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Volume I

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on Community guidelines for the development of the trans-European transport network

(Recast)

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. On 1 April 1987 the Commission decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
2. The codification of 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 network² has been undertaken by the Commission and a relevant proposal has been submitted to the legislative authority³. The new Decision was to supersede the various acts incorporated in it⁴.
3. Meanwhile, it was necessary to amend Annex I to 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 to take account of the enlargement of the European Community to 27 Member States.
4. It is therefore appropriate to transform the codification of Decision No 1692/96/EC into a recast in order to incorporate the amendments necessary for the adjustment to the enlargement.
5. The necessary amendments consist of adding the maps relating to the 10 Member States listed in the 2003 Act of Accession in Annex I to the Decision to the existing maps relating to the 15 countries that were Members of the European Union before the enlargement of 1 May 2004. This amendment was provided for in Article 1(15) of Decision No 884/2004/EC and it must be made. In accordance with Decision No 884/2004/EC, the target date for the trans-European network outline plan for the 10 Member States in the 2003 Act of Accession is 2020 rather than 2010. In the interests of clarity, it is proposed to replace Annex I to the codified text with a new Annex I which would include the maps concerning the 27 Member States of the European Union.

¹ COM(87) 868 PV.

² Carried out pursuant to the Communication from the Commission to the European Parliament and the Council - Codification of the Acquis communautaire, COM(2001) 645 final.

³ COM(2007) 867 final.

⁴ See Annex IV to this proposal.

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on Community guidelines for the development of the trans-European transport network

(Recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first paragraph of Article ☒ 156 ☒ thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

Acting in accordance with the procedure laid down in Article ☒ 251 ☒ of the Treaty⁷,

Whereas:

↓new

(1) Decision 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 network⁸ has been substantially amended several times⁹. Since further amendments are to be made, it should be recast in the interests of clarity.

↓1692/96/EC recital 1

(2) The establishment and development of trans-European networks contribute to the attainment of major Community objectives, such as the smooth functioning of the internal market and the strengthening of economic and social cohesion.

⁵ OJ C [...], [...], p. [...].

⁶ OJ C [...], [...], p. [...].

⁷ OJ C..., ..., p....

⁸ OJ L 228, 9.9.1996, p. 1.

⁹ See Annex IV.

↓1692/96/EC recital 2

- (3) The establishment and development of trans-European transport networks throughout the territory of the Community also have the specific objectives of ensuring the sustainable mobility of persons and goods under the best possible social, environmental and safety conditions and integrating all modes of transport, taking account of their comparative advantages. Job creation is one of the possible spin-offs of the trans-European network.

↓884/2004/EC recital 2

- (4) Growth in traffic, in particular due to the growing share in heavy goods vehicles, has resulted in increased congestion and bottlenecks on international transport corridors. In order to ensure international mobility of goods and passengers, it is therefore necessary to optimise the capacity of the trans-European transport network.

↓1692/96/EC recital 4

- (5) Short distance shipping may, inter alia, help to relieve congestion on inland transport routes.

↓1692/96/EC recital 5

- (6) Network integration at European level can only be developed progressively by interlinking different modes of transport with a view to making better use of the inherent advantages of each.

↓1346/2001/EC recital 2

- (7) Interconnection points including seaports, inland ports and intermodal terminals are a pre-condition for the integration of the different transport modes in a multimodal network.

↓1692/96/EC recital 6 (adapted)

- (8) ☒ Since the objectives of the action to be taken, and in particular the establishment of the broad outlines and priorities in the field of trans-European transport networks 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 Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, the present decision does not go beyond what is necessary to achieve those objectives. ☒

↓1692/96/EC recital 7

- (9) It is necessary to identify projects of common interest which contribute to the achievement of those objectives and which correspond to the priorities of the action

which have thus been established. Only projects which are potentially economically viable should be taken into account.

↓884/2004/EC recital 17

- (10) There is a need for declaring priority projects to be of European interest, for concentrating Community financing on such projects and for introducing mechanisms to encourage coordination between Member States in order to facilitate completion of the projects within the desired timetable.

↓884/2004/EC recital 18

- (11) In accordance with Article 154 of the Treaty, the trans-European network policy should help to strengthen economic and social cohesion within the Community. In order to achieve this objective, efforts should be made to maximise consistency between the Community guidelines for the trans-European transport network and the programming of the relevant financial instruments available at Community level.

↓884/2004/EC recital 19

- (12) *A posteriori* evaluation of the priority projects should facilitate future revisions of the guidelines and of the list of priority projects and should help improve the *a priori* evaluation methods practised by the Member States.

