow optimising the use of infrastructure and by increasing efficiency, to reduce CO2 emissions.

The implementation of the core network will be managed using the so-called "corridor approach". There are 10 corridors identified in the Connecting Europe proposal, one of which covers Ireland. They cover at least 3 transport modes, 3 Member States and 2 cross-border sections. European co-ordinators – appointed by the Commission - will chair "corridor platforms" that bring together all the stakeholders – including Member States, infrastructure operators, etc to design and deliver the various elements of the corridor. They are effectively a management structure to oversee the delivery of the Core Network in each Member State.

So much for the proposal itself.

What are the implications for Ireland?

The impacts of the proposal on Ireland are essentially two fold. From an economic perspective, we welcome the objectives which underpin the initiative – these are essentially about making Europe more competitive and assisting the development of a transport network which is fit for purpose. As an island on the periphery of Europe, transport links to our main trade and tourism markets are vital. A regulatory framework which encourages smarter investment decisions across Europe should result in Irish exporters gaining access to European markets quicker and more cheaply and should also facilitate more opportunities for overseas tourists to visit Ireland.

However, this framework comes at a price – and in Ireland's case, the price is prohibitively high and in certain cases, unnecessary. The Commission estimate that in order to deliver the key upgrades envisaged on the Core Network, an investment of €250bn will be needed. As it stands, the Connecting Europe Facility proposal will provide EU funding of €21 bn over the period 2014 to 2020 to address the upgrades envisaged. An additional €10bn will be ringfenced from the Cohesion Fund. The balance of the investment – just under 90% - will fall to public and private investors. This is simply not a realistic expectation in the current economic and fiscal climate – either in Ireland or in most other EU Member States for that matter.

It is also evident that the level of specification envisaged for both the Core and Comprehensive Networks is disproportionate to the level of traffic flows across the network and the isolated nature of Ireland's transport network. This is particularly true for the rail network where the Commission's focus is on improving interoperability and developing higher speed rail links across Europe.

There are two examples which illustrate this point. The proposed regulation requires full electrification of the rail lines on the Core Network. This in theory is to encourage faster journey times and cleaner more sustainable transport. In Ireland's case, only a small portion of the rail track is electrified. Full electrification of the rail line from Belfast to Dublin to Cork / Limerick would cost in the order of €3bn. Even with such an investment, the goal of higher speeds would not be achieved without additional significant investment in track alignment, re-configuring of level crossings and safety upgrades.

A second example relates to the specification for roads on the Core Network. Here, Ireland would be required to provide rest stops every 50 km on its motorway network. Such a level of frequency is not justified commercially or otherwise in an Irish context where the journey times on the motorway network included on the Core element would be considerably less than regulated 4 and a half hours. In addition, any trans-European road journeys to and from Ireland would be punctuated by a rest period on a ferry in any case.

In other words, investment in achieving these two key specifications on our road and rail network would be both excessive and unwarranted from a VFM perspective – even if we had the money. For this reason we have argued for a significant re-calibration of the specifications to take account of projected traffic flows and VFM considerations.

As you know, we also have strong concerns regarding the proposed governance structures set out in the draft Regulation. A key principle here should be the avoidance of unnecessary administrative burden on Member States or commercial stakeholders. Under the existing guidelines, cross border priority projects have been rolled out on time and within budget in Ireland. North –South cooperation in relation to transport investment has been a broadly positive experience. We do not see any added value in creating elaborate "core corridor platforms" underpinned by additional and as yet unspecified Commission regulation.

Another concern here relates to subsidiarity - an issue which we also flagged in the information note to the Committee.

Clearly, as the Commission points out in the proposal, the coordinated development of a trans-European transport network within Europe requires action to be taken at European level rather than individually by Member States - particularly for cross-border sections. However, the concern relates to the degree to which this Regulation imposes top-down requirements on Ireland and other Member State's transport networks and investment decisions - over and above what might be deemed necessary or legally appropriate.

A number of other Member States have raised concerns in this regard. Council Legal Service have been asked for an opinion – particularly as regards the legal base used to support the proposal - Article 172 of the TFEU. In addition, the Commission has been asked to clarify what happens if the prescribed specifications are not met within the timeframe allowed. These issues are dealt with in Chapter IV of the proposal. As regards delays in completing the Core Network, Article 59 of the proposed Regulation states that the Commission "may ..decide to take appropriate measures". The concern here is that the regulation offers the potential for the Commission to instigate infringement proceedings on Member States for non-compliance or delays in carrying out works.

There is a clear case for a calibrated approach to the implementation of this Regulation which takes account of the specific nature of Member States' transport infrastructure and projected traffic volumes on the Network in more peripheral parts of that Network.

This is the position we have taken in the negotiations at technical and political level and there appears to be growing support from other Member States for this position.

What is the current state of play in the negotiations?

We are still at relatively early stages in the negotiation of this proposal. The Danish Presidency hope to achieve a so-called "general approach" on the proposal at Transport Ministers Council in March although realistically, this is more likely to happen in June. The European Parliament has only recently appointed a Rapporteur which is the first step in their examination of the Commission proposal. We would however expect the European Parliament to be strongly in favour of the Commission proposals here so there is very likely to be a protracted negotiation between Council and the European Parliament during the Cypriot Presidency which could easily fall to the Irish Presidency in 2013 to get over the line.

Conclusion

At this point, we are reasonably confident that Ireland's particular concerns are getting traction within Council and the Commission itself is increasingly aware of the particular nature of our transport network and the need for flexibility.

I have tried to be as comprehensive as possible in my opening statement. This is a very complex proposal both technically and legally. I have a number of colleagues from the Department with me today and we are more than happy to take questions on the matter. If we can't answer all of them we will certainly do our best to get back to the Committee with answers after the meeting.

Thank you

Com (2011) 650
Information Note

1. Proposal
Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network

2. Date of Commission document
24 October 2011

3. Number of Commission document
COM (2011) 650

4. Number of Council document:
2011/0294

5. Dealt with in Brussels by
Transport Council / Intermodal Questions Working Group

6. Department with primary responsibility
Department of Transport, Tourism and Sport

7. Other Departments involved
No

8. Background to, Short summary and aim of the proposal
On 19 October, the European Commission announced new proposals for Trans European Transport Networks – which include a draft Regulation defining a framework for the development of the European network over the next 4 decades to 2050 and a funding instrument – called "Connecting Europe" - to support, inter alia, the development of the most strategic elements of the network (the so-called "Core Network") over the period 2014 to 2020.

The new Commission proposals set out a strategic framework for coordinating decisions on transport infrastructure across the 27 Member States in order to ensure better, smarter and more sustainable transport systems are in place both within the EU itself and also with key third country partners.

The new TEN-T network will consist of two layers: a core network to be completed by 2030 and a comprehensive network feeding into this, to be completed by 2050. The comprehensive network, will ensure full coverage of the EU and accessibility of all regions. The core network will prioritize the most important links and nodes of the TEN-T, to be fully functional until 2030. Both layers include all transport modes: road, rail, air, inland waterways and maritime transport, as well as intermodal platforms.

The TEN-T guidelines set common requirements for the TEN-T infrastructure – with tougher requirements for the core network. This will ensure fluent transport operations throughout the network. The policy also fosters the implementation of traffic management systems which will allow optimising the use of infrastructure and by increasing efficiency, to reduce CO2 emissions.

The implementation of the core network will be facilitated using a corridor approach. Ten corridors will provide the basis for the co-ordinated development of infrastructure within the core network. Covering at least 3 modes, 3 Member States and 2 cross-border sections, these corridors will bring together the Member States concerned, as well as the relevant stakeholders, for example infrastructure managers and users. European co-ordinators will chair "corridor platforms" that will bring together all the stakeholders – these will be a major instrument to guarantee co-ordination, co-operation and transparency.

9. Legal basis of the proposal
The legal basis for this proposal is Article 172 TFEU.

10. Voting Method
QMV

11. Role of the EP
Co-decision

12. Category of proposal
Major significance in terms of EU Transport Policy to 2050.

13. Implications for Ireland & Ireland's Initial View'

Europe is and will continue to be our strongest trading partner and source market for tourism. Transport connections to Europe are therefore vital to our economic resurgence. In that context, the development of a strong transport network across Europe which is fit for purpose is vital to Ireland interests. The specific implications of the proposals for Ireland's transport infrastructure will need to be examined carefully – particularly in terms of the specifications being sought over the period in question for road, rail, ports and airports and Ireland's capacity to deliver in the current economic climate. Ireland is included in the so-called "Core Network" which will be the focus of the Commission's proposed "Connecting Europe" facility – announced as part of the package.

14. Are the any subsidiarity issues for Ireland?

Not clear as yet. The coordinated development of a trans-European transport network to support transport flows within the single European market and economic, social and territorial cohesion within Europe requires action to be taken at European Union level, as such action could not be taken individually by Member States. This is particularly the case for cross-border sections. However, there are issues in relation to degree to which this new instrument is imposing top-down requirements on Ireland's transport network over and above what might be deemed necessary in terms of projected traffic flows and socio-economic return for the investment involved.

15. Anticipated negotiating period
Likely to take 18 months at least.

16. Proposed implementation date
20th day after final version of the Regulation is published.

17. Consequences for national legislation

As a Regulation, it will be binding in its entirety and directly applicable in all Member States.

18. Method of Transposition into Irish law
N/a

19. Anticipated Transposition date
N/a

20. Consequences for the EU budget in Euros annually
The proposal will not entail any additional cost for the EU budget.

21. Contact name, telephone number and e-mail address of official in Department with primary responsibility

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Date 24 October 2011

Com (2011) 665/3
Information Note

1. Proposal
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Connecting Europe Facility

2. Date of Commission document
24 October 2011

3. Number of Commission document
COM (2011) 665/3

4. Number of Council document:
Not availalbe

5. Dealt with in Brussels by
Transport Council / Intermodal Questions Working Group

6. Department with primary responsibility
Departments of Transport, Tourism and Sport (transport element) and Communications, Energy and Natural Resources (Energy and Telecoms elements)

7. Other Departments involved
Department of Finance (in context of overall negotiation on the Multi-Annual financial framework for the period 2014-2020).

8. Background to, Short summary and aim of the proposal
On 19 October, the European Commission announced new proposals for Trans European Transport Networks – which include a draft Regulation defining a framework for the development of the European network over the next 4 decades to 2050 and a funding instrument – called “Connecting Europe” - to support, inter alia, the development of the most strategic elements of the network over the period 2014 to 2020.

The new Commission proposals set out a strategic framework for coordinating decisions on transport infrastructure across the 27 Member States in order to ensure better, smarter and more sustainable transport systems are in place both within the EU itself and also with key third country partners.

The “Connecting Europe” proposal was already part of the proposed Multi-Annual financial framework for the period 2014-2020: "A Budget for Europe 2020", announced in June 2011. In this, the Commission decided to propose the creation of a new integrated instrument for investing in EU infrastructure priorities in Transport, Energy and Telecommunications: the "Connecting Europe Facility" (hereafter CEF).

This draft Regulation sets out the provisions governing the CEF. It draws on the work undertaken to prepare the revision of the policy framework in all three sectors (Transport, Energy, and Telecommunications) for the next Multi-Annual financial framework (2014-2020). In line with Article 170 of TFEU, new guidelines are proposed in each sector in line with the CEF. Therefore, the revised Guidelines for Transport, Energy and

Telecommunications on the one hand and the CEF on the other hand constitute one coherent regulatory package.

In the transport sector, a Europe-wide 'core network' has been identified using a pan-European planning methodology. This core network with corridors, carrying freight and passenger traffic with high efficiency and low emissions, makes extensive use of existing infrastructure. By completing missing links and alleviating bottlenecks and with the use of more efficient services in multimodal combinations, it will handle the bulk of transport flows in the single market. The cost of EU infrastructure development to match the demand for transport has been estimated at over €1.5 trillion for 2010-2030 for the entire transport networks of the EU Member States. The completion of the trans-European transport networks requires about €500 billion by 2020, of which €250 billion would be needed to complete missing links and remove bottlenecks on the core network.

9. Legal basis of the proposal
The legal basis for this proposal are Articles 170, 171 and 172 TFEU.

10. Voting Method
QMV

11. Role of the EP
Co-decision

12. Category of proposal
Major significance in terms of EU Transport Policy over the period 2014-2020.

13. Implications for Ireland & Ireland's Initial View'

Europe is and will continue to be our strongest trading partner and source market for tourism. Transport connections to Europe are therefore vital to our economic resurgence. In that context, the development of a strong transport network across Europe which is fit for purpose is vital to Ireland interests. The specific implications of the proposals for Ireland's transport infrastructure will need to be examined carefully – particularly in terms of the specifications being sought over the period in question for road, rail, ports and airports and Ireland's capacity to deliver in the current economic climate. Ireland is included in the so-called "Core Network" which will be the focus of the transport element of the CEF.

14. Are the any subsidiarity issues for Ireland?

No.

15. Anticipated negotiating period
Likely to take 18 months at least.

16. Proposed implementation date
1 January 2014

17. Consequences for national legislation
As a Regulation, it will be binding in its entirety and directly applicable in all Member States.

18. Method of Transposition into Irish law

N/a

19. Anticipated Transposition date
N/a

20. Consequences for the EU budget in Euros annually
The Commission's proposal for the next Multi-Annual financial framework includes a proposal for €50 billion for the period 2014-2020 for the CEF, of which €31.7 billion is earmarked for transport with €10bn of this from the Cohesion Fund. Over the seven years in question, this would be €7.14bn annually.

21. Contact name, telephone number and e-mail address of official in Department with primary responsibility

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Date 24 October 2011

SPEECH by Siim Kallas - Vice-President and Commissioner for Transport

"TEN-T Days" conference on the trans-European transport network: opening remarks - Antwerp, 29 November 2011

Ministers,

Honourable Members of the European Parliament,

Ladies and gentlemen,

Welcome to TEN-T Days 2011 in Antwerp! As in 2008, I would have been happy to receive you in Brussels. But this venue, next to the splendid railway station situated on the core network, makes it a natural choice.

This is the fourth time that Member States, local and regional authorities, stakeholders and the European Commission are meeting to discuss the development and main issues regarding the trans-European transport network.

Of course, this year our focus will be on the new TEN-T Guidelines and the Connecting Europe Facility. This conference, organised so soon after both proposals were launched, will allow – as our previous TEN-T conferences have also done – all parties to have a useful and beneficial exchange as we begin the co-decision process.

Transport in the multiannual financial framework (MFF)

The revised TEN-T Guidelines and their links to the proposed Connecting Europe Facility were adopted by the Commission on 19 October, together with a proposal to launch a pilot phase of the project bonds initiative. This package has a high importance for achieving sustainable growth in Europe, which is now at the core of our concerns. The key objective of both proposals is the targeted use of financial resources, which is especially vital at a time of economic crisis and given that infrastructure is the backbone of the economy.

As you know, the overall Multiannual Financial Framework proposes a stable budget. But within this, transport is a clearly identified priority and recognised as an instrument that can revitalise the competitiveness of our economy. Developing the TEN-T will have positive effects on the free movement of goods, integration in the internal market, accessibility and territorial cohesion, as well as on creating economic growth and jobs.

The TEN-T Guidelines and the Connecting Europe Facility will contribute significantly to establishing a competitive and resource-efficient transport system. They will help to reduce congestion, unleashing the potential of transport infrastructure for business and growth, as well as supporting the development of innovative transport. At the same time, they will help us to achieve the EU's 2020 goals by giving priority to environmentally friendly modes of transport: rail, short sea shipping and inland waterways. They also encourage the deployment of intelligent transport systems that will improve the efficiency of transport operations.

The proposed budget for the Connecting Europe Facility (€ 31.7 billion) is the guarantee that funding will benefit the priority transport infrastructure which has the high EU added value needed to spur economic growth and ensure cleaner transport. That is why the Connecting Europe Facility and the TEN-T Guidelines go hand in hand, and should be discussed together - and also why the Commission has attached, in the Annex of the Connecting Europe Facility, a list of projects to be financed.

Content of the guidelines

While the Connecting Europe Facility takes the next Financial Perspectives as its timeframe, the TEN-T Guidelines aim at implementing the network by **2030** for core network and **2050** for the comprehensive network.

Our concept is based on a dual layer structure and the methodology used to select the top layer, the so-called core network, has gone through a thorough consultation process of the Member States, the European Parliament and all the parties involved. The core network is the main innovation. It embraces both the existing and planned infrastructure, and selects a limited number of projects that offer the highest European added value

These are the areas we need to tackle:

- missing links;
- poor East–West connections;
- fragmented infrastructure;
- a lack of interoperability;
- and we also need to focus investment.

In short, we need to move from a **patchwork** to a **network**.

On Corridors in the Guidelines and the Connecting Europe Facility

To implement the core network, the Commission proposes a reinforced corridor approach to bring the highest value for money. One euro spent only within one Member State will give a poorer result than one euro spent in coordination with several Member States and stakeholders involved in the projects, taking into account the overall traffic flows and needs.

These corridors will also provide for greater modal integration, interoperability and coordinated development and management of infrastructure, including binding timetables. We are also very committed to applying the "use it or lose it" rule to ensure the timely delivery of projects.

The corridors will be governed through platforms, composed of the Member States concerned and the other public and private parties involved, all under the auspices of a coordinator and based on the positive experience with the current coordinators. These platforms will be loose structures which strengthen a forum that might already exist. They will not lead to additional bureaucracy. We propose a pragmatic and flexible approach – not "one-size-fits-all".

