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Subject: Proposal for a Regulation of the European Parliament and of the Council on
Union guidelines for the development of the Trans-European Transport Network
– General Approach

I. Introduction

1. On 24 October 2011, the Commission transmitted the above proposal to the Council and the European Parliament. The proposed Regulation aims at establishing and developing 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.

II. Work within the Council

2. The Working Party on Transport Intermodal Questions and Networks (hereinafter referred to as the Working Group) has examined the proposal since October 2011 under the Polish Presidency. In November 2011, the Working Group also examined the impact assessment related to the proposal. The work has been pursued under the Danish Presidency. The last meeting of the Working Group took place on 12 March 2012.
3. On 14 March 2012, the draft general approach was examined by Coreper. The Presidency took note of the delegations comments in view of proposing a compromise text to be examined by the TTE Council. During this Coreper meeting, several outstanding issues were solved. However, a few questions still need to be discussed as some delegations maintain their reservations on the text. The changes in Annex I to this report compared to the report to Coreper are indicated in **bold** and ~~striketrough~~.

OUTSTANDING ISSUES

a) **Deadlines and review clause (Articles 9(3), 44(3) and 57; footnote 49)**

4. Several Member States have expressed difficulties concerning the binding dates of 2030 and 2050 proposed by the Commission to set up the core and the comprehensive networks, as they consider it will be very difficult to make binding commitments concerning such long-term deadlines.
5. As a result, the Presidency has softened the wording used in Article 9(3) for the comprehensive network, as well as in Article 44(3) for the core network. A reference to Article 1(4) and to Article 47(2) and (3) has been added in Article 44(3). Article 1(4) stresses the fact that the implementation of projects depends on several factors, such as the degree of maturity of the projects, the compliance with national and EU legal procedures and the availability of financial resources, without prejudging the financial commitment of a Member State or of the Union. Article 47(2) and (3) allows for exceptions to be considered with respect to the connections to maritime ports and airports listed in Annex II of the TEN-T Guidelines.

6. The initial review clause (Article 57) as proposed by the Commission has also been amended in the Presidency compromise proposal: the Commission will take into account the economic and budgetary situation at national and EU level when assessing the implementation of the core network. Following such evaluation, the Commission may submit a proposal for modification of the TEN-T Guidelines.
 7. Notwithstanding the above, four delegations still have a reservation with respect to the 2030 deadline for the core network (footnote 49).
- b) Infrastructure requirements of the core network (Article 45(2); footnotes 50-51 and 53)**
8. Several Member States have questioned the high costs involved to fulfil the requirements set for each transport mode (especially for rail and road). They have called for a more flexible approach involving the possibility of derogations under certain specific circumstances.
 9. Following these comments, a general exemption for the isolated networks has been included with respect to railway transport infrastructure. The Presidency compromise proposal also enables the Commission to grant exemptions in duly justified cases as regards train length, ERTMS, axle load, electrification and line speed. Likewise, as regards road transport infrastructure, the Commission may grant exemptions in duly justified cases as long as an appropriate level of safety is ensured.
 10. In order to take on board the argument raised by some Member States that, in the current economic context, it is extremely difficult to prejudge, at this stage, the real financial commitments required from each Member State or from the European Union, the concept of "duly justified cases (...) shall include cases where infrastructure investments cannot be justified in economic cost-benefit terms" (Article 45(3)).

11. Furthermore, to accommodate specific problems encountered by some Member States (such as sparsely populated areas without alternative local roads), the Presidency proposes to include a recital clarifying this issue. This recital has been slightly amended to reflect the change suggested by a Member State in Coreper (footnote 55).
12. Four Member States still have a reservation with respect to the requirement indicated in Article 45(2)(a) concerning freight lines of the core network which provides for the possibility to run trains with a length of 750 m (footnote 51). A Member State has a reservation on the requirement of 100 km/h line speed for the freight lines of the core network (footnote 50). Another Member State wishes to add "demand-based" to the wording "availability of alternative clean fuels" in Article 45(2)(b) (footnote 53).

c) Core network corridors (Chapter IV; footnotes 57 and 60)

13. The majority of Member States have indicated that they can support the corridor approach as suggested by the Commission. However, some Member States have criticized the Commission's corridor approach as creating unnecessary administrative burden on the Member States. Furthermore, given that this issue is also covered by the proposal on the CEF Regulation, it might create legal uncertainty. They also consider that this approach does not respect the principle of subsidiarity.
14. Taking into account these comments, the concept of "platform" has been removed from the text, the amount of plans provided for in the Commission proposal has been reduced to a single work plan and the European Coordinator will draw up this work plan. Furthermore, the Presidency proposal does not include anymore the possibility for the Commission to take implementing decisions: the European Coordinator will support the Member States in implementing the work plan.

15. Three Member States still question the concept of core network corridor (footnote 57), and three Member States wish Part I of the CEF annex to be attached to the TEN-T Guidelines (footnote 60).

d) ERTMS requirement for the comprehensive network (Article 13(3)(a); footnote 26)

16. Three Member States have indicated that they would like to keep the equipment of railway lines with ERTMS as a requirement for the comprehensive network.

e) Inland Waterways (Article 17(3)(a); footnote 29)

17. The Presidency suggests the addition of a recital to cover the concerns expressed by a Member State with respect to the fact that certain class III inland waterways should be included in the comprehensive network.