↓1692/96/EC recital 9

- (13) Authorisation for certain public and private projects likely to have a significant environmental impact should be granted only after prior assessment of that potential impact, in compliance with existing Community rules.

↓884/2004/EC recital 10

- (14) Environmental protection requirements should be integrated into the definition and implementation of Community policy in the field of the trans-European networks in accordance with Article 6 of the Treaty. This entails the promotion as a priority of infrastructure for transport modes that cause less damage to the environment, namely rail transport, short sea shipping and inland waterways shipping.

↓884/2004/EC recital 12
(adapted)

- (15) Environmental assessment pursuant to Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment¹⁰ ☒ will in the future be carried out ☒ for all plans and programmes leading to projects of common interest. Funding for transport infrastructure should also be conditional on compliance with the provisions of Community environmental legislation, in particular Council

¹⁰ OJ L 197, 21.7.2001, p. 30.

Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment¹¹ and Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds¹² and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora¹³.

↓884/2004/EC recital 15

- (16) Within the general objective of ensuring the sustainable mobility of persons and goods, mechanisms should be put in place to support the development of motorways of the sea between Member States in order to reduce road congestion and/or improve access to peripheral and island regions and States. Establishment of such mechanisms, backed up, inter alia, by tendering procedures, should be transparent and geared to needs and should in no way prejudice the Community rules on competition or on public procurement.

↓884/2004/EC recital 21

- (17) Closer coordination between the States involved in projects on the same route may be necessary to improve the return on investments and to make it easier to synchronise investments and to put together a funding package.

↓1692/96/EC recital 12

⇒new

- (18) The Commission should present every two years a report on the implementation of this Decision and ~~every five years a report indicating whether the guidelines require revision~~ ⇒ by 2010 the Commission should draft a progress report on the priority projects and, if necessary, propose amendments to the list of priority projects⇐.

↓1692/96/EC recital 13 (adapted)

- (19) A Committee should be set up at the Commission with tasks which include assisting the Commission when it examines the implementation and development of the guidelines laid down by this Decision .

↓new

- (20) In the interests of clarity, the maps relating to the 10 Member States listed in the 2003 Act of Accession in Annex I to the Decision should be added to the existing maps relating to the 15 countries that were Members of the European Union before the enlargement of 1 May 2004, and the 2010 target date for the plan should be replaced by 2020. This amendment was provided for in Article 1(15) of Decision No 884/2004/EC and it must be made,

¹¹ OJ L 175, 5.7.1985, p. 40.

¹² OJ L 103, 25.4.1979, p. 1.

¹³ OJ L 206, 22.7.1992, p. 7.

HAVE ADOPTED THIS DECISION:

SECTION 1

GENERAL PRINCIPLES

Article 1

Subject

1. The purpose of this Decision shall be to establish the guidelines covering the objectives, priorities and broad lines of measures envisaged in the area of the trans-European transport network. These guidelines identify projects of common interest, the implementation of which should contribute to the development of the network throughout the Community.
2. The guidelines referred to in paragraph 1 shall constitute a general reference framework intended to encourage the Member States and, where appropriate, the Community in carrying out projects of common interest, the purpose of which is to ensure the cohesion, interconnection and interoperability of the trans-European transport network, as well as access to that network. These guidelines are also intended to facilitate the involvement of the private sector.
3. Essential requirements relating to the interoperability of the trans-European transport network, transport telematics and ancillary services, shall be defined in accordance with the Treaty \boxtimes in Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system¹⁴ within the Community \boxtimes and separately from this Decision.

Article 2

Objectives

1. The trans-European transport network shall be established gradually by \rightarrow ₁ 2020 \leftarrow , by integrating land, sea and air transport infrastructure networks throughout the Community in accordance with the outline plans indicated on the maps in Annex I and/or the specifications in Annex II.
2. The network must:
 - (a) ensure the sustainable mobility of persons and goods within an area without internal frontiers under the best possible social and safety conditions, while helping to achieve the Community's objectives, particularly in regard to the environment and competition, and contribute to strengthening economic and social cohesion;
 - (b) offer users high-quality infrastructure on acceptable economic terms;
 - (c) include all modes of transport, taking account of their comparative advantages;
 - (d) allow the optimal use of existing capacities;

¹⁴ OJ L 191, 18.7.2008, p.1.

- (e) be, insofar as possible, interoperable within modes of transport and encourage intermodality between the different modes of transport;
 - (f) be, insofar as possible, economically viable;
 - (g) cover the whole territory of the Member States so as to facilitate access in general, link island, landlocked and peripheral regions to the central regions and interlink without bottlenecks the major conurbations and regions of the Community;
 - (h) be capable of being connected to the networks of the European Free Trade Association (EFTA) States, the countries of Central and Eastern Europe and the Mediterranean countries, while at the same time promoting interoperability and access to these networks, insofar as this proves to be in the Community's interest.
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↓ 1692/96/EC

Article 3

Scope of the network

1. The trans-European network shall comprise transport infrastructure, traffic management systems and positioning and navigation systems.