These future corridors are designed as an implementation tool to ensure that investments are coordinated to deliver maximum EU added value. The 10 core network corridors and other key core network sections such as missing cross-border connections and bottlenecks, as well as traffic management systems such as SESAR and ERTMS, will be allocated between 80 and 85% of the available funds to make sure that European financing is available primarily for projects with the highest EU added value.

On the Connecting Europe Facility

Of the €31.7 billion proposed for transport in the Connecting Europe Facility, €10 billion is earmarked from within the Cohesion Fund. This €10 billion is only available for the Cohesion Fund eligible Member States, not the whole EU-27. Higher co-financing rates will apply for this €10 billion: the same as for the rest of the Cohesion Fund. This will provide an additional guarantee for eligible Member States, because €24 billion of Cohesion Fund money will also be allocated to transport projects on the TEN-T comprehensive network.

The Connecting Europe Facility will further enable private sector investment for transport, essential in time of budgetary constraints. We envisage that about €2 billion could be absorbed by innovative financing instruments such as project bonds.

This will be done in partnership with the EIB, which recently scored some notable successes with the Loan Guarantee Instrument for TEN-T Projects: the Tours-Bordeaux high-speed rail link.

Expectations are high. The Commission has calculated that this €31.7 billion could generate between €140 and €150 billion of investment on the European Core Network thanks to the leveraging effect.

I would like to stress that the proposed Connecting Europe Facility is designed to be centrally managed. The TEN-T Executive Agency would be responsible for implementing this budget through calls for proposal. Without well prepared project proposals, there will be no funding. The 'use-it–or-lose-it' principle shall continue to apply, as I have already mentioned.

Apart from the successes of the central management of the TEN-T, I would like to say that the European Coordinators also contribute a great deal to ensuring transparency. They have been heard last week by the European Parliament and are here today with us in Antwerp to pass on the valuable experience they have gathered during their mandates and to participate in several workshops during this conference.

To conclude, I would like to emphasise that it is only with a modernised, much more effective and targeted TEN-T policy which embodies genuine European added value that we will all be able to make a convincing case for the Connecting Europe Facility in the upcoming negotiations for the Multi-Annual Financial Framework. So let us continue to be bold and work together on setting out this new policy.

Thank you for your attention.

Commission Press Pack on TEN T and CEF Proposals

Brussels, October 19, 2011

Connecting Europe: The new EU core transport network

The Commission has today adopted a proposal to transform the existing patchwork of European roads, railways, airports and canals into a unified transport network (TEN-T). The new core network will remove bottlenecks, upgrade infrastructure and streamline cross border transport operations for passengers and businesses throughout the EU. It will improve connections between different modes of transport and contribute to the EU's climate change objectives.

European Commission Vice-President Siim Kallas, responsible for transport, said: "Transport is fundamental to an efficient EU economy, but vital connections are currently missing. Europe's railways have to use 7 different gauge sizes and only 20 of our major airports and 35 of our major ports are directly connected to the rail network. Without good connections Europe will not grow or prosper."

The new policy follows a two-year consultation process and establishes a core transport network to be established by 2030 to act as the backbone for transportation within the Single Market. The financing proposals published today (for the period 2014–2020) also tightly focus EU transport funding on this core transport network, filling in cross-border missing links, removing bottlenecks and making the network smarter.

The new core TEN-T network will be supported by a comprehensive network of routes, feeding into the core network at regional and national level. This will largely be financed by Member States, with some EU transport and regional funding possibilities, including with new innovative financing instruments. The aim is to ensure that progressively, and by 2050, the great majority of Europe's citizens and businesses will be no more than 30 minutes' travel time from this comprehensive network.

Taken as a whole, the new transport network will deliver:

- safer and less congested travel
- as well as smoother and quicker journeys.

The 31.7 billion euros allocated to transport under the Connecting Europe Facility of the MFF (Multi-Annual Financial Framework) will effectively act as "seed capital" to stimulate further investment by Member States to complete difficult cross-border connections and links which might not otherwise get built. Every 1 million euros spent at European level will generate 5 million from Member State governments and 20 million from the private sector.

Maps showing the core TEN-T (Trans-European Transport Network) for 2030 as well as the major implementing corridors for the financing period 2014–2020 are attached.

Background:

The new policy sets out a much smaller and more tightly defined transport network for Europe. Its aim is to focus spending on a smaller number of projects where real EU added value can be realised. Member States will also face more rigorous requirements in terms of common specifications which will work cross-border, and legal obligations actually to complete the project.

The TEN-T network consists of two layers: a core network to be completed by 2030 and a comprehensive network feeding into this, to be completed by 2050. The comprehensive network, will ensure full coverage of the EU and accessibility of all regions. The core network will prioritize the most important links and nodes of the TEN-T, to be fully functional until

2030. Both layers include all transport modes: road, rail, air, inland waterways and maritime transport, as well as intermodal platforms.

The TEN-T guidelines set common requirements for the TEN-T infrastructure – with tougher requirements for the core network. This will ensure fluent transport operations throughout the network. The policy also fosters the implementation of traffic management systems which will allow optimising the use of infrastructure and by increasing efficiency, to reduce CO2 emissions.

The implementation of the core network will be facilitated using a corridor approach. Ten corridors will provide the basis for the co-ordinated development of infrastructure within the core network. Covering at least 3 modes, 3 Member States and 2 cross-border sections, these corridors will bring together the Member States concerned, as well as the relevant stakeholders, for example infrastructure managers and users. European co-ordinators will chair "corridor platforms" that will bring together all the stakeholders – these will be a major instrument to guarantee co-ordination, co-operation and transparency.

See http://ec.europa.eu/transport/index_en.htm for core network maps, national maps, projects lists.

Key facts and figures – Frequently Asked Questions

- Transport is fundamental to an efficient European economy.
- Freight transport is expected to grow by 80% by 2050. And passenger transport by more than 50%.
- Growth needs trade. And trade needs transport. Areas of Europe without good connections are not going to prosper.

The new core network – the figures

The core network will connect:

- 83 main European ports with rail and road links
- 37 key airports with rail connections into major cities
- 15,000 km of railway line upgraded to high speed
- 35 cross border projects to reduce bottlenecks

This will be the **economic lifeblood** of the single market. Allowing a real free flow of goods and people around the Union.

The new core network – the funding:

It is estimated that the cost of implementing the first financing phase for the core network for 2014–2020 (see attached list of projects) will cost 250 billion. The core network is to be completed by 2030.

The Connecting Europe Facility makes available for transport infrastructure 31.7 billion euros for the next financial period 2012–2020. 80% of this money will be used to support:

- **Core network projects** priority projects along the 10 implementing corridors on the core network. Funding will also be available for a limited number of other sections projects of high European added value on the core network.
- Funding for **horizontal projects** – these are IT related – such as funding for SESAR (the technological dimension of the Single European Sky Air Traffic Management System), or ERTMS the European Rail Traffic Management System which must be used throughout the major transport corridors. This is a particular priority – as another innovation on the new core network is that there are tougher obligations for transport systems to "join up", i.e. to invest in meeting mainly existing EU standards, for example on common rail signalling systems.

The remaining funding can be made available for ad hoc projects, including for projects on the comprehensive network.

How do I see which transport projects will be funded for my country?

The basic principle is that that every country benefits from access to a strong core European transport network – allowing for the free flow of people and goods. All European countries will be connected to this network.

The list of projects that have been identified as a priority for EU funding for the next financing period (2014–2020) are set out in the annex to the Connecting Europe Regulation – see annex attach to this MEMO.

These projects are eligible for EU transport funding for 2014–2020 because:

- they meet the criteria set out in the methodology to be on the core network (see below for more information on the methodology and criteria)
- they have high EU value added
- and are mature for implementation between 2014 and 2020

It will be up to the Member States to submit detailed proposals to the Commission and on that basis funding will allocated. This should happen as of early 2014. The precise level of EU funding available also depends on the details for the national proposals. Overall, the EU contribution to a major transport infrastructure development will normally be around 20% of the investment costs for any 7-year budget period. Support for individual studies can be up to 50 % and for studies and construction work in the case of cross-border projects up to 40%. The rest is from Member States, regional authorities or possibly private investors.

What if I am not on the core network? What is the comprehensive network? Who funds it and how does it work?

At a regional and national level what we call the comprehensive network will feed into the core network. This comprehensive network is an integral part of TEN-T policy. This will be largely managed by the Member States themselves with some funding available under transport and of course under regional policy. That is subsidiarity in action. It is our intention that progressively, and by 2050, the great majority of Europe's citizens and businesses will be no more than 30 minutes in travel time from this feeder network.

The new TEN-T guidelines go much further than before in terms of specifying requirements, also including the comprehensive network, so that over time – looking ahead to 2050 – large parts of the comprehensive network join up in terms of fully interoperable and efficient standards, for rail, electric cars, etc.

What are the tougher requirements for the core network?

There are two important sets of requirements for projects receiving funding on the core network: (a) technical requirements which need to be applied; and (b) new legal requirements to finish projects.

The technical requirements:

It make sense that in particular for a core network, technical requirements must be interoperable across the network. For example, that means that ERTMS (the European Rail Traffic Management System) – the basic ITS systems to control the trains must apply everywhere. Equally, road safety standards in terms of tunnel safety requirements and road safety requirements must apply across the network, and the technology for ITS (intelligent transport systems) must join up. Also if there are future electric vehicle infrastructure charging points to be built, logically, they must meet common standards, so the cars can use them all across the network.

The legal requirements:

There is a new tough legal requirement introduced in the TEN-T guidelines so that Member States with projects receiving funding on the core network, have a legal obligation to finish those projects. That is an obligation to finish by 2030 – completion date for the core network. However this legal requirement should provide a clear incentive for Member States to keep transport projects on track.

How will we get to the 250 billion euros needed for the core network?

The 31.7 billion euros allocated to transport under the Connecting Europe Facility of the MFF (Multi Annual Financial Framework) will effectively act as "seed capital" to stimulate further investment by Member State to complete the difficult cross border connections and links, which might not otherwise get built.

There is a very strong leverage effect from TEN-T funding. Experience in recent years shows that every 1 million euros spent at European level will generate 5 million from Member State governments and 20 million from the private sector.

Added to this leveraged money is now the possibility of new private sector money coming in though innovative financing instruments like project bonds.

How does the co-financing work? How much money comes from Member States and how much from Europe.

Transport infrastructure requires a huge investment – and the large share will always come from Member States. Europe's role in terms of investment and co-ordination is to add value by removing difficult bottlenecks and building missing links and connections, and to support the creation of a real European transport network.

The normal co-financing rates for TEN-T projects on the core network will be:

- Up to 50% EU co-financing for studies.
- For works up to 20% (for example exploratory works for a major tunnel)
- There are certain possibilities to increase co-financing for cross-border projects for rail and inland waterway connections (up to 40%).
- For certain ITS projects, like ERTMS, higher co-financing of up to 50% can be made available to support Member States making the transition.

How were the projects chosen to be on the core network?

The priority was to re-focus EU transport funding to create a genuine European network – not to just tackle bottlenecks in a more scattered way – but to really have a network.

To do that, a new methodology was drafted on the basis of extensive consultations with Member States and stakeholders. The aim was create a European network, linking the major social and economic centre and gateways to third countries (ports, airports and land connections) and to put in place the keep infrastructure necessary to underpin the Single Market, support competitiveness and economic development.

The methodology is based on several steps. First, the selection of major nodes – meeting certain statistical criteria, eg capital cities and other important social economic centres, major ports (volume and territorial criteria) as well as major airports (volume and territorial criteria) and gateways to third countries. Second, the process of linking up these nodes with land transport modes – rail inland waterway and road (some of which already exists – some where there are bottlenecks and some where there are missing links.) Third, incorporating a detailed analysis of major traffic flows – passenger and freight. This is essential to define priority sections for the core network and to see clearly piority sections where infrastructure needs upgrading, building, or where bottlenecks need to be removed.

On this basis a strategic core network was defined, linking strategically important nodes, multi modals routes and well as taking into account major traffic flows.

All projects on the core network are a priority for EU co-financing. However, for the financing period 2014–2020) a particular importance is given to funding cross border projects which have the highest EU added value.

What exactly are corridors and why do we need corridors ?

Past experience has shown that it is very difficult to implement cross border and other transport projects in different member states in a co-ordinated way. It is very easy, in fact, to create divergent systems and connections and create more bottleneck.

A major innovation on the new TEN-T guidelines for is the introduction of 10 implementing corridors on the core network. They are there to help implement the development of the core

network. Each corridor must include three modes, three Member States and 2 cross-border sections.

"Corridor platforms" will be created to bring all relevant stakeholders and Member States together. The corridor platform is a governance structure that will devise and implement "corridor development plans" so that work along the corridor, in different Member States and at different stages of progress can be joined effectively. European co-ordinators will chair the corridor platforms for the 10 key corridors on the core network.

How does the new TEN-T meet green objectives?

TEN-T is an essential tool for transport policy to meet the overall target to reduce by 60% emissions from transport by 2050 (see "Transport 2050" white paper published earlier this year). At its heart the TEN-T network is a multi-modal transport network, facilitating a substantial the shift of passengers and freight from road to rail and other transport modes. All TEN-T projects have to undergo a rigorous environmental impact before qualifying for EU money. To do this they must meet all the requirements, in terms of planning and sustainability set out under EU environmental legislation.

Background TEN-T Policy: The Trans-European Networks Policy is there to put in place the transport infrastructure and interconnections that underpin the Single Market, to ensure the free-flow of goods and people and to support growth, jobs and EU competitiveness. In the past, transport systems in Europe developed largely along national lines. This led to poor or absent transport interconnections at the borders, or along key corridors. Weak transport interconnections hamper economic growth. Since the 1980s, TEN-T policy has focused EU money on supporting the development of key European infrastructure projects. And there have been many important success stories. However, given in particular the tough financial period, there is a need to refocus EU transport spending to where it gives maximum added value – to create a strong core European network.

European Parliament – Background Note on TEN T proposal

Trans European Transport Networks – Commission Proposal for a Regulation

PURPOSE: the coordinated creation and development of a trans-European transport network.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the planning, development and operation of trans-European transport networks contribute to the attainment of major Union objectives, such as the smooth functioning of the internal market and the strengthening of economic and social cohesion and also have the specific objectives of allowing the seamless and sustainable mobility of persons and goods and ensuring accessibility for all regions of the Union. These specific objectives should be achieved by establishing interconnections and interoperability between national transport networks in a resource-efficient way.

Growth in traffic has resulted in increased congestion on international transport corridors. In order to ensure the international mobility of goods and passengers, **the capacity of the trans-European transport network and the use of this capacity should be optimised** and, if necessary, expanded by removing infrastructure bottlenecks and bridging missing infrastructure links within and between Member States.

Five main problems need to be tackled at EU level:

(1) **missing links,** in particular at cross-border sections, are a major obstacle to the free movement of goods and passengers within and between the Member States and with its neighbours;

(2) a considerable and enduring **disparity in quality and availability of infrastructure** between and within the Member States (bottlenecks);

(3) transport infrastructure between the transport modes is **fragmented**;

(4) **investments** in transport infrastructures should contribute to achieve the goals of reduction of greenhouse gas emissions in transport by 60% by 2050;

(5) Member States still maintain **different operational rules and requirements**, in particular in the field of interoperability, which add to the transport infrastructure barriers and bottlenecks.

These new guidelines, which will replace Decision 661/2010/EU, seek to establish **a complete and integrated trans-European transport network**, covering all Member States and regions and providing the basis for the balanced development of all transport modes in order to facilitate their respective advantages, thereby maximising the value added for Europe of the network.

In the light of the challenges for the TEN-T policy, also identified by the White Paper "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system", these Guidelines will define a long-term strategy for the TEN-T policy up to 2030/2050.

IMPACT ASSESSMENT: the Impact Assessment identifies four specific objectives for addressing the problem of a fragmented network. This involves, on the one hand, enhanced coordination in EU planning and the designing of a sound governance structure to secure implementation of an optimal network configuration.

Two policy options were the result:

- ***option 1***, combining a planning approach largely based on the current policy, though with certain amendments in the light of the experience gained, with a reinforced coordination approach to implementation;
- ***option 2***, combining a stronger approach to planning coordination, through identification of an optimised configuration for the strategic "core" of the TEN-T, with the same reinforced coordination approach to implementation. The Commission considers that this second option, because of the stronger coordination at both planning and implementation levels, would have an overall higher impact.

LEGAL BASIS: Article 172 of the TFEU.

CONTENT: the proposed Regulation will repeal and replace Decision 661/2010/EU on Union guidelines for the development of the trans-European transport network. This proposal aims to establish and develop a complete TEN-T, consisting of infrastructure for railways, inland waterways, roads, maritime and air transport, thereby ensuring the smooth functioning of the internal market and strengthening economic and social cohesion.

To achieve these objectives, **two fields of action** are envisaged:

- the **first field of action** is "**conceptual planning**": the gradual implementation of the TEN-T network by means of a **dual-layer approach**, consisting of a comprehensive network and a core network. The **comprehensive network** constitutes the basic layer of the TEN-T. It consists of all existing and planned infrastructure meeting the requirements of the Guidelines. The comprehensive network is to be in place by **31 December 2050** at the latest.

The **core network** overlays the comprehensive network and consists of its strategically most important parts. It constitutes the backbone of the multi-modal mobility network. It concentrates on those components of TEN-T with the highest European added value: cross border missing links, key bottlenecks and multi-modal nodes. The core network is to be in place by **31 December 2030** at the latest.

- the **second field of action** concerns the **implementation instruments**. The Commission has developed the concept of **core network corridors**, taking due account of the rail freight corridors. These corridors will provide the framework instrument for the coordinated implementation of the core network. In terms of scope, the core network corridors will in principle cover three transport modes and cross at least three Member States. If possible, they should establish a connection with a maritime port.