18. Other concerns and reservations expressed by delegations appear in other footnotes of Annex I.

19. The Commission fully reserves its position on the entire compromise proposal. Its reservation pertains in particular to the introduction of a reserve in Article 1(4), on the changes in the cooperation with third countries (Article 8), on the removal of a deadline and of the main requirements for the comprehensive network (Chapter II), on the deletion of articles on climate change, environment and accessibility (Articles 41 to 43), on the changes to the deadline for the core network (Article 44(3)), on the introduction of an exception clause (Article 45(3)) and on the removal of the corridor platforms, the implementing powers and the Committee (Articles 52, 53 and 55).

III. Conclusion

20. The Council is invited to examine the text as set out in Annex I to this report, to resolve the last outstanding issues and to adopt a general approach at its session on 22 March 2012.
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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)¹

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 Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ The general approach in respect of this Regulation is not prejudging the outcome of the discussions on the CEF proposal.

² OJ C , , p. .

³ OJ C , , p. .

- [(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 network⁴ 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 network⁵.
- (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.
- (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"⁶, 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.

⁴ OJ L 228, 9.9.1996, p.1.

⁵ OJ L 204, 5.8.2010. p. 1.

⁶ COM (2011) 144 final.

- (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 Policy⁷, 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 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.

⁷ COM (2007) 575 final.

- (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 freight⁸ 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 system⁹.

⁸ OJ L 276, 20.10.2010, p. 22.

⁹ OJ L 194, 25.7.2009, p. 60.

(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 Facility¹⁰.

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)¹¹, 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 XXX/2012 [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].¹²

(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.

¹⁰ Regulation (EU) No XXX/2012 of ... [Connecting Europe Facility].

¹¹ 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.

¹² COM (2011) 615 final.

- (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 powers¹³.
- (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,]¹⁴

HAVE ADOPTED THIS REGULATION:

¹³ OJ L 55, 28.2.2011, p. 13.

¹⁴ Recitals to be revised in the light of the changes made to the articles.

CHAPTER I
GENERAL PRINCIPLES

Article 1

Subject matter

1. This Regulation establishes guidelines for the development of a trans-European transport network comprising a dual-layer structure, the comprehensive network upon which the core network is established.
2. It identifies projects of common interest **which include the specification of** ~~and specifies~~ the requirements to be respected for the management of the infrastructure of the trans-European transport network.
3. [...]
4. It provides for measures for the implementation of the trans-European network. The implementation of projects of common interest depends on their degree of maturity, the compliance with national and EU legal procedures and the availability of financial resources, without prejudging the financial commitment of a Member State or the Union.

Article 2

Scope

1. This Regulation shall apply to the trans-European transport network as set out in Annex I which shall comprise transport infrastructure and telematic applications ("TA").
2. As regards the infrastructure of the trans-European transport network, it shall consist of railway transport, inland waterway transport, road transport, maritime transport, air transport and infrastructure for multimodal transport.

Article 2a¹⁵

Objectives of the trans-European transport network

The trans-European transport network shall strengthen the territorial cohesion of the European Union, contribute positively to the creation of a single European transport area and demonstrate a European added value, as well as 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 in a global perspective;
- (b) are economically efficient, contribute to the objectives of low-greenhouse gas emissions, 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;

¹⁵ Former Article 4(1).

- (c) provide appropriate accessibility to all regions of the Union, including peripheral and outermost regions, thereby promoting social, economic and territorial cohesion and supporting inclusive growth;
- (d) are supported by innovative technological and operational concepts in a cost-efficient way;
- (e) support mobility even in case of natural or man-made disasters, ensuring accessibility to emergency and rescue services.

Article 3
Definitions

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

- (a) [...]
- (aa) 'comprehensive network' means the trans-European transport network referred to in Article 2;
- (aaa) 'core network' means those parts of the comprehensive network which are of the highest strategic importance for the European Union and its Member States;
- (aaaa)'project of common interest' means a project as referred to in Article 171 TFEU, and as further specified in Article 7 and other provisions of this Regulation ;
- (b) [...]

- (c) 'neighbouring country' means a country coming under the European Neighbourhood Policy, the Strategic Partnership¹⁶, the Enlargement Policy, the European Economic Area or the European Free Trade Association;
- (d) 'third country' means any neighbouring country and any other country with which the Union may cooperate to achieve the objectives pursued by this Regulation;
- (e) 'European added value' means the value of the project in terms of its contribution to the TEN-T objectives set out in Articles 2a and 4;
- (f) 'infrastructure manager' means any body or undertaking that is responsible in particular for establishing or maintaining transport infrastructure. This may also include the management of infrastructure control and safety systems;
- (g) 'telematic applications (TA)' mean systems using information, communication, navigation and positioning/localization technologies in order to manage infrastructure, mobility and traffic on the trans-European transport network and to provide value added services to citizens and operators, including for safe, 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 (gg)-(l);
- (gg) 'intelligent transport system (ITS)' means a system as defined in 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 transport¹⁷;

¹⁶ COM(2004) 106 final.