↓ 884/2004/EC Art. 1 pt. 2

2. The transport infrastructure shall comprise road, rail and inland waterway networks, motorways of the sea, seaports and inland waterway ports, airports and other interconnection points between modal networks.

↓ 1692/96/EC (adapted)

3. The traffic management systems and the positioning and navigation systems shall include the necessary technical installations and information and telecommunications systems to ensure harmonious operation of the network and efficient traffic management.

Article 4

Broad lines of measures

The broad lines of Community action concern:

- (a) the drawing up and revision of the network outline plans;
- (b) the identification of projects of common interest;
- (c) the adaptation of the existing network;
- (d) the promotion of network interoperability;
- (e) the optimum combination of modes of transport, inter alia, by creating interconnection centres, which in the case of freight should be located, insofar as possible, away from urban centres, in order to render possible the effective operation of intermodality;
- (f) the pursuit of consistency and complementarity of financial aid in line with the rules applicable to each financial instrument;

- (g) research and development;
 - (h) cooperation with third countries concerned by development of the network and the conclusion of suitable agreements with them;
 - (i) incentives for Member States and international organisations to further the objectives pursued by the Community;
 - (j) promotion of continuous cooperation between interested parties;
 - (k) any other measures which prove necessary for the achievement of the objectives referred to in Article 2(2).
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↓ 884/2004/EC Art. 1 pt. 3

Article 5

Priorities

Taking into account the objectives set out in Article 2(2) and the broad lines of measures set out in Article 4, the priorities shall be:

- (a) the establishment and development of the key links and interconnections needed to eliminate bottlenecks, fill in missing sections and complete the main routes, especially their cross-border sections, cross natural barriers, and improve interoperability on major routes;
- (b) the establishment and development of infrastructure which promotes the interconnection of national networks in order to facilitate the linkage of islands, or areas similar to islands, and landlocked, peripheral and outermost regions on the one hand and the central regions of the Community on the other, in particular to reduce the high transport costs in these areas;
- (c) the necessary measures for the gradual achievement of an interoperable rail network, including, where feasible, routes adapted for freight transport;
- (d) the necessary measures to promote long-distance, short sea and inland shipping;
- (e) the necessary measures to integrate rail and air transport, especially through rail access to airports, whenever appropriate, and the infrastructures and installations needed;
- (f) the optimisation of the capacity and efficiency of existing and new infrastructure, promotion of intermodality and improvement of the safety and reliability of the network by establishing and improving intermodal terminals and their access infrastructure and/or by developing intelligent systems;
- (g) the integration of safety and environmental concerns in the design and implementation of the trans-European transport network;
- (h) the development of sustainable mobility of persons and goods in accordance with the objectives of the European Union on sustainable development.

↓ 1692/96/EC

Article 6

Third-country networks

Promotion by the Community of projects of common interest and network interconnection and interoperability in order to ensure the compatibility of third-country networks with the trans-European transport network shall be determined on a case-by-case basis in accordance with the appropriate procedures in the Treaty.

Article 7

Projects of common interest

↓ 1692/96/EC (adapted)

☒ 1. Projects of common interest shall form a common objective, the implementation of which depends on their degree of maturity and the availability of financial resources, without prejudging the financial commitment of a Member State or the Community. ☒

↓ 1692/96/EC

2. In compliance with the rules of the Treaty, particularly as regards questions of competition, any project shall be considered to be of common interest which:

- (a) pursues the objectives set out in Article 2(2);
- (b) concerns the network described in Article 3(1);
- (c) corresponds to one or more of the priorities set out in Article 5; and
- (d) is potentially economically viable on the basis of analysis of the socio-economic costs and benefits.

3. Projects shall relate to an element of the network described in Articles 9 to 18 and shall in particular:

- (a) relate to the routes identified on the maps in Annex I; and/or
- (b) correspond to the specifications or criteria in Annex II.

4. Member States shall take any measures which they consider necessary within the framework of the principles laid down in Article 1(2).

↓ 884/2004/EC Art. 1, pt. 4
(adapted)

Article 8

Environmental protection

1. When projects are planned and carried out, environmental protection must be taken into account by the Member States by carrying out, pursuant to Council Directive 85/337/EEC,

environmental impact assessments of projects of common interest which are to be implemented and by applying Directives 79/409/EEC and 92/43/EEC.