In terms of activities, the core network corridors will provide a platform for capacity management, investments, building and coordinating multi-modal transhipment facilities, and deploying interoperable traffic management systems.

The proposal includes the following **key aspects:**

Guidelines: the Guidelines set the framework for identifying projects of common interest. These projects contribute to the development and establishment of TEN-T through the creation, maintenance, rehabilitation and upgrading of infrastructure, through measures to promote the resource-efficient use of infrastructure and by enabling sustainable and efficient freight transport services. With a view to cooperation with third and neighbouring countries, the European Union may promote projects of mutual interest.

The **comprehensive network** is specified by:

- maps;
- infrastructure components;
- infrastructure requirements;
- priorities for promoting projects of common interest.
- freight terminals, passenger stations, inland ports, maritime ports and airports will connect transport modes in order to allow multi-modal transport;
- urban nodes form key elements in the comprehensive network as connecting points between the different transport infrastructures.

Core network:

- the guidelines lay down specific requirements for the core network, in addition to the requirements for the comprehensive network, for example availability of alternative fuels. The Commission will monitor and evaluate the progress made in implementing the core network;

- core network corridors are an instrument for implementing the core network. They are to be based on modal integration and interoperability and lead to coordinated development and management;
- European Coordinators will facilitate the coordinated implementation of the corridors, in cooperation with corridor platforms to be established by Member States concerned;
- ach corridor platform will establish a multi-annual development plan, including investment and implementation plans, as a management structure. Based on this information the Commission will adopt implementing acts (decisions) for each corridor.

Lastly, the proposal calls for **regular revision of the annexes** by means of delegated acts in order to update the maps of the comprehensive network. It also envisages a review of the core network by 2023.

BUDGETARY IMPACT: the proposal will not entail any additional cost for the EU budget.

It should be noted that in the context of the Communication on the Multi-annual Financial Framework 2014-2020, the Commission has announced the creation of a new instrument at EU level, the "Connecting Europe Facility", which will finance EU priority infrastructure in transport, energy and digital broadband. The facility will have a single fund of EUR 50 billion for the period 2014-2020, of which **EUR 31.7 billion will be allocated to transport,** out of which €10 billion will be ring fenced for related transport infrastructures investments inside the Member States eligible under the Cohesion Fund.

DELEGATED ACTS: the proposal contains provisions enabling the Commission to adopt delegated acts in accordance with Article 290 of the TFEU.

Brussels 19 October 2011

Trans-European Transport Networks

The TEN-T Core Network: Country by Country

Member State	Key elements
Austria	Inclusion of major axes in the Core network, including Brenner, Danube/Westbahn (Salzburg-Linz-Vienna), and Semmering + Koralm Inclusion of these axis in project lists under corridor headings Austria very well covered and fully backing this TEN-T revision; Commission notes very high investments in AT, especially in rail (highest in EU per capita, highest after CH)
Belgium	Inclusion of the entire Inland Waterway (IWW) network in the Core: for BE this is very important, given the many IWW and the foreseen major works on several of these axes Inclusion of the second rail axis to the Antwerpen port Inclusion of Oostende, Zeebrugge, Gent and Antwerpen as core ports (all due to their volume) Inclusion of a dense comprehensive and core network due to the many ports and hinterland connections; inclusion in several core network corridors
Bulgaria	Inclusion of major axes in the comprehensive and core network, including Sofia-Varna (Hemus motorway is notably important for BG and is for a large part also in the Core); the network has become much denser and a real network Given the two nodes (Sofia and Burgas, as a port) and the many neighbouring countries, including third countries, BG has a dense network as a result.
Cyprus	Inclusion of southern orbital road of Lefkosia in the Core network for road (CY has no railway), as well as the link to the airport in Larnaka and to the major port of Limassol Inclusion of wider comprehensive network for roads notably

Czech Republic	Inclusion of Prague and Ostrava as nodes and therefore the inclusion of a rather dense comprehensive and core network Inclusion of links from Prague to Munich and Wroclaw (both new)
Denmark	Inclusion of major axes in the comprehensive and core network, linking up the very parcelled territory of the Danish isles Network now including many road and rail links but of course the Öresund and Fehmarn, as well as the core nodes and ports of Copenhagen and Arhus.
Estonia	Inclusion of major axes in the comprehensive and core network, including Tallinn to Riga via the coast (road and rail) as well as the link to the Russian border (Tallinn-Tartu-RU border). Rail Baltic: the final choice was to include the new, future alignment as the works on upgrading the existing link are nearly completed.
Finland	Inclusion of major axis in the comprehensive and core network, including the present so called 'Nordic Triangle' (Turku-Helsinki-RU border) and the 'Bothnian corridor'. In particular the inclusion of the Bothnian corridor is very important.
France	Inclusion of nearly all major axes in the comprehensive and core network, that are part of the FR planning framework for the next decade. Major projects all part of core network corridors. Positive conclusion of Lyon-Torino: FR and IT concluded on a new sharing of the costs and concluded on most of the technical issues still outstanding; a letter co signed by both Ministers has been received. Central Pyrenean crossing has been agreed with ES to be included in the comprehensive network: clearly, this link will not be realised until 2030, the feasibility studies are ongoing still., but both countries want to include it in a long term modal shift perspective. The Seine-Escaut Canal (also known in FR as Seine-Nord) has been making good progress and is part of the Amsterdam-Marseille corridor, linking the IWW networks of northern FR with those of BE and NL and thus with the Rhine and Danube basins. Tours-Bordeaux has been launched recently with financial support from the EU through its innovative guarantee instrument with the EIB (the LGTT

	loan guarantee instrument); it can be considered as an example for innovative financial set up.
Germany	Inclusion of nearly all major axis in the comprehensive and core network, that are part of the DE planning framework for the next decade, eg Hamburg/Bremen to Hanover, Berlin-Munich, Karlsruhe-Basel. 6 major DE ports in core netwok: Bremen, Bremerhaven, Wilhemshaven, Lubeck, Hamburg, Ropstock. DE therefore very well covered in terms of projects as well as in terms of the geographical coverage: in the present Guidelines, DE is very poorly covered!
Greece	Inclusion of major rail and road axis in the comprehensive and core network, as well of the ports of Thessaloniki, Athens (Piraeus), Igoumenitsa and Patras. Inclusion of many ports and airports on GR islands.
Hungary	Inclusion of nearly all major axis in the comprehensive and core network, that are part of the HU planning framework for the next decade; due to the geographical position of the main node of Budapest, the core network is very dense. This implies: inclusion of Danube and its ports, inclusion of rail and road links to Vienna, to Bucharest, to Belgrade, to Zagreb, to Ljubljana, to Bratislava. HU is therefore very well covered in terms of projects and maps!
Ireland	Inclusion of the major axis of IE in the comprehensive and core network, linking Dublin with Cork and Belfast, as well as with Limerick on the Atlantic Coast; Ireland therefore benefits from three core network ports and from a rather extensive network.
Italy	Inclusion of nearly all major axes in the comprehensive and core network, that are part of the IT planning framework for the next decade. IT therefore very well covered in terms of projects as well as in terms of the geographical coverage. The link between Naples and Palermo has been included: Palermo is a large urban zone (LUZ) of more than 1 million inhabitants and therefore is a node to be included and connected. Sicily also provides the most direct links to

	Malta and therefore this link is included in the Helsinki-Valetta corridor. Positive conclusion of Lyon-Torino: FR and IT concluded on a new sharing of the costs and concluded on most of the technical issues still outstanding; a letter co signed by both Ministers has been received.
Latvia	Inclusion of major axis in the comprehensive and core network, including Riga to Tallinn and Riga to Kaunas along the new Rail/Via Baltica alignment, as well as the link between Ventspils and the RU and BY border.
Lithuania	Inclusion of major axis in the comprehensive and core network, including the north-south Riga-Kaunas-Marijampole-Warsaw and the east-west Klaipeda-Kaunas-Vilnius-BU border in the core network. Rail Baltic: the final choice to include the new, future alignment as the works on upgrading the existing link are nearly completed.
Luxemburg	Inclusion of the Inland Waterway port of Mertert and of the Moselle river in the Core. Inclusion of the new rail link south of Luxemburg to Bettembourg.
Malta	Inclusion of two core ports: Valetta (capital) and Marsaxlokk (threshold). Inclusion of a planned link between both islands (Malta and Gozo) in the comprehensive network (road tunnel). It is expected that a feasibility study will shed light on this issue. Apart from grants for studies at the start, no further involvement than from innovative financial instruments is expected.
Netherlands	Inclusion of the entire Inland Waterway (IWW) network in the Core: for NL this is very important, given the many IWW and the foreseen major works on several of these axis. Inclusion of the new lock complexes for access to the Amsterdam and Terneuzen/Gent ports. Inclusion of Vlissingen, Rotterdam and Amsterdam as core ports (all due to their volume). Inclusion of a relatively dense comprehensive and core network due to the three ports and their hinterland connections; however, NL has been wanting to focus on a limited number of links in line with the methodology. NL is developing several innovative financing projects (Amsterdam locks,

	A4 and A15 highways).
Poland	Inclusion of nearly all major axis in the comprehensive and core network, that are part of the PL planning framework for the next decade. PL therefore well covered in terms of projects and maps; this is a major change compared to the current Guidelines and the Priority Projects. Double Y-grec for high speed has been included in the core (rail passengers). The planning horizon 2030 could be respected. As this project is for the moment not yet in a very advanced stage, the project list attached to the CEF foresees studies only. For the next MFF, it is expected that other rail projects would be implemented first given their state of preparedness.
Portugal	Inclusion of the core ports of Sines, Lisbon and Porto (Leixoes). Inclusion of major axis in the comprehensive and core network, notably Lisbon-Madrid and Porto- Valladolid.
Roumania	Inclusion of Bucharest, Constanta and Timisoara as nodes of the core.
Slovakia	Inclusion of Bratislava and the UA border as nodes and therefore the inclusion of a rather dense comprehensive and core network
Slovenia	Inclusion of almost the entire road highway network and railway network in the comprehensive network but also in the core network given the geographical situation of SI and of its nodes (Ljubljana and Koper) and surrounding countries.
Spain	Inclusion of nearly all major axis in the comprehensive and core network, that are part of the ES planning framework for the next decade. Mediterranean corridor: based upon the methodology, the Mediterranean corridor has been included all along the coast from FR via Barcelona and Valencia up to Carthagena and Almeria. From Almeria it follows an inland route to Granada and then to Sevilla. This routing allows to link the nodes of Valencia and Sevilla. The corresponding road alignment is via Malaga due to traffic intensities. Atlantic corridor linking Portugal via Madrid and Valladolid to the Basque

	country including Bilbao as a core port. Central Pyrenean crossing has been agreed with FR to be included in the comprehensive network: clearly, this link will not be realised until 2030, the feasibility studies are ongoing still., but both countries want to include it in a long term modal shift perspective. Project implementation in ES is very good so far. ES has a strong project portfolio. Important will be to integrate the rail freight network with its neighbours FR and PT which is foreseen to be taken forward further in the next MFF.
Sweden	Inclusion of major axis in the comprehensive and core network, including the 'Bothnian corridor'. In particular the inclusion of the Bothnian corridor is very important for SE. Inclusion in the project list of important project such as Göteborg-Malmö
United Kingdom	Inclusion of the major axis of UK in the comprehensive and core network, linking its main ports (notably Southampton and Felixstowe) with its many nodes. Inclusion of HS 2 in the comprehensive network for the moment: the consultation process in the UK is ongoing and results will be known soon; for the moment, no inclusion in the core is therefore possible. UK has been very supportive of the methodology: putting focus on the essential nodes and links between them. Therefore, there is largely support for the revision as such.

APPENDIX 2

DÁIL ÉIREANN

AN COMHCHOISTE UM CHOMHSHAOL, IOMPAR, CULTÚR AGUS GAELTACHT

JOINT COMMITTEE ON THE ENVIRONMENT, TRANSPORT, CULTURE AND THE GAELTACHT

Dé Máirt, 10 Eanáir 2012.

Tuesday, 10 January 2012.

The Joint Committee met at 14:20

MEMBERS PRESENT:

Deputy Noel Coonan, Deputy Marcella Corcoran Kennedy, Deputy Clare Daly, Deputy Timmy Dooley, Deputy Kevin Humphreys, Deputy Michael P. Kitt,* Deputy Sandra McLellan, Deputy Catherine Murphy, Deputy Gerald Nash, Deputy Brian Walsh,	Senator Cáit Keane, Senator Catherine Noone, Senator Ned O'Sullivan.

* In the absence of Deputy Robert Troy.

DEPUTY CIARÁN LYNCH IN THE CHAIR.

Business of Joint Committee

Chairman: I welcome members and wish them a happy new year. As we have a quorum of six members, including one Deputy and one Senator we will commence the meeting. Is that agreed? Agreed.

I remind members to turn off their mobile telephones. I propose we go into private session to deal with some housekeeping matters before returning to public session. Is that agreed? Agreed.

The joint committee went into private session at 2.30 p.m. and resumed in public session at 3 p.m.

Sitting suspended at 4.54 p.m. and resumed at 4.55 p.m.

Scrutiny of EU Legislative Proposals

Chairman: We will now continue our consideration of EU legislative proposal COM (2011) 650 on Union guidelines for the development of the trans-European transport network. When we made our initial assessment of this draft measure, we agreed that the significant proposal warranted further consideration, especially in respect of concerns raised which may be relevant to the principal of subsidiarity.

I welcome Mr. Michael Harper, principal officer and transport counsellor in the Irish Permanent Representation to the EU in Brussels, Caoimhín Ó Ciaruain Úasail, assistant principal officer, and Mr. Michael Morrissey, higher executive officer in the EU co-ordination and Presidency preparations unit in the Department of Transport, Tourism and Sport, and thank them for their attendance. I draw their attention to the fact that by virtue of section 17(2)(*l*) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to this committee. However, if they are directed by the committee to cease giving evidence in respect of a particular matter and they continue to so do, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise nor make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I also wish to advise them that the opening statements they have submitted to the committee will be published on the committee's website after this meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

I call on Mr. Harper to address the committee.

Mr. Michael Harper: I thank the Chairman and the committee for this chance to speak to it about the TEN-T dossier, which is an important one. It will loom large on the transport agenda for the next 18 months or so and will probably feature on the agenda for the Irish Presidency. I will go through the background, the implications for Ireland, our position so far and where we are at in negotiations in Council.

In October, the Commission published two major proposals on the development of trans-European networks. The first is the regulation defining the framework for the TEN-T over the next 40 years, to 2050 and the second is, essentially, the financial instrument that is being put in place to support it and which is called the Connecting Europe Facility. While we are talking today mainly about the TEN-T proposal, the two proposals are very much interlinked and they will be the core of instruments in shaping European transport policy over the medium to longer term. Basically, they are based on the vision that was set out in the Commission White Paper on transport on which I understand the committee got an information note already.

On the TEN-T specifically, the Commission proposal is for a strategic framework to co-ordinate investment decisions on European transport infrastructure networks which will improve the connectivity of these networks. This will then replace the existing framework on TEN-T which is much less specific than the proposal now before us.

One of the key differences between the existing TEN-T framework and the new one is that the new one consists of two layers, namely, a core network which is to be completed by 2030 and a comprehensive network feeding into it which will be completed by 2050. There are maps attached to the proposal which specify all of these links and notes. The comprehensive network is intended to ensure extensive connectivity and coverage and to link in to the core network. Both networks will cover all modes - road, rail, air, inland waterways and ports.

The implementation of the core network in particular is to be managed using a so-called corridor approach. This identifies ten corridors, one of which covers Ireland. They all cover at least three modes, three member states and two cross-border sections.

European co-ordinators to be appointed by the Commission will chair corridor platforms - essentially, committees - which will bring together the stakeholders, including the member states, operators, etc., to design and deliver the various elements of the corridor. These corridor platforms are effectively a management structure for the Commission to oversee the delivery of the core network in the member states.

On the implications for Ireland, 40% of our exports go to the European Union. Most of these exports are transported primarily on transport networks other than our own. It is in our interest, therefore, to have effective and efficient transport infrastructure networks. Unfortunately, the proposal has a price attached to it and in Ireland's case it is a very high one which is, in the main, unnecessary, in particular, in respect of railways.

The Commission estimates that investment of €250 billion will be needed to deliver the key upgrades envisaged for the core network. As matters stand, it is envisaged that the connecting Europe facility, CEF, will provide €21 billion over the period until 2020, with an additional €10 billion to be provided from the Cohesion Funds. The latter will not be

available to Ireland. The balance of the investment - more than 90% - will fall to member states. Given our current financial position, this is not a runner in Ireland's case.

Deputy Timmy Dooley: If the money were provided, it would be a runner.

Mr. Michael Harper: I will address that point in a moment.

The level of specification envisaged for the core and comprehensive networks is disproportionate to the level of flows across the network, particularly to our isolated network. This is especially true of rail. The European Commission's objective of improving connectivity and establishing a joined up European rail network is laudable. However, irrespective of what it does, the Irish network will never be joined up to that of the rest of Europe. What is sauce for the goose is not necessarily sauce for the gander in this case. I will cite two examples. The proposal will require full electrification which is fine, for understandable reasons, from the point of view of the Commission and continental Europe. However, only a tiny proportion of Ireland's track is electrified. Even when we had money under the Transport 21 programme, the only electrification envisaged was between Malahide and Balbriggan to extend the DART. No other electrification has ever been planned on the mainline rail network simply because it is not justified by the nature of the network. Full electrification would cost an estimated €3 billion and the goals of higher speed, greater efficiency and capacity would still not be achieved without further very significant investment in track, the elimination of level crossings, which is difficult and expensive, and other safety upgrades.