¹⁷ OJ L 207, 6.8.2010, p. 1.

- (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)¹⁸ 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)¹⁹;
- (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 to achieve the purpose of establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, **including the integration of SafeSeaNet**²⁰;
- (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 Community²¹;
- (k) 'e Maritime services' means services using interoperable information technologies in the maritime transport sector to facilitate the throughput of cargo and passenger traffic at sea and in port areas, including port community systems, **including maritime single window as provided in Directive 2010/65/EU**;

¹⁸ OJ L 96, 31.3.2004, p. 26.

¹⁹ OJ L 64, 2.3.2007, p. 1.

²⁰ OJ L 208, 5.8.2002, p. 10.

²¹ OJ L 255, 30.9.2005, p. 152.

- (l) 'European Rail Traffic Management System (ERTMS)' means the system defined in Commission Decision 2006/679/EC of 28 March 2006²² and Commission Decision 2006/860 of 7 November 2006²³ 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) 'border crossing point' means infrastructure necessary to ensure seamless traffic flow, border checks, border surveillance and other border control procedures;
- (mm) 'cross border section' means the section, which ensures the continuity of a project of common interest between at least two Member States or between a Member State and a neighbouring country;
- (n) 'multimodal transport' means the carriage of freight or passengers, or both, using two or more modes of transport;
- (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 transshipment between at least two transport modes or between two different rail systems and for temporary storage of freight such as ports, inland ports, airports and rail-road terminals;

²² OJ L 284, 16.10.2006, p. 1.

²³ OJ L 342, 7.12.2006, p. 1.

- (qq) 'isolated network' means the rail network of a Member State, or a part thereof, with a track gauge which is different to that of the European standard nominal track gauge (1435mm), for which certain major infrastructure investments cannot be justified in economic cost-benefit terms by virtue of the specificities of that network arising from its geographic detachment or peripheral location;
- (r) 'NUTS region' means a region as defined in the Nomenclature of Territorial Units for Statistics;
- (s) 'alternative clean fuels' mean fuels such as electricity, hydrogen, biofuels (liquids), synthetic fuels, methane (natural gas (CNG and LNG) and biomethane) and Liquefied Petroleum Gas (LPG) which substitute, at least partly, fossil oil sources in the energy supply to transport, contribute to its decarbonisation and enhance the environmental performance of the transport sector.

Article 4

Development of TEN-T infrastructure

Further to the objectives set out in Article 2a, the following objectives shall be pursued in developing the infrastructure of the trans-European transport network:

- (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 low-carbon transport;
- (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, interconnection 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

Planning, developing and operation of the trans-European transport network shall be made in a resource efficient way, through:

- (a) development, improvement and maintainance of existing transport infrastructure;
- (b) an optimisation of infrastructure integration and interconnection;
- (c) the deployment of new technologies and TA, where it is economically justified;
- (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;
- (h) promoting contingency plans and programmes for safety and mitigation of accidents.

Article 6
[...]

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 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 Articles 2a and 4;
 - (b) comply with **and contribute to the requirements of** Chapter II, and **Chapter III** if it concerns the core network, ~~comply in addition with Chapter III;~~
 - (c) be economically viable on the basis of the socio-economic costs and benefits;
 - (d) demonstrate 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 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 XXXX/2012]²⁴.

Article 8

Cooperation with third countries

1. The Union may support, including financially, projects of common interest referred to in Article 7 in order to connect the trans-European transport network with infrastructure networks of neighbouring countries insofar as such projects:
- (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, aiming at enhanced economic growth and competitiveness;
 - (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;
 - (e) promote motorways of the sea with third countries without providing financial support to third countries ports.

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

²⁴ To be included in the event where the CEF Regulation is adopted before the TEN-T Guidelines.

2. The Union may cooperate, in addition to what is set out in paragraph 1, with third countries to promote other projects, without providing financial support, insofar as such projects seek to:
 - (a) promote the interoperability between the trans-European transport network and networks of third countries;
 - (b) promote the extension of the trans-European transport network policy into third countries;
 - (c) facilitate air transport with third countries, in order to promote efficient and sustainable economic growth and competitiveness, including the extension of the Single European Sky and improved air traffic management cooperation;
 - (d) facilitate maritime transport and promote motorways of the sea with third countries.
3. Projects coming under point (a) and (d) 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. [...]
7. The provisions of this Article are subject to the relevant procedures on international agreements as set out in Article 218 TFEU.

CHAPTER II
THE COMPREHENSIVE NETWORK

Article 9
General provisions

1. [...]
2. The comprehensive network shall:
 - (a) be as specified in the maps in Annex I to this Regulation;
 - (b) be further specified through the description of the infrastructure components;
 - (c) meet the requirements for the transport infrastructures set out in this Chapter;
 - (d) set the framework for the identification of projects of common interest.
 - (e) recognise the physical limitations of Member States transport infrastructures, as identified in Technical Standards for Interoperability.
3. Efforts shall be made to complete the comprehensive network and comply with the relevant provisions of this Chapter by 31 December 2050.