As from 21 July 2004 an environmental assessment of the plans and programmes leading to such projects, especially where they concern new routes or other important nodal infrastructure development, shall be carried out by Member States pursuant to Directive 2001/42/EC.

Member States shall take the results of this environmental assessment into account in the preparation of the plans and programmes concerned, in accordance with Article 8 of that Directive.

2. Before 21 July 2004, the Commission shall, in agreement with Member States, develop suitable methods for implementing the strategic environmental impact assessment with the objective of ensuring, inter alia, appropriate coordination, avoiding duplication of effort, and achieving simplification and acceleration of planning processes for cross-border projects and corridors.

The results of this work and of the environmental assessment of the trans-European networks projects carried out by Member States pursuant to Directive 2001/42/EC shall be taken into account, as appropriate, by the Commission in its report on the guidelines and the possible accompanying legislative proposals to revise the guidelines, as provided for in Article 22 of this Decision.

1692/96/EC

SECTION 2

ROAD NETWORK

Article 9

Characteristics

1. The trans-European road network shall comprise motorways and high-quality roads, whether existing, new or to be adapted, which:

- (a) play an important role in long-distance traffic; or
- (b) bypass the main urban centres on the routes identified by the network; or
- (c) provide interconnection with other modes of transport; or
- (d) link landlocked and peripheral regions to central regions of the Community.

2. The network shall guarantee users a high, uniform and continuous level of services, comfort and safety.

884/2004/EC Art. 1 pt. 5

3. The network shall also include infrastructure for traffic management, user information, dealing with incidents and emergencies and electronic fee collection, such infrastructure being based on active cooperation between traffic management systems at European, national and regional level and providers of travel and traffic information and value added services, which

will ensure the necessary complementarity with applications whose deployment is facilitated under the trans-European telecommunications networks programme.

↓ 1692/96/EC

SECTION 3

RAIL NETWORK

↓ 884/2004/EC Art. 1 pt. 6

Article 10

Characteristics

1. The rail network shall comprise the high-speed rail network and the conventional rail network.
2. The high-speed rail network, whether using current or new technology, shall comprise:
 - (a) specially built high-speed lines equipped for speeds generally equal to or greater than 250 km/h;
 - (b) specially upgraded high-speed lines equipped for speeds of the order of 200 km/h;
 - (c) specially upgraded high-speed lines or lines specially built for high speed and connected to the high-speed rail network which have special features as a result of topographical or environmental, relief or town-planning constraints, on which speed must be adapted individually.

The high-speed rail network shall consist of the lines indicated in Section 3 of Annex I. Essential requirements and technical specifications for interoperability applicable to high-speed rail lines using current technology shall be defined in accordance with Council Directive 96/48/EC¹⁵. Member States shall give the Commission prior notice of the opening of any high-speed line and of the line's technical characteristics.

3. The conventional rail network shall comprise lines for the conventional transport by rail of passengers and freight, including the rail segments of the trans-European combined transport network referred to in Article 15, access links to sea and inland ports of common interest and those freight terminals which are open to all operators. Essential requirements and technical specifications for interoperability applicable to the conventional rail lines shall be defined in accordance with Directive 2001/16/EC of the European Parliament and of the Council¹⁶.
4. The rail network shall include the infrastructures and the facilities which enable rail and road and, where appropriate, maritime services and air transport services to be integrated. In this regard, particular attention shall be paid to the connection of regional airports to the network.
5. The rail network shall fulfil at least one of the following functions:

¹⁵ OJ L 235, 17.9.1996, p. 6.

¹⁶ OJ L 110, 20.4.2001, p. 1.

- (a) play an important role in long-distance passenger traffic;
- (b) permit interconnection with airports, where appropriate;
- (c) permit access to regional and local rail networks;
- (d) facilitate freight transport by means of the identification and development of trunk routes dedicated to freight or routes on which freight trains have priority;
- e) play an important role in combined transport;
- (f) permit interconnection via ports of common interest with short sea shipping and inland waterways.

6. The rail network shall offer users a high level of quality and safety, by virtue of its continuity and of the gradual implementation of its interoperability, which shall be brought about in particular by technical harmonisation and the ERTMS harmonised command and control system recommended for the European railway network. To this end, a deployment plan, coordinated with national plans, shall be established by the Commission in consultation with the Member States.

↓ 1692/96/EC

SECTION 4

INLAND WATERWAY NETWORK AND INLAND PORTS

Article 11

Characteristics

1. The trans-European inland waterway network shall comprise rivers and canals and various branches and links which connect them. It shall, in particular, render possible the interconnection between industrial regions and major conurbations and link them to ports.

