



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 25 November 2013
(OR. en)**

**Interinstitutional File:
2011/0302 (COD)**

**16096/13
ADD 2**

**CODEC 2546
TRANS 580
FIN 743
CADREFIN 301
POLGEN 218
REGIO 254
ENER 515
TELECOM 301
COMPET 812
MI 1014
ECO 201**

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (**first reading**)
- Adoption of the legislative act (**LA + S**)
= Statements

Statement by the Federal Republic of Germany

The harmonisation of freight corridors has become an element of the negotiations in the deliberations on the Regulation on the establishment of the “Connecting Europe” Facility.

Germany would like to express once again that it does not generally reject the harmonisation of freight corridors with other corridor structures.

In this context, Germany has explicitly pointed out that the conditions and rules of Regulation (EU) No. 913/2010 governing the existing corridors must apply in case of modifications to or an expansion of freight corridors. Germany has also noted that it is absolutely necessary to take into account experience gathered from the existing corridors the first of which are going into operation in November 2013.

With this statement, Germany would like to reaffirm its position. Our concerns regarding the formal aspects of the chosen procedure have not been dispelled.

Statement by the United Kingdom

Overall, the UK supports the development of Rail Freight Corridors where this is done in accordance with the mechanisms already in place under the Rail Freight Corridor Regulation (913/2010) where there is a demonstrated market justification for this. We are already in discussions with other Member States and the European Commission in accordance with that Regulation to extend Corridor 2 through the Channel Tunnel and up until London. This decision has been on the basis of a sound market and socio-economic benefit analysis.

The harmonisation of freight corridors has become an element of the negotiations in the deliberations on the Regulation on the establishment of the Connecting Europe Facility.

However, we do not believe it is right to use the CEF Regulation to propose changes to the Rail Freight Corridors, or to set timescales for them. This approach circumvents approval procedures guaranteed by pre-existing legislation, and has neither been agreed with the respective Member States involved, nor is it supported by market and socio-economic benefit analysis.

We believe that the proposed extensions of the Rail Freight Corridors have a direct effect on the territory of a Member State. Therefore, the proposed extension should be subject to the approval of the Member State concerned, as provided for under the second paragraph of Article 172 of the Treaty.

For the UK, this would mean that including locations extending past London in a Rail Freight Corridor require our agreement. We do not support their inclusion and London should remain as the end point for the Rail Freight Corridors in the UK.

More generally, we believe the intention is that extensions to the Rail Freight Corridors should *only* take place if supported by a positive socio-economic benefit analysis.

As a result, we will be abstaining on the Regulation on the establishment of the Connecting Europe Facility.

Statement by Latvia

Latvia supports the objectives of the proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and welcomes the overall outcome of discussions on this proposal.

In the meantime, Latvia maintains its concerns regarding the proposal to replace the Annex of the Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (hereinafter – Rail Freight Corridors Regulation).

The final compromise proposal concerning the extension of the "North Sea – Baltic" rail freight corridor in case of Latvia for the period between 10th November 2020 at the latest and the finalisation of the Rail Baltica line in 1435 mm nominal track gauge would apply to a railway line of a 1520 mm track gauge. Latvia notes that without a justification based on sound cost-benefit analysis it holds substantial doubts concerning the possible interest of applicants regarding this part of the "North Sea – Baltic" rail freight corridor. Therefore Latvia does not expect that the right balance of socio-economic costs and benefits can be achieved.

Until the finalisation and consequently the inclusion of the Rail Baltica line in 1435 mm nominal track gauge in the rail freight corridor "North Sea – Baltic" an uninterrupted train traffic to this extension of the rail freight corridor is not practically possible due to the differences in track gauge. Therefore the path allocation as well as the coordination of the operational issues for this section of the rail freight corridor must be done separately from its 1435 mm nominal track gauge part.

In addition to the above mentioned Latvia expresses concerns that the approach used - to replace the Annex of the Rail Freight Corridors Regulation without reviewing also the main text of this Regulation – rises concerns that several provisions such as the criteria for definition of further rail freight corridors (Article 4) as well as the provisions for the selection of further freight corridors (Article 5, especially points 3 and 4), have not been duly adhered to.

Latvia strongly believes that the most appropriate line for the extension of the “North Sea – Baltic” rail freight corridor is the Rail Baltica line in 1435 mm nominal track gauge, which after its construction must be fully integrated in all structures and procedures of the “North Sea - Baltic” freight corridor as set by the Rail Freight Corridors Regulation.