Article 10
General priorities

When developing the comprehensive network, general priority shall be given to measures that are necessary for:

- (a) ensuring enhanced accessibility for all regions of the Union;
- (b) ensuring optimal integration of the transport modes;
- (c) bridging missing links and removing bottlenecks, inter alia in cross-border sections;
- (cc) promoting the efficient use of the infrastructure and, where necessary, increase the capacity;
- (d) removing administrative and technical barriers, in particular to the interoperability of the network and to competition;
- (e) improving or maintaining the quality of infrastructure in terms of safety, security, efficiency, climate and where appropriate disaster resilience, environmental performances, social conditions, accessibility for all users, quality of services and continuity of traffic flows;
- (f) promoting innovative technological development;

- (g) implementing and deploying TA;
- (h) ensuring fuel security by promoting the use of alternative and in particular low or zero carbon energy sources and propulsion systems;
- (i) mitigating exposure of urban areas to negative effects of transiting rail and road transport.

SECTION 1
RAILWAY TRANSPORT INFRASTRUCTURE

Article 11

[...]

Article 12

Infrastructure components

1. Railway transport infrastructure shall comprise in particular:
 - (a) high-speed and conventional railway lines, including:
 - (i) sidings;
 - (ii) tunnels;
 - (iii) bridges;
 - (b) freight terminals and logistic platforms for the transshipment 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) TA.

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

(a) Railway lines for high speed transport which are²⁵:

- (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;
- (iii) specially upgraded high-speed lines which have special features as a result of topographical, relief or town-planning constraints, on which the speed must be adapted to each case. It includes interconnecting lines between the high-speed and conventional networks, lines through stations, accesses to terminals, depots, etc. travelled at conventional speed by 'high-speed' rolling stock.

(b) Railway lines for conventional transport.

3. The equipment associated with railway lines may 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 may include any facility, inter alia automatic gauge changing facilities, necessary to ensure the safe, secure and efficient operation of vehicles and to enhance interoperability.

²⁵ As defined in Directive 2008/57/EC.

Article 13

Transport infrastructure requirements

- 1a. Freight terminals shall be connected with the road or, where possible, inland waterway infrastructure of the comprehensive network.

2. [...]

3. Member States shall ensure that:
 - (a) [...];²⁶

 - (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 Community²⁷ 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, except where allowed by the relevant TSI or under the procedure provided for in Article 9 of Directive 2008/57/EC;

 - (d) the access to freight terminals complies with the requirements provided for in Directive 2001/14/EC.

²⁶ BE, ES, IT are against the deletion of this paragraph.

²⁷ OJ L 191, 18.7.2008, p. 1.

Article 14

Priorities for railway infrastructure development

When promoting projects of common interest related to railway infrastructure and in addition to the general priorities set out in Article 10, priority shall be given to the following:

- (a) deploying ERTMS;
- (aa) migrating to 1435 mm nominal track gauge ~~and enhancing interoperability~~;
- (b) mitigating the impact of noise and vibration caused by rail transport;
- (c) **meeting the infrastructure requirements and enhancing interoperability.**

SECTION 2
INLAND WATERWAYS TRANSPORT INFRASTRUCTURE

Article 15

[...]

Article 16

Infrastructure components

1. Inland waterways infrastructure shall comprises in particular:
 - (a) rivers;
 - (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) TA, including RIS.

2. To be part of the comprehensive network, inland ports shall have an annual freight transshipment volume exceeding 500 000 tonnes. The total annual freight transshipment volume shall be based on the latest available three-year average, as published by Eurostat.

3. Associated equipment with inland waterways may include the equipment for loading and unloading of cargos in inland ports. Associated equipment may enable in particular propulsion and operating systems which reduce pollution, energy consumption and carbon intensity and may include waste reception facilities, as well as equipment for ice breaking, hydrological services and dredging.

Article 17

Transport infrastructure requirements

1. Member States shall ensure that inland ports are connected with the road or rail infrastructure.
2. Inland ports shall offer at least one freight terminal open to all operators in a non-discriminatory way and apply transparent charges.
3. Member States shall ensure that:
 - (a) rivers, canals and lakes comply with the minimum requirements for class IV waterways as laid down in the new classification of inland waterways of ECMT²⁸ and ensure continuous bridge clearance²⁹.
Restrictions of draught (less than 2,50 m) and of minimum height under bridges (less than 5,25m) are accepted for existing waterways and as exception³⁰.
 - (aa) rivers, canals and lakes shall be maintained so as to preserve good navigation status.
 - (b) rivers, canals and lakes are equipped with RIS.

²⁸ European Conference of Ministers of transports (ECMT), ECMT/CM(92)6/Final.

²⁹ The following text could be included in a recital : « The trans-European transport network covers only part of the existing transport networks. In the framework of the revision in 2023, the Commission should evaluate in cooperation with the Member States concerned whether other parts, such as certain class III inland waterways, should be integrated into the network. »

³⁰ BE reservation.

Article 18

Priorities for inland waterway infrastructure development

When promoting projects of common interest related to inland waterway infrastructure and in addition to the general priorities set out in Article 10, priority shall be given to the following:

- (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 TA, including RIS;
- (d) connecting inland port infrastructure to railway, road transport infrastructure;
- (e) the promotion of inland waterway transport.