2. The minimum technical characteristics for waterways forming part of the network shall be those laid down for a class IV waterway, which allows the passage of a vessel or a pushed train of craft 80 to 85 m long and 9,50 m wide. Where a waterway forming part of the network is modernised or constructed, the technical specifications should correspond at least to class IV, should enable class Va/Vb to be achieved at a later date and should make satisfactory provision for the passage of vessels used for combined transport. Class Va allows the passage of a vessel or a pushed train of craft 110 m long and 11,40 m wide and class Vb allows the passage of a pushed train of craft 172 to 185 m long and 11,40 m wide.

↓ 1346/2001/EC Art. 1 pt. 1(a)

3. Inland ports shall form part of the network, in particular as points of interconnection between the waterways referred to in paragraph 2 and Article 15 and other modes of transport.

↓ 1346/2001/EC Art. 1 pt.1 (b)

4. The network shall include inland ports:

- (a) open to commercial traffic;
- (b) located on the network of inland waterways as shown in the outline in Annex I, Section 4;
- (c) interconnected with other trans-European transport routes as shown in Annex I; and
- (d) equipped with transshipment facilities for intermodal transport or with an annual freight traffic volume of at least 500 000 tonnes.

↓ 884/2004/EC Art. 1, pt. 7(a)
(adapted)

The inland ports referred to in point (d) are shown in Annex I.

↓ 884/2004/EC Art. 1 pt. 7 (b)

5. The network shall also include the traffic management infrastructure. This shall entail in particular the establishment of an interoperable, intelligent traffic and transport system known

as the 'River Information Services' intended to optimise the existing capacity and safety of the inland waterway network and to improve interoperability with other modes of transport.

↓ 1692/96/EC

SECTION 5

SEAPORTS

↓ 1346/2001/EC Art. 1, pt. 2
(adapted)

Article 12

Characteristics

1. Seaports shall permit the development of sea transport and shall constitute shipping links for islands and the points of interconnection between sea transport and other modes of transport. They shall provide equipment and services to transport operators. Their infrastructure shall provide a range of services for passenger and goods transport, including ferry services and short- and long-distance shipping services, including coastal shipping, within the Community and between the latter and non-member countries.

2. The seaports included in the trans-European transport network shall correspond to one of the categories, A, B or C, defined as follows :

- A: international seaports: ports with a total annual traffic volume of not less than 1,5 million tonnes of freight or 200 000 passengers which, unless it is an impossibility, are connected with the overland elements of the trans-European transport network and therefore play a major role in international maritime transport;
- B: Community seaports, not included in category A: these ports have a total annual traffic volume of not less than 0,5 million tonnes of freight or between 100 000 and 199 999 passengers, are connected, unless it is an impossibility, with the overland elements of the trans-European transport network and are equipped with the necessary transshipment facilities for short-distance sea shipping;
- C: regional ports: these ports do not meet the criteria of categories A and B but are situated in island, peripheral or outermost regions, interconnecting such regions by sea and/or connecting them with the central regions of the Community.

The seaports in category A shall be shown on the indicative maps in the outline plans in Section 5 of Annex I, on the basis of the most recent port data.

3. In addition to the criteria set out in Article 7, seaport projects of common interest related to seaports included in the trans-European seaport network shall comply with the criteria and specifications in Annex II.

Article 13

Motorways of the Sea (MoS)

1. The trans-European network of motorways of the sea is intended to concentrate flows of freight on sea-based logistical routes in such a way as to improve existing maritime links which are viable, regular and frequent, or to establish new such links for the transport of goods between Member States so as to reduce road congestion and/or improve access to peripheral and island regions and States. Motorways of the sea should not exclude the combined transport of persons and goods, provided that freight is predominant.
2. The trans-European network of motorways of the sea shall consist of facilities and infrastructure concerning at least two ports in two different Member States. The facilities and infrastructure shall include elements, in at least one Member State, such as port facilities, electronic logistics management systems, safety and security and administrative and customs procedures, as well as infrastructure for direct land and sea access, including ways of ensuring year-round navigability, in particular the availability of facilities for dredging and icebreakers for winter access.
3. Waterways or canals, as identified in section 4 of Annex I, which link two European motorways of the sea, or two sections thereof, and make a substantial contribution to shortening sea routes, increasing efficiency and saving shipping time shall form part of the trans-European network of motorways of the sea.
4. The projects of common interest of the trans-European network of motorways of the sea shall be proposed by at least two Member States and shall be geared to actual needs. The projects proposed shall in general involve both the public and private sectors in accordance with procedures which, before aid granted from the national budgets can be supplemented, if necessary, by aid from the Community, provide for a tendering process in one of the following forms:
 - (a) a public call for tenders organised jointly by the Member States concerned, intended to establish new links from the category A port, as defined in Article 12(2), which they select in advance within each sea area, as provided for in project No 21 referred to in Annex III;
 - (b) in so far as the location of the ports is comparable, a public call for tenders organised jointly by the Member States concerned and targeting consortia bringing together at least shipping companies and ports located in one of the sea areas, as provided for in project No 21 referred to in Annex III.
5. The projects of common interest of the trans-European network of motorways of the sea:
 - (a) shall focus on the facilities and infrastructure which make up the network of motorways of the sea;
 - (b) may include, without prejudice to Articles 87 and 88 of the Treaty, start-up aid if, as a result of the tendering process referred to in paragraph 4, public support is deemed necessary for the financial viability of the project; start-up aid shall be limited to two years and shall be granted only in support of duly justified capital costs; the aid may not exceed the minimum estimated amount required to start up the links concerned;