The second example refers to roads. The proposal would require Ireland to provide rest stops and secure truck parks every 30 miles. This measure cannot be justified economically or commercially. We have some experience in establishing rest stops and rest areas on motorways and it is not always a straightforward commercial proposition. The proposal would require us to go much further than is necessary. Journeys in this country are usually of less than four and a half hours' duration and stops are not always required. In many cases, driver have disembarked following a ferry crossing of eight or nine hours and will therefore have had a rest.

We also have serious concerns about the governance structures set out in the proposal which will have the Commission oversee the delivery of the corridors in question. We should avoid imposing unnecessary burdens on member states and commercial operators. Under the existing guidelines, we have completed a number of cross-Border transport infrastructure projects on time and within budget. Given that North-South co-operation in this area is very good, we do not see a need to add a further layer of unspecified Commission regulation and thereby increase the level of administrative burden.

We fully support co-ordinated development of trans-European networks and, where necessary, action at European level, particularly for cross-border sections of the transport networks. However, the top down approach being adopted is excessive, a view that is shared by a number of other member states. The Council, specifically its legal service, has been asked for a written opinion, which it has not yet given, on Article 172 of the Treaty on European Union, which effectively states that a member state must agree to any project of common interest to be located on its territory. In other words, if we do not agree to a project, it will not proceed. The Commission proposal, which is couched as a regulation and has high levels of requirements, does not state what will happen where countries do not meet its

requirements. However, having sought informal legal advice on the matter, I am informed that a country which does not meet the requirements of a regulation will be taken to court and a fine or other penalty will be imposed.

We are asking that a more nuanced approach be taken to the drafting of the regulation to take account of the differences between member states, for example, different types of infrastructure. Ireland, for instance, has a unique rail gauge. Other member states share our concerns or have different concerns about the proposal. The primary concerns relate to the level of cost involved, the legal obligation to deliver the proposed measures by certain dates and the fact that the proposal pre-empts decisions by member state governments about what they should spend their money on ten years before the event and, as a result, ties the hands of governments that have not yet been elected.

At this stage, we have still to reach a common position in the Council. However, it is likely that the common position, when reached, will be much different from the text proposed by the Commission. We are reasonably confident that our concerns are gaining some traction with the Council and Commission. We have had frequent discussions with the Commission bilaterally and in meetings about our particular issues and officials are well aware of them. A representative of the Commission will travel to Ireland later this month to see for himself what our transport systems are like. We believe we will secure a better deal than that which is on the table. We would be pleased to return to the joint committee to report on further developments as and when they take place. While I have tried to cover everything, it is not possible to do so. I will be pleased to answer any questions members may have.

Chairman: I thank Mr. Harper. The relevant clerk provided members with a substantial briefing on this issue before the Christmas recess. In addition, the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, discussed the TEN-T proposal when he appeared before the joint committee in December.

I will put a number of questions to Mr. Harper before asking members to contribute. What allies have we found for our position in the European Union? Do they include Britain, an island nation, albeit one with a rail link to continental Europe, which has peripheral regions such as Wales and Scotland? What progress has been made in the debate on this issue? Has the process of engagement commenced or is this issue peripheral in the wider debate? The paper circulated by Mr. Harper states that the position Ireland has taken in negotiations at technical and political level appears to be enjoying growing support among other member states. Our position is that there is a clear case for a calibrated approach to the implementation of the regulation which takes account of the specific nature of member states' transport infrastructure and specific traffic volumes in more peripheral parts of the network. What progress is being made in respect of Ireland's position? To return to my first question, do we have allies who share our views?

Mr. Michael Harper: I will take the Chairman's questions in sequence. We have allies, in particular but not confined to the United Kingdom which has similar concerns to us. Britain also has a unique rail gauge, its railway is largely unelectrified and it does not have plans to electrify most of it. I understand, for example, that none of the rail network in Scotland, which is larger than the Irish rail network, is electrified.

At the next policy level up, none of the member states has spoken in favour of the compulsion being applied to them. Germany, France, Britain, Italy, Ireland and others do not like it.

Chairman: In that case, it will be implemented.

Mr. Michael Harper: As I stated, the general approach or whatever common position the Council arrives at in March or June will have to be much more to the liking of the member states because the member states must agree it. Once a common position has been adopted, a dogfight will ensue with the European Parliament and in 18 months or thereabouts a conciliation procedure, as it is known, will commence. This is a treaty based process which sets out the steps to be taken and a deadline for concluding the procedure. If an agreement is not reached, and the agreement of member states is required, the entire process collapses. Unfortunately, this process is likely to take place on our watch as it will probably coincide with the Irish Presidency. For this reason, we will have an interest in securing an agreement and achieving a success. However, we will not be interested in securing an agreement that is anything like that which the Commission has proposed.

On progress made to date, the European Parliament appointed a rapporteur, Mr. Georgios Koumoutsakos, MEP, from the European People's Party, in December. It has not yet started on its part of the process, however, and progress is slow. The Council was pushed hard by the Polish Presidency to reach what it called a partial general approach, which could also be described as a bit of agreement. The document on which it based its efforts was unsatisfactory from our point of view. It was better than the Commission's proposal but as it was still not sufficient for us we said, "No thank you, we will just have a progress report." That position was also taken by every other member state. The member states are not in a hurry to rush this through. A considerable number of details issued will have to be addressed and much more discussion is needed. Anonymous officials in Brussels will be holding meetings for a long time to come before the proposal reaches the political level.

The Danish Presidency has taken up the reins on the matter and it has great hopes of achieving agreement in Council in March. We do not think that will happen, however. It might agree something in June if it is able to craft proposals which the Germans are able to swallow. If the Germans and the French do not like it, nobody else will be obliged to accept it.

Deputy Timmy Dooley: I thank the officials for their comprehensive presentation. The biggest issue posed for the State is the potential cost. That it is a non-runner in the current environment should not deter us from developing a vision for future transport links across Europe. Even though it appears farcical at present, there is merit in co-ordinating transport networks across Europe. However, Ireland, Britain and other island nations would have to be treated differently from the central hub of Europe, where it is possible to travel between countries without noticing borders. That is the vision for the European Union in terms of transporting goods and people. The issue of capital obviously does not arise in the crossing of borders by road. Ireland would have to be treated differently because one cannot travel by train from here to the rest of Europe.

We should consider the electrification of our rail network for environmental reasons rather than for the objective of developing a European transport network. Something can be identified in terms of design standards but we must build step by step rather than change over

in one fell swoop. I am not sure this would breach the principle of subsidiarity given that we are an island nation. I understand why a country in the middle of two others would want to achieve a common standard but the principle of subsidiarity might not arise in respect of Ireland and Britain, depending on whether Scotland becomes an independent state at some point.

In regard to proportionality and costs, it is not a proportionate response to a requirement to build that network when the cost implications are considered.

In regard to rest stops, I acknowledge the economic issues that arise but, domestically, we have to decide the design standards we require. We have come to understand that rest stops should be singing and dancing purpose-built facilities with a set array of services. From a road safety point of view, however, there is a greater requirement for basic services, whether in terms of road stops or refreshments.

The officials are taking the correct approach to this document from a cost perspective. The clerk to the committee has experience of these issues from his work on the Joint Committee on European Affairs. The Lisbon treaty allows parliaments to discuss issues of this nature and we will pursue them at a later stage in that context.

Deputy Catherine Murphy: The song, "If I Were a Rich Man", comes to mind. I do not disagree on the value of taking a long-term strategic approach to these matters, given that we are a major exporter and require access to these networks in other countries. We should express a view on the mainland European dimension as well as our own needs.

It was only when the issue of electrification was seriously considered for the Maynooth and Kildare lines that thought was given to the implications. The considerable work that would be required, for example to adapt small bridges for cabling, would be highly disruptive and expensive. There are approximately 11 bridges on the Kildare line. If there is insufficient money to surface roads, it is difficult to justify expenditure to raise bridges on a system that, because of settlement patterns, does not carry a large volume of passengers. This is not typical of many mainland European countries with large populations. It is only when one stands on a platform in France and Italy and watches goods trains with 50 cars pass by that one realises the value of such a system.

As I frequently take trains in mainland Europe, I have encountered difficulties in crossing borders and differences in prices between, for example, France, Spain and Italy, which heavily subsidise their rail networks, and Britain, where train tickets are expensive. I recognise the value of taking a common approach but ownership issues arise in terms of the investments. The solution will not be straightforward and subsidiarity must be considered where the European Court of Justice may be investigating commitments that we have not delivered on.

At the same time, however, we have to consider the longer term given that we are approaching peak oil production, if we are not at that point already. The way we move people and goods will change dramatically in the future. We need to protect our position in terms of the financial implications that could ensue.

Chairman: To bring things to a conclusion, I will outline a number of options that are before the committee. As Deputy Dooley indicated, this is a new responsibility for committees such as ours. Even though it is late in the evening, there are a few of us here. This

is probably the most serious issue we will discuss this week because we will get to make a decision on it.

The first option is that we can propose that the policy clerk draft a brief contribution to be sent to the European Parliament and Commission outlining the concerns we have expressed here today, which are genuine. People are generally favourable towards the overall idea of integration, but there are particular concerns for us as an island nation. The committee also has the option of recommending to both Houses a reasoned opinion on the principle of subsidiarity. Our concerns are of a general nature and, therefore, what I propose is that we issue a contribution to the European Parliament and Commission and Ireland's MEPs on this matter. If we were to go further than that we would be raising a flag and the two Houses would have to pass our proposal, but I do not know whether we are at that point. There are serious concerns but, based on Mr. Harper's progress report, we do have allies; it is not as though we are totally on our own and need to put up a flag at this moment. I propose that we issue that contribution to the Commission, with the committee's permission. Is that agreed?

Deputy Timmy Dooley: I have no problem with that in principle but there has been quite a bit of discussion of this issue at previous European committees, and we also discussed it before in the context of EU scrutiny. We were always trying to find ways of building alliances at parliamentary level. While we do not want to do anything that will hinder what Mr. Harper is doing, if we can build some kind of alliance among national parliaments through the process that exists, it can only be helpful in terms of bringing this issue to the attention of national parliaments. Whether it is done through COSAC or through the forum as set out in the Lisbon treaty, it might be worth looking at.

Perhaps we could get some advice from the clerk for our next meeting so that we can consider the options, of which there are quite a number. It might help with something we have been trying to do for a while, which is to bring the European debate as it relates to the sectoral committees back to the sectoral committees, rather than having issues dealt with separately through the scrutiny committee, as was the case in the past. This is an ideal solution. Having sat on previous European affairs and scrutiny committees, and having for a long time encouraged the sending of this type of material back to the sectoral committees, we have now achieved this, and there is an opportunity for us to use the network of European national parliaments to generate a debate and build our alliances. That can only help Mr. Harper in his work.

Chairman: Listening to Deputy Dooley, I had an analogy in my head. It is similar to sitting in a train carriage and being tempted to press the emergency stop button.

Deputy Timmy Dooley: It never crossed my mind, Chairman. If that is the case, you are spending too much time on the train. You need the fast train.

Chairman: While we would all like to flag something, I do not want to overstate the situation. I ask the clerk to do the briefing exercise. The document must be sent by 1 February, and we can consider other options that are on the table as well at that stage. We will not yank the chain yet, if that is all right with Deputy Dooley.

Deputy Catherine Murphy: Will we discuss this again?

Chairman: Yes, it will come back to us. Is that agreed? Agreed.

I thank Mr. Harper, Mr. Ó Ciaruain and Mr. Morrissey for assisting us in our deliberations today. They are excused. At our meeting tomorrow we will meet the chairman designate of the Dublin Airport Authority.

The joint committee adjourned at 5.25 p.m. until 10.30 a.m. on Wednesday, 11 January 2012.

APPENDIX 3

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON UNION GUIDELINES FOR THE DEVELOPMENT OF THE TRANS-EUROPEAN TRANSPORT NETWORK

COM(2011) 650 FINAL

EUROPEAN COMMISSION

Brussels, 19.10.2011
COM(2011) 650 final

2011/0294 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on Union guidelines for the development of the Trans-European Transport Network

(Text with EEA relevance)

{SEC(2011) 1212 final}
{SEC(2011) 1213 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Background and objectives

Since the mid 80ies the Trans-European transport network (TEN-T) policy has been setting the policy framework for the development of infrastructure for the smooth functioning of the internal market and for ensuring economic, social and territorial cohesion and improved accessibility across the EU. This led in 1992 to the inclusion of a specific legal basis for trans-European networks in the Maastricht Treaty and in 1994, at the European Council in Essen, to the adoption of a list of 14 major projects.

In 1996 the European Parliament and the Council adopted the first Guidelines defining the TEN-T policy and infrastructure planning[1]. There was a major revision of the Guidelines in 2004, taking into account EU enlargement and the expected changes in traffic flows[2]. Furthermore, the list of 14 priority projects was extended.

Several financial and non-financial instruments have been set up to facilitate the implementation of projects. These instruments include the TEN Financial Regulation[3], the Cohesion Fund, the European Regional Development Fund (ERDF) and loans from the European Investment Bank, along with coordination initiatives by the Commission.

In 2010, in the interest of clarity, the European Parliament and the Council adopted Decision No 661/2010/EU, a recast of the TEN-T Guidelines[4].

To date, transport infrastructure as such is well-developed within the European Union. However, it is still fragmented, both geographically and between and within transport modes. The main objective of these new Guidelines, which will replace Decision 661/2010, is to establish a complete and integrated trans-European transport network, covering all Member States and regions and providing the basis for the balanced development of all transport modes in order to facilitate their respective advantages, thereby maximising the value added for Europe of the network.

In the light of the challenges for the TEN-T policy, also identified by the White Paper 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system[5] ("the White Paper"), these Guidelines will define a long-term strategy for the TEN-T policy up to 2030/2050.

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1 Decision No 1692/96 of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network, OJ L 228, 9.9.1996, p. 1.

2 Decision No 884/2004/EC of the European Parliament and of the Council of 29 April 2004 amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network, OJ L 201, 7.6.2004, p. 1.

3 Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of trans-European transport and energy networks, OJ L 162, 22.6.2007, p. 1.

4 Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union Guidelines for the development of the trans-European transport network (recast), OJ L L 204, 5.8.2010, p. 1.

5 COM(2011) 144.

1.2. Issues addressed

Five main problems need to be tackled at EU level:

First, missing links, in particular at cross-border sections, are a major obstacle to the free movement of goods and passengers within and between the Member States and with its neighbours.

Second, there is a considerable and enduring disparity in quality and availibility of infrastructure between and within the Member States (bottlenecks). In particular the east-west connections require improvement, through the creation of new transport infrastructure and/or maintenance, rehabilitation or upgrading of existing infrastructure.

Third, transport infrastructure between the transport modes is fragmented. As regards making multi-modal connections, many of Europe's freight terminals, passenger stations, inland ports, maritime ports, airports and urban nodes are not up to the task. Since these nodes lack multi-modal capacity, the potential of multi-modal transport and its ability to remove infrastructure bottlenecks and to bridge missing links is insufficiently exploited.

Fourth, investments in transport infrastructures should contribute to achieve the goals of reduction of greenhouse gas emissions in transport by 60% by 2050.

Finally, Member States still maintain different operational rules and requirements, in particular in the field of interoperability, which add to the transport infrastructure barriers and bottlenecks.

1.3. Fields of action

This proposal aims to establish and develop a complete TEN-T, consisting of infrastructure for railways, inland waterways, roads, maritime and air transport, thereby ensuring the smooth functioning of the internal market and strengthening economic and social cohesion.

To achieve these objectives, the first field of action is "conceptual planning". Based on input from a public consultation of stakeholders, the Commission concluded that the TEN-T could be best developed through a dual-layer approach, consisting of a comprehensive network and a core network.

The comprehensive network constitutes the basic layer of the TEN-T. It consists of all existing and planned infrastructure meeting the requirements of the Guidelines. The comprehensive network is to be in place by 31 December 2050 at the latest.

The core network overlays the comprehensive network and consists of its strategically most important parts. It constitutes the backbone of the multi-modal mobility network. It concentrates on those components of TEN-T with the highest European added value: cross border missing links, key bottlenecks and multi-modal nodes. The core network is to be in place by 31 December 2030 at the latest.

The second field of action concerns the implementation instruments. The Commission has developed the concept of core network corridors, taking due account of the rail freight

corridors[6]. These corridors will provide the framework instrument for the coordinated implementation of the core network. In terms of scope, the core network corridors will in principle cover three transport modes and cross at least three Member States. If possible, they should establish a connection with a maritime port. In terms of activities, the core network corridors will provide a platform for capacity management, investments, building and coordinating multi-modal transhipment facilities, and deploying interoperable traffic management systems.

1.4. Consistency with other EU policies and objectives

The proposal fits within the policy announced by the Commission in the White Paper. It is explicitly mentioned as part of Initiative 34 concerning the core network of strategic European infrastructure[7].

In particular, these Guidelines follow the strategy set out in the White Paper: to remove major barriers and bottlenecks in key areas of transport infrastructure. The aim is to create a Single European Transport Area with better transport services and a fully integrated transport network. This will link the different modes and bring about a profound shift in transport patterns for passengers and freight. This shift is necessary to meet the aim of cutting greenhouse gas emissions from transport by 60% by 2050.

Without the support of an adequate network and a smarter approach to using it, no major change in transport will be possible. Infrastructure planning and development are considered essential in order to develop a sustainable transport system.