SECTION 3
ROAD TRANSPORT INFRASTRUCTURE

Article 19

[...]

Article 20

Infrastructure components

1. Road transport infrastructure shall comprises in particular:
 - (a) high quality roads, including
 - (i) bridges;
 - (ii) tunnels;
 - (iii) junctions;
 - (iv) crossings;
 - (v) interchanges;
 - (b) parking and rest areas;
 - (c) associated equipment;
 - (d) TA including ITS;
 - (e) freight terminals and logistic platforms;
 - (f) coach 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 mountainous, remote, landlocked and peripheral NUTS 2 regions to central regions of the Union. These roads shall be adequately maintained to allow safe and secure traffic.
3. High-quality roads shall be specially designed and built for motor traffic, and shall be either motorways, express roads or conventional strategic roads.³¹
 - (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 grade with any road, railway or tramway track, bicycle path or footpath; and
 - (iii) is especially sign-posted as a motorway.
 - (b) An express road is a road designed for motor traffic accessible primarily from interchanges or controlled junctions and which:
 - (i) prohibits stopping and parking on the running carriageway; and
 - (ii) does not cross at grade with any railway or tramway track.
 - (c) A conventional strategic road is a road which is not a motorway or express road, but which is still a high quality road as referred to in paragraphs 1 and 2.

³¹ European Agreement on Main International Traffic Arteries (AGR) of 15 November 1975.

4. Equipment associated with roads may 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 propulsion, and for secure parking areas for commercial vehicles.

Article 21

Transport infrastructure requirements

Member States shall ensure that:

- (a) Roads correspond to the provisions of Article 20(3)(a), (b) or (c).
- (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 management³².
- (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 network³³.
- (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 2004 on the interoperability of electronic road toll systems in the Community³⁴ and by Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements³⁵.

³² OJ L 319, 29.11.2008, p. 59. IT reservation.

³³ OJ L 167, 30.4.2004, p. 39. IT reservation.

³⁴ OJ L 166, 30.4.2004, p. 124. IT reservation.

³⁵ OJ L 268, 13.10.2009, p. 11. IT reservation.

- (e) Any intelligent transport system deployed by a public authority on road transport infrastructure complies 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 transport³⁶ and is deployed in a manner consistent with delegated acts adopted under this Directive.

Article 22

Priorities for road infrastructure development

When promoting projects of common interest related to road infrastructure and in addition to the general priorities set out in Article 10, priority shall be given to the following:

- (a) promotion of road safety;
- (aa) 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 appropriate parking space for commercial users with an appropriate level of safety and security;

³⁶ OJ L 207, 6.8.2010, p. 1. IT reservation.

SECTION 4
MARITIME TRANSPORT INFRASTRUCTURE

Article 23

[...]

Article 24

Infrastructure components

1. Maritime transport infrastructure shall comprise in particular:
 - (a) maritime space;
 - (b) sea canals;
 - (c) maritime ports, including the infrastructure necessary for transport operations within the port area;
 - (d) navigational aids;
 - (e) port approaches and fairways;
 - (f) breakwaters;
 - (ff) motorways of the sea;
 - (g) associated equipment;
 - (h) TA, including e Maritime services and VTMIS.

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.³⁷
3. Equipment associated with maritime transport infrastructure may include in particular equipment to ensure year-round navigability, including 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. Motorways of the sea shall include:
- (a) maritime links between maritime ports of the comprehensive network;

³⁷ ES and PT wish to add « ports of national interest » as point (e).

- (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) [...]
 - (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. Member States shall ensure that:
 - (a) Maritime ports are connected with railway lines or roads and, where possible, inland waterways of the comprehensive network, except where physical constraints prevent it.
 - (b) Any maritime port that serves freight traffic offers at least one terminal open to users in a non-discriminatory way and apply transparent charges³⁸.
 - (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 IV.
2. Member States shall ensure that ports include equipment necessary to assist 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 residues³⁹.
3. [...]

³⁸ LV reservation.

³⁹ OJ L 332, 28.11.2000, p. 81.

Article 27

Priorities for maritime infrastructure development

When promoting projects of common interest related to maritime infrastructure and in addition to the priorities set out in Article 10, priority shall be given to the following:

- (a) promoting motorways of the sea, short sea shipping, in particular measures improving the environmental performance of shipping in accordance with applicable requirements following from EU law or from relevant international agreements, and development of hinterland connections;
- (b) interconnection of maritime ports with inland waterways;
- (c) implementation of VTMIS and e Maritime services.

SECTION 5

AIR TRANSPORT INFRASTRUCTURE

Article 28

[...]

Article 29

Infrastructure components

1. Air transport infrastructure shall comprise in particular:
 - (a) air space, routes and airways;
 - (b) airports;
 - (c) associated equipment;
 - (d) air navigation systems, including SESAR.

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;
 - (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.⁴⁰

Article 30

Transport infrastructure requirements

1. Member States shall ensure that any airport offers at least one terminal open to all operators in a non-discriminatory way and apply transparent relevant and fair charges.
2. Member States 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 2320/2002⁴¹, apply to the air transport infrastructure of the comprehensive network.

⁴⁰ ES and PT wish to add « airports of national importance » as point (c).