the aid must not lead to distortions of competition in the relevant markets contrary to the common interest;

- (c) may also include activities which have wider benefits and are not linked to specific ports, such as making available facilities for ice-breaking and dredging operations, as well as information systems, including traffic management and electronic reporting systems.

6. The projects of common interest of the trans-European network of motorways of the sea shall be submitted to the Commission for approval.

7. The Commission shall, within three years, submit to the Committee referred to in ~~Article 21(1)~~ , an initial list of specific projects of common interest, thereby putting the concept of the motorways of the sea into concrete form.

This list shall also be communicated to the European Parliament.

↓ 1692/96/EC

SECTION 6

AIRPORTS

Article 14

Characteristics

1. The trans-European airport network shall comprise airports situated within the territory of the Community which are open to commercial air traffic and which comply with the criteria set out in Section 6 of Annex II. These airports shall be classified differently according to the volume and type of traffic they handle and according to their function within the network. They shall permit the development of air links and the interconnection of air transport and other modes of transport.

2. The international connecting points and the Community connecting points shall constitute the core of the trans-European airport network. Links between the Community and the rest of the world shall be mainly via the international connecting points. The Community connecting points shall essentially provide links within the Community, with extra-Community services still accounting for a small proportion of their business. Regional connecting points and accessibility points shall facilitate access to the core of the network or help to open up peripheral and isolated regions.

↓ 884/2004/EC Art. 1 pt. 9

3. International and Community connecting points shall be gradually linked to the high-speed lines of the rail network, where appropriate. The network shall include the infrastructures and the facilities which permit the integration of air and rail transport services and, where appropriate, maritime transport services.

↓ 1692/96/EC

SECTION 7

COMBINED TRANSPORT NETWORK

↓ 1346/2001/EC Art. 1 pt. 3

Article 15

Characteristics

The trans-European combined transport network shall comprise:

- (a) railways and inland waterways which are suitable for combined transport and shipping which, combined where appropriate with the shortest possible initial and/or terminal road haulage, permit the long-distance transport of goods;
 - (b) intermodal terminals equipped with installations permitting transshipment between railways, inland waterways, shipping routes and roads;
 - (c) suitable rolling stock, on a provisional basis, where the characteristics of the infrastructure, as yet unadapted, so require.
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↓ 1692/96/EC

SECTION 8

SHIPPING MANAGEMENT AND INFORMATION NETWORK

Article 16

Characteristics

The trans-European shipping management and information network shall concern:

- (a) coastal and port shipping management systems;
- (b) vessel positioning systems;
- (c) reporting systems for vessels transporting dangerous or polluting goods;
- (d) communications systems for distress and safety at sea.

SECTION 9

AIR TRAFFIC MANAGEMENT NETWORK

Article 17

Characteristics

The trans-European air traffic management network shall comprise the airspace reserved for general aviation, airways, air navigation aids, the traffic planning and management systems and the air traffic control system (control centres, surveillance and communications facilities) that are necessary for safe and efficient aviation in European airspace.

SECTION 10

POSITIONING AND NAVIGATION NETWORK

Article 18

Characteristics

The trans-European positioning and navigation systems network shall comprise the satellite positioning and navigation systems and the systems to be defined in the future European Radio Navigation Plan. These systems shall provide a reliable and efficient positioning and navigation service which can be used by all modes of transport.