The proposal will also contribute to the policy goals outlined in the Commission's communication "A Digital Agenda for Europe"[8] by supporting the implementation of intelligent transport systems. It also is one of the measures of the Single Market Act proposed by the Commission in April 2011[9] as the networks are the backbone of the internal market and play a key role in encouraging the fluid and efficient circulation of goods and services.

Furthermore, promoting sustainable transport has been identified as one of the means for achieving one of the three key priorities of the Europe 2020 strategy for smart, sustainable and inclusive growth adopted by the Commission on 3 March 2010[10], namely sustainable growth, by addressing critical bottlenecks, in particular cross border sections and intermodal nodes (cities, ports, logistic platforms).

Moreover, the proposal contributes to the strengthening of territorial cohesion of EU territory - which is one of EU objectives - together with economic and social cohesion.

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6 Regulation (EU) No 913/2010 of 22 September 2010 of the European Parliament and of the Council concerning a European rail network for competitive freight, OJ L 276, 20.10.2010, p. 22.

7 See section 3.1: "Transport infrastructure: territorial cohesion and economic growth" of Annex 1 to the White Paper.

8 COM(2010) 245 final/2.

9 COM(2011) 206 final.

10 COM(2010) 2020 final.

2. RESULTS OF CONSULTATIONS WITH INTERESTED PARTIES AND IMPACT ASSESSMENTS

2.1. Consultation of interested parties

The Commission carried out a wide and intensive public stakeholder consultation from February 2009 to June 2010.

The Commission launched the consultation process with the adoption of a Green Paper. It opened the debate on key challenges and objectives for TEN-T policy and possible ways to meet them[11].

Building on the contributions from stakeholders, the Commission set up six Expert Groups, which between November 2009 and April 2010 analysed a number of key aspects of future TEN-T development[12]. The Expert Groups' recommendations were included in a Commission Working Document presented for public consultation on 4 May 2010[13].

These public consultations attracted more than 530 contributions in total. A large majority of contributors supported the option of a new dual-layer approach to TEN-T planning, with a comprehensive network as the basic layer and a core network consisting of the strategically most important parts of the TEN-T.

In October 2009 and in June 2010 ministerial and stakeholder conferences were held in Naples and Zaragoza respectively.

In February 2011, the Commission presented to the Council and European Parliament a Staff Working Document[14] that further developed the methodology and the planning and implementation scenarios.

2.2. Collection and use of expertise

In addition to the public stakeholders consultation, the Commission has been in continuous contact with Member States through the committee for monitoring the Guidelines and exchanging information, set up by Decision No 1692/96/EC. Through this committee, which has been meeting on a monthly basis since 2010, the Member States were informed about the progress and content of the revision process.

Furthermore, the Commission services organised several rounds of bi-lateral and multi-lateral meetings with Member States, to discuss in detail the development of the comprehensive network and to present the main features of the core network.

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11 "TEN-T: A policy review. Towards a better integrated trans-European transport network at the service of the Common Transport Policy", COM (2009) 44 final.

12 The fields covered by the expert groups are: the structure of a comprehensive and core network and the methodology for TEN-T planning, integration of transport policy into TEN-T planning, intelligent transport systems and new technologies within the framework of the TEN-T, TEN-T and connections outside the EU, TEN-T financing, TEN-T legal and non-financial aspects.

13 Consultation on the future trans-European transport network policy", COM(2010) 212 final.

14 "The New Trans-European Transport Network Policy. Planning and implementation issues", SEC(2011) 101.

Contacts with individual interested parties have been established through separate meetings, at conferences and through the EU Coordinators at meetings of their respective Priority Projects.

2.3. Impact Assessment

The Impact Assessment identifies four specific objectives for adressing the problem of a fragmented network.

To enhance coordination in EU planning, the first specific objective is to :

– Define a coherent and transparent approach to maximise the EU added value of the TEN-T, addressing aspects of network fragmentation linked to missing links, multimodality, and adequate connections to neighbouring and third countries, as well as to ensure adequate geographical coverage.

With a view to designing a sound governance structure to secure implementation of an optimal network configuration, the other three specific objectives are to:

– Foster the implementation of European *standards* for management systems and push for the development of harmonised operational rules for TEN-T projects of common interest. This objective does not aim to impose new specific standards and rules, but rather to ensure the effective adoption and implementation of common European standards already developed.

– Enhance Member States cooperation in order to coordinate investments, timing, the choice of routes, and environmental and cost-benefit assessments for projects of common interest.

– Ensure that the optimal network configuration is a key element in the allocation of EU funding allowing for a focus on cross-border sections, missing links and bottlenecks.

Two policy options were the result:

– Option 1, combining a planning approach largely based on the current policy, though with certain amendments in the light of the experience gained, with a reinforced coordination approach to implementation;

– Option 2, combining a stronger approach to planning coordination, through identification of an optimised configuration for the strategic "core" of the TEN-T, with the same reinforced coordination approach to implementation.

Each option would bring significant improvements when compared to the baseline policy approach, both in terms of effectiveness in implementation and in terms of economic, social and environmental impacts. Option 2, due to the stronger coordination at both planning and implementation levels, would have an overall higher positive impact.

2.4. Methodology for the design of the core network

The core network design as included in this proposal is the outcome of a commonly agreed methodology. It has been designed in accordance with the following two-step methodology.[15]

The first step was the identification of main nodes:

– Urban main nodes, comprising all Member States' capitals, all "MEGA" cities according to ESPON and all other large urban areas or conurbations, including their entire relevant multimodal infrastructure as far as part of the comprehensive network; in total 82 urban nodes have been identified and are listed in annex to the Guidelines; the ports and airports directly belonging to the urban node are part of the core network;

– Outside these urban main nodes, ports which exceed a certain volume threshold or fulfil certain geographical criteria; in total, 82 ports are listed in annex to the Guidelines;

– The most relevant border crossing points: one per mode between each Member State and each neighbouring country; in total 46 border crossing points are listed in annex to the Guidelines.

The second step consisted in connecting these main nodes by multimodal links (road, rail, inland waterway), according to availability or feasibility, taking into account effectiveness and efficiency and preferably using existing infrastructure.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the measures proposed

The proposed Regulation will repeal and replace Decision 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network.

The proposal contains the following main elements:

– TEN-T will be developed gradually through the implementation of a dual layer approach, comprising a comprehensive network and a core network.

– The comprehensive network is to be in place by 31 December 2050 at the latest, whereas the core network is to be implemented as a priority by 31 December 2030.

– The Guidelines set the framework for identifying projects of common interest. These projects contribute to the development and establishment of TEN-T through the creation, maintenance, rehabilitation and upgrading of infrastructure, through

[15] The detailed methodology has been published in the Commission Staff Working Document "The New Trans-European Transport Network Policy – Planning and Implementation Issues" in January 2011. It has been subject to minor adjustments regarding issues which were raised at a Transport Ministers' meeting on 7/8 February 2011 and at meetings with high-level representatives of all EU Member States.

measures to promote the resource-efficient use of infrastructure and by enabling sustainable and efficient freight transport services.

– With a view to cooperation with third and neighbouring countries[16] the European Union may promote projects of mutual interest.

– The comprehensive network is specified by:

  – maps;

  – infrastructure components;

  – infrastructure requirements;

  – priorities for promoting projects of common interest.

– Freight terminals, passenger stations, inland ports, maritime ports and airports will connect transport modes in order to allow multi-modal transport;

– Urban nodes form key elements in the comprehensive network as connecting points between the different transport infrastructures;

– The guidelines lay down specific requirements for the core network, in addition to the requirements for the comprehensive network, for example availability of alternative fuels. The Commission will monitor and evaluate the progress made in implementing the core network.

– Core network corridors are an instrument for implementing the core network. They are to be based on modal integration and interoperability and lead to coordinated development and management.

– European Coordinators will facilitate the coordinated implementation of the corridors, in cooperation with corridor platforms to be established by Member States concerned.

– Each corridor platform will establish a multi-annual development plan, including investment and implementation plans, as a management structure. Based on this information the Commission will adopt implementing acts (decisions) for each corridor.

– The proposal calls for regular revision of the annexes by means of delegated acts in order to update the maps of the comprehensive network. It also envisages a review of the core network by 2023.

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16 In Annex III the regional transport networks of these countries are provided to the extent that they have already been defined. For neighbourhood countries under the Eastern Partnership, the regional network will be defined following the work of the Transport Panel under the Eastern Partnership, building on work carried out in the framework of TRACECA. For the neighbourhood countries in the South, the regional network will be defined on the basis of the work undertaken in the framework of the Euro-Mediterranean Transport Forum.

3.2. Legal basis

The legal basis for this proposal is Article 172 TFEU.

3.3. Subsidiarity principle

The coordinated development of a trans-European transport network to support transport flows within the single European market and economic, social and territorial cohesion within Europe requires action to be taken at European Union level, as such action could not be taken individually by Member States. This is particularly the case for cross-border sections.

3.4. Proportionality principle

The proposal complies with the proportionality principle, and falls within the scope for action in the field of the trans-European transport network, as defined in Article 170 of the Treaty on the Functioning of the European Union.

The action envisaged by this proposal is specifically limited to the European dimension of transport infrastructure networks.

3.5. Choice of instrument

The current TEN-T Guidelines were proposed and adopted as a Decision of the European Parliament and of the Council. This Decision is specifically addressed to the Member States, rendering the Guidelines binding in their entirety for all the Member States.

While the Member States have traditionally been the main actors involved in transport infrastructure development and management, developments suggest that this situation has been progressively changing. Regional and local authorities, infrastructure managers, transport operators and other public and private entities have also become key actors in the development of infrastructure.

With more actors besides the Member States becoming involved in the planning, development and operation of TEN-T, it is important to ensure that the Guidelines are binding for all. The Commission has therefore chosen a Regulation as the legal instrument for this proposal.

Moreover, it should be noted that the proposal is intended to cover the period up to 2050. It is therefore difficult to anticipate all categories of actors that could become involved in TEN-T implementation projects in that period.

3.6. European Economic Area

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

4. BUDGETARY IMPLICATIONS

The proposal will not entail any additional cost for the EU budget.

5. CONNECTING EUROPE FACILITY

In the context of the Communication on the Multi-annual Financial Framework 2014-2020[17], the Commission has announced the creation of a new instrument at EU level, the "Connecting Europe Facility", which will finance EU priority infrastructure in transport, energy and digital broadband. The facility will support infrastructures with a European and Single Market dimension, targeting EU support on priority networks that must be implemented by 2020 and where European action is most warranted. The facility will have a single fund of € 50 billion for the period 2014-2020, of which € 31.7 billion will be allocated to transport, out of which €10 billion ring fenced for related transport infrastructures investments inside the Member States eligible under the Cohesion Fund. The Communciation also suggests that infrastructure projects of EU interest that pass through neighbourhood and pre-accession countries should in the future be coordinated and reinforced through the new Connecting Europe Facility.[18]

Together with the Connecting Europe Facility, the present guidelines will establish the priorities for European funding of transport infrastructure.

6. SIMPLIFICATION

The proposal contributes to the simplification of existing rules. Through the new corridor approach and the establishment of corridor platforms, the project preparation can be streamlined.

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17 COM(2011) 500 final.

18 Such coordination could involve among others funding from the Neighbourhood Investment Facility (NIF) or the Instrument for Pre-Accession Assistance (IPA)

2011/0294 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on Union guidelines for the development of the Trans-European Transport Network

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee[19],

Having regard to the opinion of the Committee of the Regions[20],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network[21] was recast in the interest of clarity by Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network[22].

(2) The planning, development and operation of trans-European transport networks contribute to the attainment of major Union objectives, such as the smooth functioning of the internal market and the strengthening of economic and social cohesion and also have the specific objectives of allowing the seamless and sustainable mobility of persons and goods and ensuring accessibility for all regions of the Union.

(3) These specific objectives should be achieved by establishing interconnections and interoperability between national transport networks in a resource-efficient way.

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19 OJ C , , p. .
20 OJ C , , p. .
21 OJ L 228, 9.9.1996, p.1.
22 OJ L 204, 5.8.2010. p. 1.

(4) Growth in traffic has resulted in increased congestion on international transport corridors. In order to ensure the international mobility of goods and passengers, the capacity of the trans-European transport network and the use of this capacity should be optimised and, if necessary, expanded by removing infrastructure bottlenecks and bridging missing infrastructure links within and between Member States.

(5) As stated in the White Paper on Transport "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system"[23], the efficiency and effectiveness of transport can be significantly enhanced by ensuring a better modal integration across the network, in terms of infrastructure, information flows and procedures.

(6) The White Paper calls for the deployment of transport-related information and communication technology to ensure improved and integrated traffic management and to simplify administrative procedures through improved freight logistics, cargo tracking and tracing, and optimised schedules and traffic flows. As such measures promote the efficient management and use of transport infrastructure they should fall within the scope of this Regulation.

(7) The trans-European transport network policy has to take into account the evolution of the transport policy and infrastructure ownership. In the past, Member States were the principal entity in charge of creating and maintaining transport infrastructure. However, other entities, including private, have also become relevant for the realisation of a multimodal trans-European transport network, including for example infrastructure managers, concessionaires or port and airports authorities.

(8) The trans-European transport network consists to a large extent of existing infrastructure. This existing infrastructure is managed by different public and private entities. In order to achieve fully the objectives of the new trans-European transport network policy, uniform requirements regarding the infrastructure have to be established in a Regulation in order to be complied with by any entity responsible for the infrastructure of the trans-European transport network.

(9) The trans-European transport network should best be developed through a dual layer approach, consisting of a comprehensive network and a core network, these two layers being the highest level of infrastructure planning within the Union.

(10) The comprehensive network should be a European-wide transport network ensuring the accessibility of all regions in the Union, including the remote and outermost regions, as also pursued by the Integrated Maritime Policy[24], and strengthening cohesion between them. The guidelines should set the requirements for the infrastructure of the comprehensive network, in order to achieve a high-quality network throughout the Union by 2050.

(11) The core network should be identified and implemented as a priority within the framework provided by the comprehensive network by 2030. It should constitute the backbone of the development of a multi-modal transport network and stimulate the development of the entire comprehensive network. It should enable Union action to

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[23] COM(2011) 144 final.
[24] COM(2007) 575 final.

concentrate on those components of the trans-European transport network with the highest European added value, in particular cross-border sections, missing links, multi-modal connecting points and major bottlenecks.

(12) In order to establish the core and the comprehensive network in a coordinated and timely manner, allowing thereby maximising the network benefits, Member States concerned should ensure that the projects of common interest are finalised by 2030 and 2050 respectively.

(13) It is necessary to identify projects of common interest which will contribute to the achievement of the trans-European transport network and which correspond to the priorities established in the guidelines.

(14) Projects of common interest should demonstrate a clear European added value. Cross-border projects typically have high European added value, but may have lower direct economic effects compared to purely national projects. Therefore, they are likely not to be implemented without Union intervention.

(15) As the development and implementation of the trans-European transport network is not solely carried out by Member States, all promoters of projects of common interest such as local and regional authorities, infrastructure managers or other private or public entities should be subject to the rights and obligations of this Regulation, as well other relevant Union and national rules and procedures, when carrying out such projects.

(16) Cooperation with neighbouring and third countries is necessary to ensure connection and interoperability between the respective infrastructure networks. Therefore the Union should where appropriate promote projects of mutual interest with those countries.

(17) In order to achieve modal integration across the network, adequate planning of the trans-European transport network is required. This also implies the implementation of specific requirements throughout the network in terms of infrastructure, intelligent transport systems, equipment, and services. It is therefore necessary to ensure adequate and concerted deployment of such requirements across Europe for each transport mode and for their interconnection across the trans-European transport network and beyond, in order to obtain the benefits of the network effect and to enable efficient long-range trans-European transport operations.

(18) In order to determine existing and planned transport infrastructures for the comprehensive and the core network, maps should be provided and adapted over time to take into account the evolution of traffic flows. The technical basis of the maps is provided by the Commission's TENtec system which contains a higher level of detail concerning the trans-European transport infrastructure.

(19) The guidelines should set priorities in order to achieve the objectives within the given time horizon.

(20) Intelligent transport systems are necessary to provide the basis for optimising of traffic and transport operations and improving related services.

(21) The guidelines should provide for the development of the comprehensive network in urban nodes, as those nodes are the starting point or the final destination ("last mile") for passengers and freight moving on the trans-European transport network and are points of transfer within or between different transport modes.

(22) The trans-European transport network, thanks to its large scale, should provide the basis for the large-scale deployment of new technologies and innovation, which, for example, can help enhance the overall efficiency of the European transport sector and curb its carbon footprint. This will contribute towards the Europe 2020 strategy and the Transport White Paper's target of a 60% cut in greenhouse gas emissions by 2050 (based on 1990 levels) and at the same time contribute to the objective of increasing fuel security for the Union.

(23) The trans-European transport network has to ensure efficient multi-modality in order to allow better modal choices to be made and large volumes to be consolidated for transfers over long distances. This will make multi-modality economically more attractive for shippers.

(24) In order to achieve a high-quality and efficient transport infrastructure across all modes the guidelines should contain provisions regarding the security and safety of passengers and freight movements, the impact of climate change and of potential natural and man-made disasters on infrastructure and accessibility for all transport users.

(25) The core network should be a subset of the comprehensive network overlaying it. It should represent the strategically most important nodes and links of the trans-European transport network, according to traffic needs. It should be multi-modal, i.e. include all transport modes and their connections as well as relevant traffic and information management systems.