⁴¹ OJ L 97, 9.4.2008, p. 72.

3. Member States 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)⁴², 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)⁴³, 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)⁴⁴ 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)⁴⁵ and of air transport operations in order to improve the performance and sustainability of the European aviation system, of implementing rules and of Union specifications.

Article 31

Priorities for air transport infrastructure development

When promoting projects of common interest related to air transport infrastructure and in addition to the priorities set out in Article 10, priority shall be given to the following:

- (a) optimise existing infrastructure;
- (b) increase airport capacity;

⁴² OJ L 96, 31.3.2004, p. 1.

⁴³ OJ L 96, 31.3.2004, p. 10.

⁴⁴ OJ L 96, 31.3.2004, p. 20.

⁴⁵ OJ L 96, 31.3.2004, p. 26.

- (c) support the implementation of the Single European Sky and of air traffic management systems, in particular those deploying SESAR;
- (d) improve the multimodal interconnections of the airports with infrastructure of other transport modes.

SECTION 6

INFRASTRUCTURE FOR MULTIMODAL TRANSPORT

Article 32

[...]

Article 33

Infrastructure components

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

- (a) its annual transshipment of freight exceeds, for non-bulk cargo, 800 000 tonnes or exceeds, for bulk cargo, 0,1% of the corresponding total annual cargo volume handled in all maritime ports of the Union⁴⁶;
- (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, or in the case of Member States with no rail system, linked only to roads.⁴⁷

⁴⁶ Maps need to be adapted to take into account the new thresholds.

⁴⁷ ES wishes to add « terminals of national importance» as point (c).

Article 34

Transport infrastructure requirements

1. Member States shall ensure, in a non-discriminatory way, 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 should be equipped for the provision of information flows within this infrastructure and between the transport modes along the logistic chain. Such systems should 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 should be facilitated through appropriate equipment and the availability of ITS in railway stations, coach stations, airports and where relevant maritime and inland waterway ports.
2. Freight terminals shall be equipped with cranes, conveyors and other devices for moving freight between different transport modes and for the positioning and storage of freight.

Article 35

Priorities for multimodal infrastructure development

When promoting projects of common interest related to multimodal infrastructure and in addition to the general priorities set out in Article 10, priority shall be given to the following:

- (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

SECTION 7
COMMON PROVISIONS

Article 36

Urban nodes

When developing the comprehensive network in urban nodes, Member States shall, where feasible, aim to ensure:

- (a) for passenger transport: interconnection between rail, road, air and, as appropriate, inland waterway, and maritime infrastructure of the comprehensive network;
- (b) for freight transport: interconnection between rail, road, and, as appropriate, inland waterway, air and maritime 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;
- (f) mitigating exposure of urban areas to negative effects of transiting rail and road transport;
- (g) promotion of efficient low-noise and low-carbon urban freight delivery.

Article 37

Telematic Applications

Member States shall aim to ensure that TA are used, as appropriate, to 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 and to facilitate seamless connection between the infrastructure of the comprehensive network and the infrastructure for regional and local transport.

The TA referred to in this Article shall, for the respective transport modes, include in particular:

- for railways: ERTMS;
- for inland waterways: River Information Services;
- for road transport: ITS;
- for maritime transport: VTMIS and e Maritime services;
- for air transport: air traffic management systems, in particular those resulting from SESAR.

Article 38

Sustainable Freight transport services

Member States shall pay particular attention to projects of common interest which both provide efficient freight transport services that use the infrastructure of the comprehensive network as well as contribute to reducing carbon dioxide emissions which aim to:

- (a) improve sustainable use of transport infrastructure, including its efficient management;
- (b) promote the deployment of innovative transport services, including through the TA 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;
- (e) analyse, provide information on fleet characteristics and performance, administrative requirements and human resources.

Article 39

New technologies and innovation

In order for the comprehensive network to keep up with innovative technological developments and deployments, the aim shall be in particular 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 transport of goods;
- (d) improve the operation, accessibility, interoperability, multimodality and efficiency of the network including multimodal ticketing and coordination of travelling timetables;
- (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 TA within and between modes of transport.

Article 40

Safe and secure infrastructure

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

Article 41- 43⁴⁸

[...]

⁴⁸ IT wishes to have the essence of those provisions to be included in the recitals.

CHAPTER III THE CORE NETWORK

Article 44

Identification of the core network

1. The core network, as set out in Annex I, 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 and shall reflect evolving traffic demand and the need for multi-modal transport. The core network shall in particular contribute to coping with increasing mobility and ensuring a high safety standard as well as contributing to the development of a low-carbon transport system.
2. The core network shall be interconnected in nodes and provide for connections between Member States and with neighbouring countries' transport infrastructure networks.
3. Without prejudice to Articles 1(4), 47(2) and (3), appropriate measures shall be taken for the core network to be developed in order to comply with the provisions of this Chapter by 31 December 2030.⁴⁹

In accordance with Article 57, the implementation of the core network shall be evaluated by the Commission by 31 December 2023.

⁴⁹ HU, IE, RO, SI reservations. IT indicated that it prefers the previous version of this text: "Without prejudice to Article 47(2) and (3), the core network shall be completed and shall comply with the provisions of this Chapter by 31 December 2030."