↓ 884/2004/EC Art. 1 pt. 10

SECTION 11

COORDINATION BETWEEN MEMBER STATES

Article 19

European Coordinator

1. In order to facilitate the coordinated implementation of certain projects, in particular cross-border projects or sections of cross-border projects included among the projects declared to be of European interest referred to in Article 25, the Commission may designate, in agreement with the Member States concerned, and after having consulted the European Parliament, a person called the '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 he/she is to perform the tasks referred to in paragraph 5.
4. The European Coordinator shall act in the name of and on behalf of the Commission. The remit of the European Coordinator shall normally relate to a single project, especially in the case of a cross-border project, but may, if necessary, be extended to cover the whole of a major axis. The European Coordinator shall draw up together with the Member States concerned a work plan for his/her activities.
5. The European Coordinator shall:
 - (a) promote, in cooperation with the Member States concerned, joint methods for the evaluation of projects and, where appropriate, advise project promoters on the financial package for the projects;
 - (b) draw up a report every year for the European Parliament, the Commission and the Member States concerned on progress achieved in the implementation of the

project(s) for which he/she is responsible, new regulatory or other developments which could affect the characteristics of the projects and any difficulties and obstacles which may result in a significant delay in relation to the dates indicated in Annex III;

- (c) consult, together with the Member States concerned, regional and local authorities, operators, transport users, and representatives of civil society with a view to gaining fuller knowledge of the demand for transport services, the possibilities of investment funding and the type of services that must be provided in order to facilitate access to such funding.

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

7. Without prejudice to the applicable procedures laid down in Community and national law, the Commission may request the opinion of the European Coordinator when examining applications for Community funding for projects or groups of projects for which the European Coordinator is responsible.

↓ 1692/96/EC

SECTION 12

COMMON PROVISIONS

Article 20

↓ 884/2004/EC Art. 1, pt. 11, (a)
(adapted)

⊗ National plans and programmes ⊗

↓ 884/2004/EC Art. 1 pt. 11 (b)

The Member States shall provide the Commission with abstracts of national plans and programmes which they are drawing up with a view to development of the trans-European transport network, in particular in relation to the projects declared to be of European interest referred to in Articles ~~25~~ 24 to 27. Once adopted, the Member States shall send the national plans and programmes to the Commission for information.

↓ 1692/96/EC (adapted)

⊗ Article 21 ⊗

⊗ **Committee for monitoring the guidelines and exchanging information** ⊗

1. The Commission ⊗ shall be assisted by ⊗ the ⊗ Committee for monitoring the guidelines and exchanging information ⊗, hereinafter referred to as "the Committee", made up of representatives of the Member States and chaired by a representative of the Commission.

2. The Committee shall exchange information on the plans and programmes notified by Member States and may consider any question relating to the development of the trans-European transport network.

↓ 884/2004/EC Art. 1, pt. 11(c)
(adapted)

⊗ Article 22 ⊗

⊗ **Report** ⊗

The Commission shall report every two years to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the guidelines described in this Decision.

The Committee shall assist the Commission with drawing up the report.

The report shall be accompanied where necessary by legislative proposals to revise the guidelines; these legislative proposals may, if necessary, include amendments to the list of priority projects in Annex III or the addition to that list of projects that are in conformity with Article 23(1). The revision shall have particular regard to projects that contribute to the territorial cohesion of the European Union in accordance with Article 23(1)(e).

↓ 884/2004/EC Art. 1 pt. 12

Article 23

Priority projects

1. The priority projects shall be projects of common interest referred to in Article 7 where examination confirms that they:

- (a) are intended to eliminate a bottleneck or complete a missing link on a major route of the trans-European network, in particular projects which are cross-border projects, cross natural barriers or have a cross-border section;
- (b) are on such a scale that long-term planning at European level contributes significant added value;
- (c) present, overall, potential socio-economic net benefits and other socio-economic advantages;

- (d) significantly improve the mobility of goods and persons between Member States and thus also contribute to the interoperability of national networks;
- (e) contribute to the territorial cohesion of the European Union by integrating the networks of the new Member States and improving connections with the peripheral and island regions;
- (f) contribute to the sustainable development of transport by improving safety and reducing environmental damage caused by transport, in particular by promoting a modal shift towards railways, intermodal transport, inland waterways and maritime transport;
- (g) demonstrate commitment on the part of the Member States concerned to carrying out studies and evaluation procedures in time to complete the work in accordance with a date agreed in advance, based upon national plans or any other equivalent document relating to the project in question.

2. The priority projects on which work is due to start before 2010, the sections thereof and the dates agreed for completing the work referred to in paragraph 1(g) are set out in Annex III.

3. By 2010 the Commission shall draft a progress report and, if necessary, propose amendments to the list of priority projects identified in Annex III in line with paragraph 1.

↓884/2004/EC Art. 1, pt. 13 (adapted)
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Article 24

Declaration of European interest

The priority projects identified in Annex III are declared to be of European interest. This declaration is made solely in accordance with the procedure laid down in the Treaty and in the legal acts based thereon.