(26) In order to implement the core network within the given time horizon, a corridor approach could be used as an instrument to coordinate on a transnational basis different projects and synchronise the development of the corridor, thereby maximising network benefits.

(27) Core network corridors should also address wider transport policy objectives and facilitate modal integration and multi-modal operations. This should allow specially developed corridors that are optimised in terms of energy use and emissions, thus minimising environmental impacts, and are also attractive for their reliability, limited congestion and low operating and administrative costs. An initial list of corridors should be included in the Regulation (EU) XXX/2012 [Connecting Europe Facility], but should be adaptable in order to take account of changes in traffic flows.

(28) Designing the right governance structure and identifying the sources of financing for complex cross-border projects would be eased by creating corridor platforms for such core network corridors. European Coordinators should facilitate the coordinated implementation of the core network corridors.

(29) In developing core network corridors due account should be given to the rail freight corridors set up in accordance with Regulation (EU) No 913/2010 of 22 September 2010 of the European Parliament and of the Council concerning a European rail

network for competitive freight[25] as well as to the European Deployment Plan for ERTMS provided for in Commission Decision 2009/561/EC of 22 July 2009 amending Decision 2006/679/EC as regards the implementation of the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system[26].

(30) In order to maximise consistency between the guidelines and the programming of the relevant financial instruments available at Union level, trans-European transport network funding should be based on this Regulation and draw on the Connecting Europe Facility[27]. Correspondingly, it should aim at aligning and combining funding from relevant internal and external instruments such as structural and cohesion funds, the Neighbourhood Investment Facility (NIF), the Instrument for Pre-Accession Assistance (IPA)[28], and from financing from the European Investment Bank, the European Bank for Reconstruction and Development and other financial institutions. In particular, when developing the trans-European transport network, Member States should take into account to the ex ante conditionalities applicable to transport as provided for in Annex IV to Regulation (EU) No XXX2012 [Regulation laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1083/2006].[29]

(31) In order to update the Annexes and in particular the maps to take into account possible changes resulting from the actual usage of certain elements of transport infrastructure analysed against pre-established quantitative thresholds, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to the Annexes. It is of particular importance for the Commission to carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(32) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[30].

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25 OJ L 276, 20.10.2010, p. 22.
26 OJ L 194, 25.7.2009, p. 60.
27 Regulation (EU) No XXX/2012 of … [Connecting Europe Facility]
28 Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA), OJ L 210, 31.7.2006, p. 82.
29 COM(2011) 615 final.
30 OJ L 55, 28.2.2011, p. 13.

(33) Since the objectives of the action to be taken, and in particular the coordinated establishment and development of the trans-European transport network, cannot be sufficiently achieved by the Member States and can therefore, by reason of the need for coordination of these objectives, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as also set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PRINCIPLES

Article 1
Subject matter

1. This Regulation establishes the Union guidelines (hereinafter "the guidelines") for the development of a trans-European transport network which determine the infrastructure of the trans-European transport network within which projects of common interest and projects of mutual interest are identified.

2. The guidelines specify the requirements to be respected by the entities responsible for management of the infrastructure of the trans-European transport network.

3. The guidelines set out the priorities for the development of the trans-European network.

4. The guidelines provide for measures for the implementation of the trans-European network.

Article 2
Scope

1. The guidelines shall apply to the trans-European transport network which comprises:

   – existing and planned transport infrastructure referred to in paragraph 2, and

   – measures promoting the efficient management and use of such infrastructure.

2. Transport infrastructure of the trans-European transport network consists of:

   (a) railway transport infrastructure as determined in Section 1 of Chapter II;

   (b) inland waterway infrastructure as determined in Section 2 of Chapter II;

(c) road transport infrastructure as determined in Section 3 of Chapter II;

(d) maritime transport infrastructure as determined in Section 4 of Chapter II;

(e) air transport infrastructure as determined in Section 5 of Chapter II;

(f) infrastructure for multimodal transport as determined in Section 6 of Chapter II;

(g) the equipment and intelligent transport systems associated with the transport infrastructure referred to in points (a) to (f).

Article 3
Definitions

For the purpose of this Regulation, the following definitions shall apply:

(a) 'project of common interest' means any piece of planned transport infrastructure, of existing transport infrastructure or any modification of existing transport infrastructure that complies with the provisions of Chapter II and any measures providing the efficient management and use of such infrastructure;

(b) 'project of mutual interest' means a project involving both the Union and one or more third countries which aims to connect the trans-European transport network with the transport infrastructure networks of those countries to facilitate major transport flows;

(c) 'third country' means any neighbouring country and all other countries with which the Union may cooperate to achieve the objectives pursued by this Regulation;

(d) 'neighbouring country' means the country coming under the European Neighbourhood Policy including the Strategic Partnership[31], the Enlargement Policy, the European Economic Area or the European Free Trade Association;

(e) 'European added value' means, in relation to a project, the value resulting from Union intervention which is additional to the value that would otherwise have been created by Member State action alone;

(f) 'infrastructure manager' means any body or undertaking that is responsible in particular for establishing and maintaining transport infrastructure. This may also include the management of infrastructure control and safety systems;

(g) 'intelligent transport systems (ITS)' mean systems using information, communication, navigation and positioning/localization technologies in order to manage mobility and traffic on the trans-European transport network and to provide value added services to citizens and operators, including for safe,

[31] COM(2004) 106 final.

secure, environmentally sound and capacity efficient use of the network. They may also include onboard devices, provided they form an indivisible system with corresponding infrastructure components. They include systems, technologies and services referred to in points (h)-(l);

(h) 'air traffic management system' means a system as specified in Regulation (EC) No. 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)[32] and in the European Air Traffic Management (ATM) Master Plan as defined in Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR)[33];

(i) 'Vessel Traffic Monitoring and Information Systems' (VTMIS) means systems deployed to monitor and manage traffic and maritime transport, using information from Automatic Identification Systems of Ships (AIS), Long-Range Identification and Tracking of Ships (LRIT), coastal radar systems and radio communications as provided in Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC[34];

(j) 'River Information Services (RIS)' means information and communication technologies on inland waterways as defined in Directive 2005/44/EC of the Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community[35];

(k) 'e Maritime services' means services using advanced and interoperable information technologies in the maritime transport sector to facilitate the throughput of cargo at sea and in port areas;

(l) 'European Rail Traffic Management System (ERTMS)' means the system defined in Commission Decision 2006/679/EC of 28 March 2006[36] and Commission Decision 2006/860 of 7 November 2006[37] concerning the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European conventional and high-speed rail systems;

(m) 'transport mode' means railway, inland waterways, road, maritime or air transport;

(n) 'multimodal transport' means the carriage of freight or passengers, or both, using two or more modes of transport;

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32 OJ L 96, 31.3.2004, p. 26.
33 OJ L 64, 2.3.2007, p. 1.
34 OJ L 208, 5.8.2002, p. 10.
35 OJ L 255, 30.9.2005, p. 152.
36 OJ L 284, 16.10.2006, p. 1.
37 OJ L 342, 7.12.2006, p. 1.

(o) 'urban node' means an urban area where the transport infrastructure of the trans-European transport network is connected with other parts of that infrastructure and with the infrastructure for regional and local traffic;

(p) 'logistic platform' means an area that is directly linked to the transport infrastructure of the trans-European transport network including at least one freight terminal, and enables logistics activities to be carried out;

(q) 'freight terminal' means a structure equipped for transhipment between at least two transport modes and for temporary storage of freight such as ports, inland ports, airports and rail-road terminals;

(r) 'NUTS region' means a region which as defined in the Nomenclature of Territorial Units for Statistics.

Article 4

Objectives of the trans-European transport network

1. The trans-European transport network shall enable transport services and operations which:

(a) meet the mobility and transport needs of its users within the Union and in the relations with third countries, thereby contributing to further economic growth and competitiveness;

(b) are economically efficient, contribute to the objectives of low-carbon and clean transport, fuel security and environmental protection, are safe and secure and have high quality standards, both for passenger and freight transport;

(c) promote the most advanced technological and operational concepts;

(d) provide appropriate accessibility of all regions of the Union, thereby promoting social, economic and territorial cohesion and supporting inclusive growth.

2. In developing the infrastructure of the trans-European transport network, the following objectives shall be pursued:

(a) the interconnection and interoperability of national transport networks;

(b) the removal of bottlenecks and the bridging of missing links, both within the transport infrastructures and at connecting points between these, within Member States' territories and at border crossing points between them;

(c) the development of all transport modes in a manner consistent with ensuring sustainable and economically efficient transport in the long term;

(d) optimal integration and interconnection of all transport modes;

(e) the efficient use of infrastructure;

(f) promotion of a broad use of transport with the most carbon neutral effect;

(g) transport infrastructure connections between the trans-European transport network and transport infrastructure networks of neighbouring countries, and the promotion of their interoperability;

(h) the establishment of infrastructure requirements, notably in the field of interoperability, safety and security, which will benchmark quality, efficiency and sustainability of transport services;

(i) for both passenger and freight traffic, seamless connections between transport infrastructure for long-distance traffic on the one hand, and regional and local traffic on the other;

(j) a transport infrastructure that reflects the specific situations in different parts of the Union and provides for a balanced coverage of European regions, including outermost regions and other peripheral ones;

(k) accessibility for elderly people, persons of reduced mobility and for disabled passengers.

Article 5
Resource efficient network

Member States and, as appropriate, regional and local authorities, infrastructure managers, transport operators and other public and private entities shall plan, develop and operate the trans-European transport network in a resource efficient way, through:

(a) an optimisation of infrastructure integration and interconnection;

(b) the broad deployment of new technologies and ITS;

(c) improvement and maintenance of existing transport infrastructure;

(d) the taking into account of possible synergies with other networks, in particular trans-European energy or telecommunication networks;

(e) the assessment of strategic environmental impact, with the establishment of appropriate plans and programmes and of impacts on climate mitigation;

(f) measures to plan and expand infrastructure capacity where necessary;

(g) adequate consideration of the vulnerability of transport infrastructure with regard to a changing climate as well as natural and man-made disasters.

Article 6
Dual layer trans-European transport network structure

1. The gradual development of the trans-European transport network shall in particular be achieved by implementing a dual-layer structure for this network, comprising a comprehensive network and a core network.

2. The comprehensive network shall be made up of all existing and planned transport infrastructures of the trans-European transport network as well as measures promoting the efficient use of such infrastructure. It shall be developed in accordance with Chapter II.

3. The core network shall consist of those parts of the comprehensive network which are of the highest strategic importance for achieving the objectives for the development of the trans-European transport network. It shall be identified and developed in accordance with Chapter III.

Article 7
Projects of common interest

1. Projects of common interest shall contribute to the development of the trans-European transport network through the creation of new transport infrastructure, the maintenance, rehabilitation and upgrading of existing transport infrastructure and through measures promoting its resource-efficient use.

2. A project of common interest shall:

   (a) contribute to the objectives set out in Article 4;

   (b) comply with Chapter II and, if it concerns the core network, comply in addition with Chapter III;

   (c) have been subject to a socio-economic cost benefit analysis resulting in a positive net present value;

   (d) demonstrate clear European added value.

3. A project of common interest may encompass its entire cycle, including feasibility studies and permission procedures, implementation and evaluation.

4. Member States and other project promoters shall take all necessary measures to ensure that the projects are carried out in compliance with relevant Union and national rules and procedures, in particular with Union legislation on the environment, climate protection, safety, security, competition, state aid, public procurement and public health.

5. Projects of common interest are eligible for Union financial aid under the instruments available for the trans-European transport network, in particular the Connecting Europe Facility established by Regulation (EU) No XXX/2012.

Article 8
Cooperation with third countries

1. The Union may support projects of common interest in order to connect the trans-European transport network with infrastructure networks of third countries covered by the European Neighbourhood Policy, the Enlargement Policy, the European Economic Area and the European Free Trade Association and which seek to:

(a) connect the core network at border crossing points;

(b) ensure the connection between the core network and the transport networks of the third countries;

(c) complete the transport infrastructure in third countries which serve as links between parts of the core network in the Union;

(d) implement traffic management systems in those countries.

Such projects of common interest shall enhance the capacity or utility of networks located in one or several Member States.

2. The Union may cooperate with third countries to promote projects of mutual interest. These projects shall seek to:

(a) promote the interoperability between the trans-European transport network and networks of neighbouring countries;

(b) promote the extension of the trans-European transport network policy into third countries;

(c) facilitate air transport with third countries, in particular by extending the Single European Sky and air traffic management cooperation;

(d) facilitate maritime transport and promote motorways of the sea with third countries.

3. Projects of mutual interest coming under point (a) of paragraph 2 shall comply with the relevant provisions of Chapter II.

4. Annex III includes indicative maps of the trans-European transport network extended to specific neighbouring countries.

5. The Union may use existing or set up and use new coordination and financial instruments with neighbouring countries, such as the Neighbourhood Investment Facility (NIF) or the Instrument for Pre-Accession Assistance (IPA), for the promotion of projects of mutual interest.

6. The Union may cooperate with international and regional organisations and bodies to achieve any objective pursued by this Article.

CHAPTER II

THE COMPREHENSIVE NETWORK

Article 9
General provisions

1. The comprehensive network shall constitute the basis for the identification of projects of common interest.

2. The comprehensive network shall:

   (a) be as specified in the maps in Annex I to this Regulation;

   (b) be specified through the description of the infrastructure components;

   (c) comply with the requirements for the transport infrastructures set out in this Chapter;

   (d) set the framework for priority infrastructure development as referred to in Articles 10 to 35.

3. The Member States shall ensure that the comprehensive network is completed and fully complies with the relevant provisions of this Chapter by 31 December 2050 at the latest.

Article 10
Priorities

The Union, Member States, infrastructure managers and other project promoters, when developing the comprehensive network, shall give particular consideration to measures that are necessary for:

   (a) implementing and deploying intelligent transport systems, including measures which enable traffic management, multimodal scheduling and information services, multimodal tracking and tracing, capacity planning and online reservation and integrated ticketing services;

   (b) bridging missing links and removing bottlenecks, notably in cross-border sections;

   (c) removing administrative and technical barriers, in particular to the interoperability of the network and to competition;

   (d) ensuring optimal integration of the transport modes;

   (e) ensuring appropriate accessibility for all regions of the Union;

(f) improving or maintaining the quality of infrastructure in terms of efficiency, safety, security, climate and where appropriate disaster resilience, environmental performances, social conditions, accessibility for all users, quality of services and continuity of traffic flows;

(g) promoting state-of-the-art technological development;

(h) ensuring fuel security by allowing the use of alternative and in particular low or zero carbon energy sources and propulsion systems;

(i) bypassing urban areas for rail freight transport.

SECTION 1
RAILWAY TRANSPORT INFRASTRUCTURE

Article 11
Maps

Railway lines which form part of the comprehensive network are indicated on the maps in Annex I.

Article 12
Infrastructure components

1. Railway transport infrastructure comprises in particular:

(a) high-speed and conventional railway lines, including:

(i) sidings;

(ii) tunnels;

(iii) bridges;

(b) freight terminals and logistic platforms for the transhipment of goods within the rail mode and between rail and other transport modes;

(c) stations along the lines indicated in Annex I for the transfer of passengers within the rail mode and between rail and other transport modes;

(d) associated equipment;

(e) ITS.

2. Railway lines shall take one of the following forms:

(a) Railway lines for high speed transport which are:

(i) specially built high-speed lines equipped for speeds equal to or greater than 250 km/h;

(ii) specially upgraded conventional lines equipped for speeds in the order of 200 km/h;

(b) Railway lines for conventional transport.

3. The technical equipment associated with railway lines shall include electrification systems, equipment for the boarding and alighting of passengers and the loading and unloading of cargo in stations, logistic platforms and freight terminals. It shall include any facility necessary to ensure the safe, secure and efficient operation of vehicles.

Article 13
Transport infrastructure requirements

1. Operators of freight terminals shall ensure that any freight terminal is open to all operators.

Operators of logistic platforms shall offer at least one terminal open to all operators.

Operators of freight terminals and logistic platform shall provide this access in a non-discriminatory way and apply transparent charges.

2. Operators of passenger stations shall ensure that passenger stations provide access to information, ticketing and commercial activities for railway traffic throughout the comprehensive network and where appropriate information on connection with local and regional transport, in accordance with Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system[38].

3. Within the sphere of their responsibility, Member States and infrastructure managers shall ensure that:

(a) railway lines are equipped with ERTMS;

(b) railway infrastructure complies with Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community[39] and its implementing measures in order to achieve the interoperability of the comprehensive network;

(c) railway infrastructure complies with the requirements of the technical specification for Interoperability (TSI) adopted pursuant to Article 6 of Directive 2008/57/EC for new and upgraded lines, except in duly justified cases, where allowed by the relevant TSI or under the procedure provided for in Article 9 of Directive 2008/57/EC. In any case, the railway infrastructure shall comply with the following requirements:

[38] OJ L 123, 12.5.2011, p. 11.
[39] OJ L 191, 18.7.2008, p. 1.

(1) nominal track gauge for new railway lines: 1 435 mm[40];

(2) electrification;

(3) lines which are used by conventional freight trains[41]: 22,5 t axle load, and 750 m train length;

(4) maximum gradients for new lines which are to be used by conventional freight trains: 12,5 mm/m.[42]

Article 14
Framework for priority infrastructure development

Member States and other project promoters, when promoting projects of common interest and in addition to the priorities set out in Article 10, shall give particular consideration to:

(a) deploying ERTMS;

(b) mitigating the impact of noise caused by rail transport;

(c) achieving standards higher than those set out as minimum requirements in the technical specifications, as described in Article 13.