Article 45

Infrastructure requirements

1. Innovative technologies, TA 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. In addition, the following requirements shall also be met by the infrastructure of the core network, without prejudice to paragraph 3:
 - (a) for railway transport infrastructure, except for isolated networks:
 - full electrification of the railway lines;
 - freight lines of the core network: at least 22.5 t axle load, 100 km/h line speed⁵⁰ and the possibility to run trains with a length of 750 m⁵¹;
 - full deployment of ERTMS⁵²;
 - nominal track gauge for new railway lines: 1435 mm except in cases where the new line is an extension on a network the track gauge of which is different and detached from the main rail lines in the European Union.

 - (b) for inland waterway and maritime transport infrastructure:
 - availability of alternative clean fuels⁵³;

⁵⁰ EL reservation.

⁵¹ EL, HU, RO, SI reservations.

⁵² NL scrutiny reservation.

⁵³ SK wishes to add "demand-based".

(c) for road transport infrastructure:

- the requirements following from Article 20(3)(a) or (b)⁵⁴;
- the development of rest areas approximately every 100 kilometres on motorways in order inter alia to provide appropriate 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.

3. Without prejudice to Directive 2008/57/EC, at the request of a Member State, as regards railway transport infrastructure, exemptions may be granted by the Commission in duly justified cases as regards the train length, ERTMS, axle load, electrification and line speed.

At the request of a Member State, as regards road transport infrastructure, exemptions from the provisions of Article 20(3)(a) or (b) may be granted by the Commission in duly justified cases as long as an appropriate level of safety is ensured.

The duly justified cases referred to in this paragraph shall include cases where infrastructure investments cannot be justified in economic cost-benefit terms⁵⁵.

⁵⁴ EL, RO reservations.

⁵⁵ The following recital will be included: "Exemptions from the infrastructure requirements for the core network should be possible in duly justified cases. This should include cases where investments cannot be justified, for example in sparsely populated areas."

Article 46

Development of the core network

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

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 and inland waterways ports;
 - border crossing points to neighbouring countries;
 - rail-road terminals.⁵⁶

2. Maritime ports set out in Part 2 of Annex II shall be connected with the railway and road transport infrastructure of the trans-European transport network and, where possible, by the inland waterway infrastructure by 31 December 2030, except where physical constraints prevent it.

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, except where physical constraints prevent it. Taking into account potential traffic demand, such airports shall be integrated into the high speed rail network wherever possible.

⁵⁶ ES and PT wish to add to this list major airports which are not linked to urban nodes.

CHAPTER IV
IMPLEMENTATION OF THE CORE NETWORK THROUGH CORE NETWORK
CORRIDORS⁵⁷

Article 48

The instrument of core network corridors

1. Core network corridors are an instrument to facilitate the coordinated implementation of the core network. In order to lead to resource-efficient multimodal transport, core network corridors shall be focused on:
 - modal integration,
 - interoperability, as well as on
 - a coordinated development of infrastructure in cross border sections.

2. Core network corridors shall enable Member States to achieve a coordinated and synchronised approach with regard to infrastructure investments, so as to manage capacities in the most efficient way. The core network corridors shall support the comprehensive deployment of interoperable traffic management systems.

⁵⁷ HU, PL and RO question the concept of corridor. The following wording will be included in a recital: "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. This instrument should not be understood as a basis for prioritization of certain projects on the core network."

Article 49

Definition of core network corridors

1. Core network corridors cover the most important long-distance flows in the core network and are intended in particular to improve cross-border links within the Union.
2. [...]
3. Core network corridors may also include maritime ports, inland ports, airports, rail-road terminals and their accesses.

Article 50

List of core network corridors

Member States shall⁵⁸ participate, as provided for in this Chapter, in core network corridors as set out in Part I⁵⁹ of the Annex to the Connecting Europe Facility established by Regulation (EU) No XXXX/2012.⁶⁰

⁵⁸ IE and RO wish to replace the word « shall » by « may ».

⁵⁹ The text of the CEF Annex would need to be amended in order to introduce a distinction between, on the one hand, the **alignment** of the corridors and, on the other hand, the **projects** relating thereto. The reference in Article 50 shall be to the alignment sections of that annex and not to the sections including projects. The necessary modifications to the CEF will be made at a later stage ensuring the consistency between the two instruments.

⁶⁰ ES, PL and PT prefer the list of corridors to be included in this Regulation rather than in the CEF Regulation.

Article 51

Coordination of core network corridors

1. In order to facilitate the coordinated implementation of core network corridors, the Commission shall, in agreement with the Member States concerned, and after having consulted the European Parliament and the Council, designate a person or persons called "European Coordinator".⁶¹
2. The European Coordinator shall be chosen, in particular, on the basis of his/her knowledge of issues relating to transport and to the financing and the socio-economic and environmental evaluation of major projects, as well as his/her experience of European institutions.
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, who shall provide the necessary secretarial assistance. The remit of the European Coordinator shall relate to a single core network corridor.
5. The European Coordinator shall:
 - (a) support the coordinated implementation of the core network corridor;
 - (aa) draw up the corridor work plan together with the Member States and monitor its implementation;

⁶¹ PL wishes to add a paragraph 1a which reads as follows: "Based on the principle of subsidiarity, the European Coordinator shall be designated only for those core network corridors, which require special EC's assistance in order to ensure timely implementation of the 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 Council, the Commission and the Member States concerned on the progress achieved in implementing the core network corridor;
 - (d) examine 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 and give appropriate recommendations.
6. The Member States concerned shall cooperate with the European Coordinator and give the Coordinator the information required to perform the tasks.
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 which the European Coordinator is entrusted with.