~~Article 25~~

~~Projects declared to be of European Interest~~

1. Without prejudice to the legal basis of the Community financial instrument in question, ~~the Member States~~:

- (a) when submitting their projects under the Cohesion Fund, in accordance with Council Regulation (EC) No ~~1084/2006~~¹⁷, shall give appropriate priority to the projects declared to be of European interest;
- (b) when submitting their projects under the budget for the trans-European networks, in accordance with Articles 5 and 9 of Regulation (EC) No 680/2007 of the European Parliament and of the Council¹⁸, the Member States shall give appropriate priority to the projects declared to be of European interest.

~~2. Without prejudice to the legal basis of the Community financial instrument in question, the Commission~~:

- (a) shall encourage the Member States to take into account the projects declared to be of European interest when planning the programming of the Structural Funds, in particular in regions covered by the ~~'Convergence'~~ Objective, having regard to national transport plans falling within the scope of existing Community support frameworks;
- (b) shall ensure that the countries qualifying for the Instrument ~~for Structural Policies~~ for Pre-accession ~~Assistance~~ (IPA) give appropriate priority, when submitting their projects under that instrument in accordance with Council Regulation (EC) No ~~1085/2006~~¹⁹, to the projects declared to be of European interest.

3. When forecasting its financial needs, the Commission shall give appropriate priority to the projects declared to be of European interest.

¹⁷ OJ L 210, 31.7.2006, p. 79.

¹⁸ OJ L 162, 22.6.2007, p. 1.

¹⁹ OJ L 210, 31.7.2006, p. 82.

⊗ Article 26 ⊗

⊗ Delay in completion of projects declared to be of European interest ⊗

1. In the event of a significant delay, in relation to the deadline of 2010, in starting work on one of the projects declared to be of European interest, the Commission shall ask the Member States concerned to give the reasons for the delay within three months. On the basis of the reply given, the Commission shall consult all the Member States concerned in order to solve the problem which has led to the delay.

The Commission may, in consultation with the Committee and as part of its active monitoring of the implementation of the project declared to be of European interest and having due regard to the principle of proportionality, decide to adopt appropriate measures. The Member States concerned shall be given the opportunity to submit observations on such measures before their adoption.

The European Parliament shall be informed immediately of any measure taken.

In adopting these measures, the Commission shall take due account of the share of responsibility for the delay of each Member State concerned and shall refrain from taking measures that would affect the realisation of the project in Member States not responsible for the delay.

2. In the event that a project declared to be of European interest is not substantially completed within a reasonable period of time after the expected date of its completion indicated in Annex III, and all Member States concerned are responsible for the delay, the Commission shall review the project, in accordance with the procedure referred to in paragraph 1, with a view to withdrawing its classification as a project declared to be of European interest by means of the revision procedure referred to in the third paragraph of Article 22.

The Commission shall, in any event, review the project at the end of a period of 15 years after it has been declared to be of European interest within the meaning of this Decision.

⊗ Article 27 ⊗

⊗ Socio-economic impact and environmental impact assessment ⊗

1. Five years after completion of a project declared to be of European interest or of one of the sections thereof, the Member States concerned shall carry out an assessment of its socio-economic impact and its impact on the environment, including its impact on trade and the free movement of persons and goods between Member States, on territorial cohesion and on sustainable development. Member States shall inform the Commission of the results of this assessment.

2. Where a project declared to be of European interest includes a cross-border section which is technically and financially indivisible, the Member States concerned shall coordinate their procedures for assessing the socio-economic effects thereof and use their best endeavours to conduct a transnational enquiry prior to granting construction permission and within the existing framework.

3. Other sections of projects of European interest ⊗ shall ⊗ be coordinated bilaterally or multilaterally by the Member States on a case-by-case basis.

4. The coordinated actions or transnational enquiries referred to in paragraph 2 shall apply without prejudice to the obligations imposed by the Community legislation on environmental protection, and particularly those relating to environmental impact assessment. The Member

States concerned shall inform the Commission when such coordinated actions or transnational enquiries are launched and of the results. The Commission shall include that information in the report referred to in Article 22.

Article 28

Cross-border sections

In the context of certain priority projects, cross-border sections between two Member States, including motorways of the sea, shall be identified by the Member States on the basis of criteria defined by the Committee and notified to the Commission.

These will be, notably, sections which are technically and financially indivisible or to which the Member States concerned commit themselves jointly and for which they put in place a common structure.

↓ 1692/96/EC (adapted)

Article 29

Repeal

Decision ☒ 1692/96/EC ☒ is repealed.

↓

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table set out in Annex V.

↓ 1692/96/EC (adapted)

Article 30

☒ Entry into force ☒

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

Article 31

☒ Addressees ☒

This Decision is addressed to the Member States.

Done at Brussels, [...]

For the European Parliament
The President
[...]

For the Council
The President
[...]