SECTION 2
INLAND WATERWAYS TRANSPORT INFRASTRUCTURE

Article 15
Maps

Inland waterways and inland ports which form part of the comprehensive network are indicated on the maps in Annex I.

Article 16
Infrastructure components

1. Inland waterways infrastructure comprises in particular:

(a) rivers;

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40 European standard nominal track gauge as referred to in technical specification for interoperability on infrastructure, section 4.2.5.1. for the conventional lines (hereafter: CR TSI) of Commission Decision 2011/275/EU of 26 April 2011 concerning a technical specification for interoperability relating to the 'infrastructure' subsystem of the trans-European conventional rail system, OJ L 126, 14.5.2011, p. 53, and section 4.2.2. for the high speed lines (hereafter: HS TSI) of Commission Decision 2008/217/EC of 20 December 2007 concerning a technical specification for interoperability relating to the 'infrastructure' sub-system of the trans-European high-speed rail system, OJ L 77, 19.3.2008, p. 1.

41 See requirements of line category V-F specified in section 4.2.2. of the CR TSI.

42 Requirements for line categories IV-F, IV-M, VI-F and VI-M as specified in section 4.2.4.3. of the CR TSI.

(b) canals;

(c) lakes;

(d) related infrastructure such as locks, elevators, bridges, reservoirs;

(e) inland ports including the infrastructure necessary for transport operations within the port area;

(f) associated equipment;

(g) ITS.

2. Inland ports shall have an annual freight transhipment volume exceeding 500 000 tonnes. The total annual freight transhipment volume is based on the latest available three-year average, as published by Eurostat.

3. Port-associated equipment shall enable in particular propulsion and operating systems which reduce pollution, energy consumption and carbon intensity. It includes waste reception facilities.

Article 17
Transport infrastructure requirements

1. Within the sphere of their responsibility, Member States, port operators and infrastructure managers shall ensure that inland ports are connected with the road or rail infrastructure of the comprehensive network.

2. Port operators shall ensure that any inland port offers at least one freight terminal open to all operators in a non-discriminatory way and apply transparent charges.

3. Within the sphere of their responsibility, Member States and infrastructure managers shall ensure that:

(a) rivers, canals and lakes comply with the minimum requirements for class IV waterways as laid down in the European Agreement on Main Inland Waterways of International Importance (AGN) on the new classification of inland waterways[43] and ensure continuous bridge clearance.

(b) rivers, canals and lakes are equipped with RIS.

Article 18
Framework for priority infrastructure development

Member States and other project promoters, when promoting projects of common interest and in addition to the priorities set out in Article 10, shall give particular consideration to:

[43] European Conference of Ministers of transports (ECMT), ECMT/CM(92)6/Final.

(a) for existing inland waterways: implementing measures necessary to reach the standards of the inland waterways class IV;

(b) where appropriate, achieving higher standards than inland waterways class IV, to meet market demands;

(c) implementing ITS, including RIS;

(d) connecting inland port infrastructure to railway transport infrastructure.

SECTION 3
ROAD TRANSPORT INFRASTRUCTURE

Article 19
Maps

Roads which form part of the comprehensive network are indicated on the maps in Annex I.

Article 20
Infrastructure components

1. Road transport infrastructure comprises in particular:

(a) high quality roads, including

(i) bridges;

(ii) tunnels;

(iii) junctions;

(iv) crossings;

(v) interchanges;

(b) parking areas;

(c) associated equipment;

(d) ITS;

(e) freight terminals and logistic platforms;

(f) bus stations.

2. The high quality roads referred to in point (a) of paragraph 1 are those which play an important role in long-distance freight and passenger traffic, integrate the main urban and economic centres, interconnect with other transport modes and link landlocked and peripheral NUTS 2 regions to central regions of the Union.

3. High-quality roads shall be specially designed and built for motor traffic, and shall be either motorways or express roads.

(a) A motorway is a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which :

(i) is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic, or, exceptionally, by other means;

(ii) does not cross at level with any road, railway or tramway track, or footpath; and

(iii) is especially sign-posted as a motorway.

(b) An express road is a road reserved for motor traffic accessible from interchanges or controlled junctions only and which:

(i) prohibits stopping and parking on the running carriageway; and

(ii) does not cross at level with any railway or tramway track, or footpath.

4. Equipment associated with roads shall include in particular equipment for traffic management, information and route guidance, for the levying of user charges, for safety, for reducing negative environmental effects, for refuelling or recharging of vehicles with alternative drives, and for secure parking areas for commercial vehicles.

Article 21
Transport infrastructure requirements

Within the sphere of their responsibility, Member States and infrastructure managers shall ensure that:

(a) Roads correspond to the provisions of Article 20(3).

(b) The safety of road transport infrastructure is assured, monitored and, when necessary, improved according to the procedure provided for by Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management[44].

(c) Road tunnels with length of over 500 m comply with Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network[45].

(d) The interoperability of toll collection systems is ensured in accordance with Directive 2004/52/EC of the European Parliament and of the Council of 29 April

[44] OJ L 319, 29.11.2008, p. 59.
[45] OJ L 167, 30.4.2004, p. 39.

2004 on the interoperability of electronic road toll systems in the Community[46] and by Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements[47].

(e) Intelligent transport systems of the road transport infrastructure complying with Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport[48] are deployed.

Article 22
Framework for priority infrastructure development

Member States and other project promoters, when promoting projects of common interest and in addition to the priorities set out in Article 10, shall give particular consideration to:

(a) use of ITS, in particular multi-modal information and traffic management and to enable integrated communication and payment systems;

(b) introduction of new technologies and innovation for promoting low carbon transport;

(c) provision of secure parking areas;

(d) promotion of road safety.

SECTION 4
MARITIME TRANSPORT INFRASTRUCTURE

Article 23
Maps

Maritime ports which form part of the comprehensive network are indicated on the maps in Annex I.

Article 24
Infrastructure components

1. Maritime transport infrastructure comprises in particular:

(a) maritime space;

(b) sea canals;

[46] OJ L 166, 30.4.2004, p. 124.
[47] OJ L 268, 13.10.2009, p. 11.
[48] OJ L 207, 6.8.2010, p. 1.

(c) maritime ports, including the infrastructure necessary for transport operations within the port area;

(d) navigational aids;

(e) port approaches;

(f) motorways of the sea;

(g) associated equipment;

(h) ITS.

2. Maritime ports shall be entry and exit points for the land infrastructure of the comprehensive network. They shall meet at least one of the following criteria:

(a) The total annual passenger traffic volume exceeds 0,1 % of the total annual passenger traffic volume of all maritime ports of the Union. The reference amount for this total volume is the latest available three-year average, based on the statistics published by Eurostat.

(b) The total annual cargo volume – either for bulk or for non-bulk cargo handling – exceeds 0,1% of the corresponding total annual cargo volume handled in all maritime ports of the Union. The reference amount for this total volume is the latest available three-year average, based on the statistics published by Eurostat.

(c) The maritime port is located on an island and provides the sole point of access to a NUTS 3 region in the comprehensive network.

(d) The maritime port is located in an outermost region or a peripheral area, outside a radius of 200 km from the nearest other port in the comprehensive network.

3. Equipment associated with maritime transport infrastructure shall include in particular equipment for ice breaking, hydrological surveys, and dredging and maintenance of the port and port approaches.

Article 25
Motorways of the sea

1. Motorways of the sea represent the maritime dimension of the trans-European transport network. They shall consist of short-sea routes, ports, associated maritime infrastructure and equipment, and facilities enabling short-sea shipping or sea-river services between at least two ports, including hinterland connections, in at least two different Member States. Motorways of the sea shall include:

(a) maritime links between maritime ports of the comprehensive network;

(b) port facilities, information and communication technologies (ICT) such as electronic logistics management systems, safety and security and administrative and customs procedures in at least one Member State;

(c) infrastructure for direct land and sea access.

2. Projects of common interest for motorways of the sea in the trans-European transport network shall be proposed by at least two Member States. They shall take one of the following forms:

(a) be the maritime component of a core network corridor as defined in Article 49, or constitute the maritime component between two core network corridors;

(b) constitute a maritime link and its hinterland connections within the core network between two or more core network ports;

(c) constitute a maritime link and its hinterland connections between a core network port and ports of the comprehensive network, with a special focus on the hinterland connections of the core and comprehensive network ports.

3. Projects of common interest for motorways of the sea in the trans-European transport network may also include activities that have wider benefits and are not linked to specific ports, such as activities for improving environmental performance, making available facilities for ice-breaking, activities ensuring year-round navigability, dredging operations, alternative fuelling facilities, as well as the optimisation of processes, procedures and the human element, ICT platforms and information systems, including traffic management and electronic reporting systems.

Article 26
Transport infrastructure requirements

1. Within the sphere of their responsibility, Member States, port operators and infrastructure managers shall ensure that:

(a) Maritime ports are connected with railway lines, roads and, where possible, inland waterways of the comprehensive network, except in Malta and Cyprus for as long as no railway system is established within their territory.

(b) Any maritime port offers at least one terminal open to all operators in a non-discriminatory way and apply transparent charges.

(c) Sea canals, port fairways and estuaries connect two seas, or provide access from the sea to maritime ports and correspond at least to inland waterway class VI.

2. Port operators shall ensure that ports include equipment necessary to ensure the environmental performance of ships in ports, in particular reception facilities for ship generated waste and cargo residues in accordance with Directive 2000/59/EC of the

European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues[49].

3. Member States shall implement VTMIS as provided for in Directive 2002/59/EC.

Article 27
Framework for priority infrastructure development

Member States and other project promoters, when promoting projects of common interest and in addition to the priorities set out in Article 10, shall give particular consideration to:

(a) promoting motorways of the sea including short sea shipping;

(b) interconnection of maritime ports with inland waterways;

(c) implementation of VTMIS and e Maritime services.

SECTION 5
AIR TRANSPORT INFRASTRUCTURE

Article 28
Maps

Airports which form part of the comprehensive network are indicated on the maps in Annex I.

Article 29
Infrastructure components

1. Air transport infrastructure comprises in particular:

(a) air space, routes and airways;

(b) airports;

(c) associated equipment;

(d) ITS.

2. Airports shall comply with one of the following criteria:

(a) For passenger airports:

(i) the total annual passenger traffic is at least 0,1 % of the total annual passenger volume of all airports of the Union. The total annual passenger volume is based on the latest available three-years average, as published by Eurostat;

[49] OJ L 332, 28.11.2000, p. 81.

(ii) the volume threshold of 0,1 % does not apply if the airport is situated outside a radius of 100 km from the nearest airport in the comprehensive network, or outside a radius of 200 km if the region in which it is situated is provided with a high-speed railway line.

(b) For cargo airports the total annual cargo volume is at least 0,2 % of the total annual cargo volume of all airports of the Union. The total annual cargo volume is based on the latest available three-year average, as published by Eurostat.

Article 30
Transport infrastructure requirements

1. Within the sphere of their responsibility, Member States and airport operators shall ensure that any airport offers at least one terminal open to all operators in a non-discriminatory way and apply transparent charges.

2. Within the sphere of their responsibility, Member States, airport operators and air carriers shall ensure that common basic standards for safeguarding civil aviation against acts of unlawful interference, as adopted by the Union in accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002[50], apply to the air transport infrastructure of the comprehensive network.

3. Within the sphere of their responsibility, Member States, airport operators and air carriers shall ensure that infrastructure for air traffic management enables the implementation of the Single European Sky, in accordance with Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)[51], Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation)[52], Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation)[53] and Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)[54] in order to improve the performance and sustainability of the European aviation system, of implementing rules and of Union specifications.

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50 OJ L 97, 9.4.2008, p. 72.
51 OJ L 96, 31.3.2004, p. 1.
52 OJ L 96, 31.3.2004, p. 10.
53 OJ L 96, 31.3.2004, p. 20.
54 OJ L 96, 31.3.2004, p. 26.

Article 31
Framework for priority infrastructure development

Member States and other project promoters, when promoting projects of common interest and in addition to the priorities set out in Article 10, shall give particular consideration to:

(a) optimise existing infrastructure;

(b) increase airport capacity;

(c) support the implementation of the Single European Sky and of air traffic management systems, in particular those deploying SESAR.

SECTION 6
INFRASTRUCTURE FOR MULTIMODAL TRANSPORT

Article 32
Maps

Freight terminals and logistic platforms which form part of the comprehensive network are indicated on the maps in Annex I.

Article 33
Infrastructure components

Freight terminals or logistic platforms shall comply with at least one of the following criteria:

(a) its total transhipment of freight exceeds the quantitative threshold for maritime ports set in Article 24;

(b) where there is no freight terminal or logistic platform complying with point (a) in a NUTS 2 region, it is the main freight terminal or logistic platform designated by the Member State concerned, linked at least to roads and railways for that NUTS 2 region.

Article 34
Transport infrastructure requirements

1. Within the sphere of their responsibility, Member States, operators of freight terminals, ports and airports, and infrastructure managers shall ensure that:

(a) transport modes are connected in any of the following places: freight terminals, passenger stations, inland ports, airports, maritime ports, in order to allow multimodal transport of freight and passengers.

(b) Without prejudice to the applicable provisions laid down in Union and national law, freight terminals and logistic platforms, inland and maritime ports as well as airports handling cargo are equipped for the provision of information flows

within this infrastructure and between the transport modes along the logistic chain. Such systems shall in particular enable real time information on available infrastructure capacity, traffic flows and positioning, tracking and tracing, and ensure safety and security throughout multi-modal journeys.

(c) Without prejudice to the applicable provisions laid down in Union and national law, continuous passenger traffic across the comprehensive network shall be facilitated through appropriate equipment and the availability of ITS in railway stations, bus stations, airports and where relevant maritime and inland waterway ports.

2. Freight terminal operators shall ensure that freight terminals are equipped with cranes, conveyors and other devices for moving freight between different transport modes and for the positioning and storage of freight.

Article 35
Framework for priority infrastructure development

Member States and other project promoters, when promoting projects of common interest and in addition to the priorities set out in Article 10, shall give particular consideration to:

(a) providing for effective interconnection and integration of the infrastructure of the comprehensive network, including through access infrastructure where necessary and through freight terminals and logistic platforms;

(b) removing the main technical and administrative barriers to multimodal transport;

(c) developing a smooth flow of information between the transport modes and enabling the provision of multimodal and single-mode services across the trans-European transport system, including the related communication, payment, ticketing and commercialisation services.

SECTION 7
COMMON PROVISIONS

Article 36
Urban nodes

Member States and other project promoters, when developing the comprehensive network in urban nodes shall aim to ensure:

(a) for passenger transport: interconnection between rail, air and, as appropriate, inland waterway, road and maritime infrastructure of the comprehensive network;

(b) for freight transport: interconnection between rail and, as appropriate, inland waterway, air, maritime and road infrastructure of the comprehensive network;

(c) adequate connection between different railway stations or airports of the comprehensive network within an urban node;

(d) seamless connection between the infrastructure of the comprehensive network and the infrastructure for regional and local traffic, including logistic consolidation and distribution centres;

(e) bypassing of urban areas for road transport to facilitate long-distance traffic flows on the comprehensive network;

(f) bypassing of urban areas for rail freight transport;

(g) promotion of efficient low-noise and low-carbon urban freight delivery.

Article 37
ITS

1. ITS shall enable traffic management and the exchange of information within and between transport modes for multi-modal transport operations and value added transport-related services, improving safety, security and environmental performance.

2. ITS shall facilitate seamless connection between the infrastructure of the comprehensive network and the infrastructure for regional and local transport.

3. ITS associated with transport modes shall in particular include:

– for railways: ERTMS;

– for inland waterways: River Information Services and e-Maritime services;

– for road transport: ITS in accordance with Directive 2010/40/EU;

– for maritime transport: VTMIS and e-Maritime services;

– for air transport: air traffic management systems, in particular those resulting from SESAR.

Article 38
Freight transport services

The Union, Member States and other project promoters shall pay particular attention to projects of common interest which provide efficient freight transport services that use the infrastructure of the comprehensive network and contribute to reducing carbon dioxide emissions. These projects shall in particular aim to:

(a) improve sustainable use of transport infrastructure, including its efficient management;

(b) promote the deployment of innovative transport services or new combinations of proven existing transport services, including through the application of ITS and the establishment of relevant governance structures;

(c) facilitate multi-modal transport service operations and improve cooperation between transport service providers;

(d) stimulate resource and carbon efficiency, notably in the fields of vehicle traction, driving/steaming, systems and operations planning, resource sharing and cooperation;

(e) analyse, provide information on and monitor markets, fleet characteristics and performance, administrative requirements and human resources.

Article 39
New technologies and innovation

The comprehensive network shall keep up with state-of-the-art technological developments and deployments. They shall in particular aim to:

(a) enable the decarbonisation of transport through transition to innovative transport technologies;

(b) enable the decarbonisation of all transport modes by stimulating energy efficiency as well as the introduction of alternative propulsion systems and the provision of corresponding infrastructure. Such infrastructure may include grids and other facilities necessary for the energy supply, take account of the infrastructure – vehicle interface and encompass intelligent transport systems;

(c) improve the safety and sustainability of the movement of persons and goods;

(d) improve the operation, accessibility, interoperability, multimodality and efficiency of the network, including multimodal ticketing;

(e) promote measures to reduce external costs, such as pollution of any kind, including noise, congestion and health damage;

(f) introduce security technology and compatible identification standards on the networks;

(g) improve resilience to climate change;

(h) further advance the development and deployment of intelligent transport systems within and between modes of transport.

Article 40
Safe and secure infrastructure

Member States and other project promoters shall give due consideration to ensure that transport infrastructure provides for a high degree of safety and security for passenger and freight movements.