Article 52

[...]

Article 53

Work plan

1. The European Coordinator shall, within one year of the entry into force of this Regulation, submit a work plan analysing the development of the corridor to the Member States concerned. After approval of the Member States concerned, the work plan shall be submitted for information to the European Parliament, the Council and the Commission.

The work plan shall include in particular a description of the characteristics and objectives of the core network corridor.

The work plan shall include an analysis of:

- the deployment of interoperable traffic management systems;
- 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;
- 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;

The work plan shall also comprise an analysis of the investments, 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 various sources envisaged in partnership with the Member States concerned 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. [...]

3. The European Coordinator shall support Member States in implementing the work plan, in particular as regards:

- (a) the investment planning, the related costs and implementation timeline, estimated as necessary to implement the core network corridors;
- (b) defining measures aimed at promoting the introduction of new technologies in traffic and capacity management and, where appropriate, reducing external costs, in particular greenhouse gas emissions and noise.

(c) [...]

4. [...]

Article 53a

Governance of core network corridors

1. For each core network corridor, the relevant European Coordinator assisted by a secretariat shall consult the Member States concerned, and as appropriate, in partnership with the Member States concerned, consult other public and private entities, such as the infrastructure managers and operators, to draw up the work plan, make recommendations and monitor its implementation.

2. With the agreement of the Member States concerned, the Coordinator may set up and chair corridor working groups which focus on:
 - modal integration,
 - interoperability,
 - the coordinated development of infrastructure in cross border sections.

As regards rail infrastructure, the Coordinator shall take full account of the work carried out by the rail freight corridors set up in accordance with Regulation (EU) No 913/2010.

CHAPTER V COMMON PROVISIONS

Article 54

Updating and reporting

1. Member States shall transmit to the Commission the annual data, as far as possible through the interactive geographical and technical information system for the trans-European transport network (TENtec), about the progress made in implementing projects and the investments made for this purpose.
 - 1a. 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. 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, the Commission shall publish a progress report on its implementation, which shall be submitted for information to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.
3. Subject to the second paragraph of Article 172 TFEU, the Commission shall be empowered to adopt delegated acts in accordance with Article 56 concerning the adaptation of Annex I to take account of possible changes resulting from the quantitative thresholds laid down in Articles 16, 24, 29 and 33⁶². When adapting the Annex, the Commission shall:

⁶² RO wishes to add « subject to the approval of the Member States concerned ».

- (a) include logistic platforms, freight terminals, rail-road 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, rail-road 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 strictly limited 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. The adaptations under point (c) shall be based on the information provided by the Member State concerned, according to Article 54(1).

4. Projects of common interest concerning infrastructure which is newly included through a delegated act 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 those 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

[...]

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 a five year 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

1. By 31 December 2023, the Commission shall carry out a review of the implementation of the core network, in consultation with the Member States, evaluating compliance with the provisions laid down in this Regulation and the progress in implementation.
2. When carrying out this review, the Commission shall evaluate whether the core network as foreseen in this Regulation can comply with the provisions of Chapter III by 2030 while taking into account the economic and budgetary situation in the Union and in individual Member States. The Commission shall also evaluate, in consultation with the Member States, whether the core network should be modified taking into account the developments in transport flows and national investment planning. If necessary, the Commission may submit proposal for modification of this Regulation.
3. Within that proposal, the Commission may also specify the date for completion of the comprehensive network as laid down in Article 9(3).

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

In the event of a significant delay in starting or completing work on the core network, the Commission may ask the Member States concerned to provide the reasons for the delay. Such reasons shall be provided by the Member States 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.

Article 59a

Exemptions

The provisions related to railways and in particular any requirement to connect airports and ports to railways shall not apply to Cyprus and Malta for as long as no railway system is established within their territory.

Article 59aa

Transitional provisions

1. Financing decisions adopted under Regulation (EC) No 680/2007⁶³, based on Decision No 661/2010/EU, which are underway at the entry into force of this Regulation shall continue to be subject to Decision No 661/2010/EU in the version in force on the day before the date of entry into force of this Regulation.
2. References to 'priority projects' as referred to in Annex III to Decision No 661/2010/EU shall be construed as references to the 'core network' as defined in this Regulation.

Article 60-61

[...]

Article 62

Repeal

Decision No 661/2010/EU is repealed.

⁶³ 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

The President

For the Council

The President

Statement by Lithuania on the indicative extension of Trans-European Transport Network to Neighbouring Countries

"With a regard towards the Council's general approach on the Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, Lithuania reserves the right to suggest at a later stage of co-decision process to include in the Annex of Indicative Extension of TEN-T network to Neighbouring Countries the networks of the third countries within the framework of Eastern Partnership and Northern Dimension."