Article 41
Climate change proven infrastructure and disaster resilience

During infrastructure planning, Member States and other project promoters shall give due consideration to the risk assessments and adaptation measures adequately improving the resilience to climate change, in particular in relation to precipitation, floods, storms, high temperature and heat waves, droughts, sea level rise and coastal surges, in compliance with any requirement which may be set out in relevant Union legislation.

Where appropriate, due consideration should also be given to the resilience of infrastructure to natural or man-made disasters in compliance with any requirement which may be set out in relevant Union legislation.

Article 42
Environmental protection

Member States and other project promoters shall carry out environmental assessment of plans and projects in particular as provided in Council Directives 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment[55] and 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora[56], and Directives of the European Parliament and of the Council: 2000/60/EC of 23 October 2000 establishing a framework for Community action in the field of water policy[57], 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment[58], and 2009/147/EC of 30 November 2009 on the conservation of wild birds[59] in order to avoid or, when not possible, mitigate or compensate for negative impacts on the environment, such as to landscape fragmentation, soil sealing, air and water pollution as well as noise, and to effectively protect biodiversity.

Article 43
Accessibility for all users

Transport infrastructure shall allow seamless mobility and accessibility for all users, in particular elderly people, persons of reduced mobility and disabled passengers.

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55 OJ L 175, 5.7.1985, p. 40.
56 OJ L 206, 22.7.1992, p. 7.
57 OJ L 327, 22.12.2000, p.1..
58 OJ L 197, 21.7.2001, p. 30.
59 OJ L 20, 26.1.2010, p. 7.

CHAPTER III

THE CORE NETWORK

Article 44
Identification of the core network

1. The core network shall consist of those parts of the comprehensive network which are of the highest strategic importance for achieving the objectives of the trans-European transport network policy. The core network shall in particular contribute to coping with increasing mobility and to the development of a low-carbon transport system.

2. The core network shall be interconnected in nodes and provide for connections with neighbouring countries' transport infrastructure networks.

3. The transport infrastructures constituting the core network are indicated in the corresponding maps of the comprehensive network in Annex I.

Article 45
Requirements

1. The core network shall reflect evolving traffic demand and the need for multi-modal transport. State-of-the-art technologies and regulatory and governance measures for managing the infrastructure use shall be taken into account in order to ensure resource-efficient use of transport infrastructure and to provide for sufficient capacity.

2. The infrastructure of the core network shall meet all the requirements set out in Chapter II without exception. In addition, the following requirements shall also be met by the infrastructure of the core network::

   (a) for railway transport infrastructure:

   – full electrification of the railway lines;

   – lines with regular freight traffic: at least 22.5 t axle load, 100 km/h line speed and 750 m train length;

   (b) for inland navigation and maritime transport infrastructure:

   – availability of alternative clean fuels;

   (c) for road transport infrastructure:

   – the development of rest areas approximately every 50 kilometres on motorways in order inter alia to provide sufficient parking space for commercial road users with an appropriate level of safety and security;

– availability of alternative clean fuels;

(d) for air transport infrastructure:

– capacity to make available alternative clean fuels.

Article 46
Development of the core network

1. The transport infrastructure included in the core network shall be developed in accordance with the corresponding provisions of Chapter II.

2. Projects of common interest contributing to the completion of the core network shall be implemented as a priority.

3. Without prejudice to Article 47(2) and (3), the Member States shall ensure the core network is completed and complies with the provisions of this Chapter by 31 December 2030 at the latest.

Article 47
Nodes of the core network

1. The nodes of the core network are set out in Annex II and include:

– urban nodes, including their ports and airports;

– maritime ports;

– border crossing points to neighbouring countries.

2. Maritime ports indicated in Part 2 of Annex II shall be connected with the railway and road transport infrastructure of the trans-European transport network by 31 December 2030 at the latest, except in duly justified cases.

3. The main airports indicated in Part 1b of Annex II shall be connected with the railway and road transport infrastructure of the trans-European transport network by 31 December 2050 at the latest. Taking into account potential traffic demand, such airports shall be integrated into the high speed rail network wherever possible.

CHAPTER IV

IMPLEMENTATION OF THE CORE NETWORK THROUGH CORE NETWORK CORRIDORS

Article 48
General purpose of core network corridors

1. Core network corridors are an instrument to facilitate the coordinated implementation of the core network. Core network corridors shall be based on modal integration, interoperability, as well as on a coordinated development and management of infrastructure, in order to lead to resource-efficient multimodal transport.

2. Core network corridors shall provide for a coordinated approach with regard to infrastructure use and investments, so as to manage capacities in the most efficient way. Multimodal infrastructure within core network corridors shall be built and coordinated, wherever needed, in a way that optimises the use of each transport mode and their cooperation. The core network corridors shall support the comprehensive deployment of interoperable traffic management systems.

Article 49
Definition of core network corridors

1. Core network corridors consist of parts of the core network. They shall involve at least three transport modes and cross at least three Member States. They cover the most important cross-border long-distance flows in the core network.

2. In duly justified cases the core network corridor may involve only two transport modes.

3. Core network corridors shall include maritime ports and its accesses, except in duly justified cases.

Article 50
List of core network corridors

1. Each Member State shall participate in at least one core network corridor.

2. The list of core network corridors is set out in Annex I to Regulation (EU) No XXX/2012 of … [Connecting Europe Facility].

Article 51

Coordination of core network corridors

1. In order to facilitate the coordinated implementation of core network corridors, the Commission shall designate, after consultation with the Member States concerned, and after having consulted the European Parliament, persons called "European Coordinator".

2. The European Coordinator shall be chosen, in particular, on the basis of his/her experience of European institutions and knowledge of issues relating to the financing and the socio-economic and environmental evaluation of major projects.

3. The Commission decision designating the European Coordinator shall specify how the tasks referred to in paragraph 5 are to be performed.

4. The European Coordinator shall act in the name and on behalf of the Commission. The remit of the European Coordinator shall relate to a single core network corridor. The European Coordinator shall draw up together with the Member States concerned a work plan for the activities to be fulfilled.

5. The European Coordinator shall:

   (a) lead the coordinated implementation of the core network corridor in order to enable respect of the timeline set in the implementing decision for the individual core network corridor;

   (b) report to the Member States, to the Commission and, as appropriate, to all other entities directly involved in the development of the core network corridor on any difficulties encountered and contribute to finding appropriate solutions;

   (c) draw up a report every year for the European Parliament, the Commission and the Member States concerned on the progress achieved in implementing the core network corridor;

   (d) consult, in cooperation with the Member States concerned, in particular regional and local authorities, infrastructure managers, transport operators, transport users and, as appropriate, other public and private entities, with a view to gaining a fuller knowledge of the demand for transport services, the possibilities of investment funding and financing and steps to be undertaken and the conditions to be met in order to facilitate access to such funding or financing.

6. The Member States concerned shall cooperate with the European Coordinator and give the Coordinator the information required to perform the tasks referred to in paragraph 5.

7. Without prejudice to the applicable procedures laid down in Union and national law, the Commission may request the opinion of the European Coordinator when examining applications for Union funding for core network corridors for which the European Coordinator is responsible.

Article 52
Governance of core network corridors

1. For each core network corridor, the Member States concerned shall establish a corridor platform responsible for defining the general objectives of the core network corridor and for preparing and supervising the measures referred to in Article 53(1).

2. The corridor platform shall be composed of the representatives of the Member States concerned and, as appropriate, other public and private entities. In any case, the relevant infrastructure managers as defined in Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure[60] shall participate in the corridor platform.

3. The European Coordinator shall chair the corridor platform.

4. The corridor platform may be established as a permanent legal entity, such as a European Economic Interest Group.

5. The establishment of corridor platforms is without prejudice to the principle that the beneficiary of Union financial support has the final responsibility for the implementation of the projects.

Article 53
Corridor development plan

1. For each core network corridor, the Member States concerned, in cooperation with the corridor platform, shall jointly draw up and notify to the Commission a corridor development plan within six months after entry into force of this Regulation. This plan shall include in particular:

   (a) a description of the characteristics of the core network corridor, including bottlenecks;

   (b) the objectives for the core network corridor in particular in terms of performance expressed as the quality of the service, its capacity and its compliance with the requirements set out in Chapter II;

   (c) the programme of measures necessary for developing the core network corridor;

   (d) a multimodal transport market study;

   (e) an implementation plan including:

      – a deployment plan relating to interoperable traffic management systems on multi-modal freight corridors without prejudice to the applicable Union legislation;

[60] OJ L 75, 15.3.2001, p. 29.

– a plan for the removal of physical, technical, operational and administrative barriers between and within transport modes and for the enhancement of efficient multimodal transport and services;

– measures to improve the administrative and technical capacity to conceive, plan, design, procure, implement and monitor projects of common interest;

– risk assessment, including the possible impacts of climate change on the infrastructure and where appropriate proposed measures to enhance climate resilience;

– measures to be taken in order to mitigate greenhouse gas emissions;

(f) an investment plan, to be updated regularly, including:

– the list of projects for the extension, renewal or redeployment of transport infrastructure referred to in Article 2(2) for each of the transport modes involved in the core network corridor;

– the related financial plan, with the various sources envisaged for funding and financing, at international, national, regional, local and Union level, including, whenever possible, earmarked cross-financing systems as well as private capital, together with the amount of commitments already made and, where applicable, reference to the contribution of the Union envisaged under the Union's financial programmes.

2. Based on the corridor development plan provided by Member States concerned, the Commission shall deliver its opinion.

3. In order to support the implementation of the core network corridors, the Commission may adopt implementing decisions for core network corridors. These decisions may:

(a) include the investment planning, the related costs and implementation timeline, estimated as necessary to implement the core network corridors in line with the objectives of this Regulation;

(b) define all measures aimed at reducing external costs, in particular greenhouse gas emissions and noise, and aimed at promoting the introduction of new technologies in traffic and capacity management;

(c) provide for other measures which are necessary for the implementation of the corridor development plan and for the efficient use of the core network corridor infrastructure.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 55(2).

CHAPTER V

COMMON PROVISIONS

Article 54
Updating and reporting

1. Member States shall inform the Commission continuously through the interactive geographical and technical information system for the trans-European transport network (TENtec), about the progress made in implementing projects of common interest and the investments made for this purpose.

   Member States shall provide the Commission with abstracts of national plans and programmes which they are drawing up with a view to develop the trans-European transport network, in particular in relation to the core network. Once adopted, the Member States shall send the national plans and programmes to the Commission for information.

2. Every two years starting from the entry into force of this Regulation and after consultation of the Committee referred to in Article 54, the Commission shall publish a progress report on the implementation of the guidelines, which shall be submitted to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 56 concerning the adaptation of Annexes I, II and III to take account of possible changes resulting from the quantitative thresholds laid down in Articles 16, 24, 29 and 33. When adapting the Annexes, the Commission shall:

   (a) include logistic platforms, freight terminals, inland ports, maritime ports and airports in the comprehensive network, if it is demonstrated that the latest two-year average of their traffic volume exceeds the relevant threshold;

   (b) exclude logistic platforms, freight terminals, inland ports, maritime ports and airports from the comprehensive network, if it is demonstrated that the average of their traffic volume over the last six years is below the relevant threshold;

   (c) adjust the maps for road, railway and inland waterway infrastructure so as to reflect progress in completing the network. In adjusting those maps, the Commission shall not admit any adjustment in route alignment beyond that which is allowed by the relevant project authorization procedure.

   The adaptations under points (a) and (b) shall be based on the latest available statistics published by Eurostat.

4. Projects of common interest concerning infrastructure which is newly included in the trans-European transport network shall be eligible for the purposes of Article 7(5) as of the date of entry into force of the delegated acts pursuant to paragraph 3.

Projects of common interest concerning infrastructure which have been excluded from the trans-European transport network shall not be eligible anymore as of the date of entry into force of the delegated acts pursuant to paragraph 3. The end of eligibility shall not affect financing or grant decisions taken by the Commission before this date.

Article 55
Committee

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 56
Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 54(3) shall be conferred on the Commission for an unlimited period from [date of entry into force of the Regulation].

3. The delegation of powers referred to in the Article 54(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to the Article 54(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of the notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 57
Review

By 31 December 2023 at the latest, the Commission shall carry out a review of the implementation of the core network, evaluating compliance with the provisions laid down in this Regulation and the progress in implementation.

Article 58
Single Contact Authority

Member States may appoint a Single Contact Authority for facilitating and co-ordinating the permitting process for projects of common interest, in particular cross-border projects, in accordance with the relevant Union acquis.

Article 59
Delay in completion of the core network

1. In the event of a significant delay in starting or completing work on the core network, the Commission shall request the Member States concerned to provide the reasons for the delay within three months. On the basis of the reply given, the Commission shall consult the Member States concerned in order to resolve the problem leading to the delay.

2. The Commission may, as part of its active monitoring of the implementation of the core network and having due regard to the principle of proportionality and subsidiarity, decide to take appropriate measures.

3. The European Parliament and the Member States shall be informed immediately of any measure taken.

Article 60
Compatibility with Union law and Union policies

Actions taken under this Regulation shall take into account any relevant Union policies, in particular those relating to competition, market access, the protection of the environment, health, sustainable development, and public procurement.

Article 61
Promotion and evaluation

The Commission shall promote and evaluate the advancement of the trans-European transport network policy and its overall implementation.

Article 62
Repeal

Decision No 661/2010/EU is repealed.

For all financing decisions based on Regulation (EC) No 680/2007[61], Decision No 611/2010/EU shall continue to apply.

[61] Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of trans-European transport and energy networks, OJ L 162, 22.6.2007, p. 1.

Article 63
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

APPENDIX 4

JOINT COMMITTEE ON ENVIRONMENT, TRANSPORT, CULTURE AND THE GAELTACHT

LIST OF MEMBERS

Deputies	
James Bannon	(FG)
Paudie Coffey	(FG)
Niall Collins	(FF)
Noel Coonan	(FG) **Leas-Chathaoirleach**
Marcella Corcoran Kennedy	(FG)
Clare Daly	(SP)
Timmy Dooley	(FF)
Dessie Ellis	(SF)
Luke 'Ming' Flanagan	(Ind)
Terence Flanagan	(FG)
Kevin Humphreys	(Lab)
Seán Kenny	(Lab)
Ciarán Lynch	(Lab) **Cathaoirleach**
Sandra McLellan	(SF)
Tony McLoughlin	(FG)
Catherine Murphy	(Ind)
Gerald Nash	(Lab)
Patrick O'Donovan	(FG)
Brian Stanley	(SF)
Robert Troy	(FF)
Brian Walsh	(FG)
Senators	
Eamonn Coghlan	(FG)
Cáit Keane	(FG)
Denis Landy	(Lab)
Catherine Noone	(FG)
Labhrás Ó Murchú	(FF)
Ned O'Sullivan	(FF)

NOTES

1. Deputies appointed to the Committee by order of Dáil Éireann on 9 June 2011
2. Senators appointed to the Committee by order of Seanad Éireann on 16 June 2011
3. Deputy Ciarán Lynch elected as Cathaoirleach on 21 June 2011
4. Deputy Noel Coonan elected as Leas-Chathaoirleach on 21 June 2011

APPENDIX 5

JOINT COMMITTEE ON ENVIRONMENT, TRANSPORT, CULTURE AND THE GAELTACHT

ORDERS OF REFERENCE

a. Functions of the Committee – derived from Standing Orders [DSO 82A; SSO 70A]

(1) The Select Committee shall consider and report to the Dáil on—

(a) such aspects of the expenditure, administration and policy of the relevant Government Department or Departments and associated public bodies as the Committee may select, and

(b) European Union matters within the remit of the relevant Department or Departments.

(2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee for the purposes of the functions set out below, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

(3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—

(a) Bills,

(b) proposals contained in any motion, including any motion within the meaning of Standing Order 164,

(c) Estimates for Public Services, and

(d) other matters as shall be referred to the Select Committee by the Dáil, and

(e) Annual Output Statements, and

(f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies, and report thereon to both Houses of the Oireachtas:

(a) matters of policy for which the Minister is officially responsible,

(b) public affairs administered by the Department,

(c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,

(d) Government policy in respect of bodies under the aegis of the Department,

(e) policy issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,

(f) the general scheme or draft heads of any Bill published by the Minister,

(*g*) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,

(*h*) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

(*i*) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in paragraph (4)(*d*) and (*e*) and the overall operational results, statements of strategy and corporate plans of such bodies, and

(*j*) such other matters as may be referred to it by the Dáil and/or Seanad from time to time.

(5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—

(a) EU draft legislative acts standing referred to the Select Committee under Standing Order 105, including the compliance of such acts with the principle of subsidiarity,

(b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,

(c) non-legislative documents published by any EU institution in relation to EU policy matters, and

(d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.

(6) A sub-Committee stands established in respect of each Department within the remit of the Select Committee to consider the matters outlined in paragraph (3), and the following arrangements apply to such sub-Committees:

(*a*) the matters outlined in paragraph (3) which require referral to the Select Committee by the Dáil may be referred directly to such sub-Committees, and

(*b*) each such sub-Committee has the powers defined in Standing Order 83(1) and (2) and may report directly to the Dáil, including by way of Message under Standing Order 87.

(7) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee and of any sub-Committee or Committees standing established in respect of the Select Committee.

(8) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:

(*a*) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,

(*b*) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and

(*c*) at the invitation of the Committee, other Members of the European Parliament.

b. Scope and Context of Activities of Committees (as derived from Standing Orders [DSO 82; SSO 70]

(1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.

(2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.

(3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 26. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

(4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.

(5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

(a) a member of the Government or a Minister of State, or

(b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.