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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 1 August 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2018) 568 final

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL amending Regulation (EU) No 1316/2013 with regard
to the withdrawal of the United Kingdom from the Union

Delegations will find attached document COM(2018) 568 final.

Encl.: COM(2018) 568 final



Brussels, 1.8.2018
COM(2018) 568 final

2018/0299 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) No 1316/2013 with regard to the withdrawal of the United Kingdom from the Union

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Trans-European Transport Network (TEN-T) policy recognises the strategic importance of developing a Europe-wide network of transport infrastructure for the Union's society and economy. Deadlines have been enshrined in EU law for the core network (to be completed by 2030) and for the comprehensive network (by 2050).

Core network corridors, as set out in Annex I to Regulation (EU) No 1316/2013 ('the Connecting Europe Facility Regulation' or 'CEF Regulation')¹, are an instrument to help coordinate implementation of the core network. The corridors are focused on modal integration, interoperability and coordinated development of infrastructure, in particular in cross-border sections and bottlenecks. Member States are required to participate in core network corridors in accordance with Article 44(1) of Regulation (EU) No 1315/2013².

The United Kingdom is part of the North Sea – Mediterranean Core Network Corridor (the 'NSM corridor'). The NSM corridor includes links between Belfast, Dublin and Cork on the island of Ireland and links in Great Britain from Glasgow and Edinburgh in the north to Folkestone and Dover in the south. Moreover, United Kingdom sections and nodes are included in the table of 'pre-identified sections including projects' for the NSM corridor.

On 29 March 2017, the United Kingdom submitted notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement³ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, ('the withdrawal date')⁴. The United Kingdom will then become a third country, a non-member of the Union.

If transitional arrangements are not established in a withdrawal agreement, the United Kingdom will no longer be a member of the NSM corridor from 30 March 2019. Its authorities and stakeholders will no longer participate in corridor-related meetings and activities.

Given the degree of integration between the Irish and United Kingdom economies, and Ireland's location on the geographical edges of the Union, Ireland will be significantly affected by the United Kingdom's withdrawal from the Union. The United Kingdom is a vital transport link between Ireland and the continent. So there is a need to revise the route alignment of the NSM corridor in order to prevent the corridor from being cut into two distinct parts, with Ireland no longer linked to the continental EU.

¹ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010.

² Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU.

³ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

⁴ Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

In trade with continental Europe, Ireland relies largely upon short-sea container services and ferry services. Short-sea container services are important means of trade with third countries via hubs located in continental Europe, while ferry services are also used for trade with the United Kingdom.

A key means of meeting the challenges stemming from the United Kingdom's withdrawal from the Union will be to improve transport connections within the island of Ireland, and to meet growing trade requirements via Ireland's ports.

Unlike many regions in the corridor, Ireland relies on feeder, rather than direct deep-sea container services, to connect its ports to global container networks, so improving inland and maritime (including 'Motorways of the Sea') access to core ports is also an important step towards achieving greater cohesion within the corridor.

The proposed regulation would adjust the NSM corridor's route alignment by adding new maritime links between the Irish core ports of Dublin and Cork and the NSM corridor's ports in Belgium (Zeebrugge, Antwerp) and the Netherlands (Rotterdam). It would take effect from the date when the CEF Regulation no longer applies to the United Kingdom, and therefore the United Kingdom no longer be part of the NSM corridor.

- **Consistency with existing policy provisions in the policy area**

This proposal is fully consistent with the existing legislation. The modifications of the alignment of the NSM corridor envisaged in this proposal would also have to be taken into consideration for the ongoing proposal for a new CEF Regulation.⁵

- **Consistency with other Union policies**

This proposal is fully consistent with the Council mandate for the negotiations with the United Kingdom on its withdrawal from the Union.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of the proposal is Article 172 of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

As the proposed act would modify the content of the existing Union act, this could only be achieved through action at the Union level.

- **Proportionality**

The proposal is considered proportionate as it provides for the necessary legal change and at the same time does not go beyond what is necessary to achieve the objectives of ensuring that

⁵ Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (COM/2018/438 final)

Ireland is connected to continental Europe after the United Kingdom's withdrawal from the Union.

- **Choice of the instrument**

Given that the act amends a Regulation of the European Parliament and of the Council, the proposed amendment is the only adequate form.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex post* evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

The challenges arising for transport flows on the NSM corridor from the United Kingdom's withdrawal from the Union were discussed at the core network corridor meeting with Member States and stakeholders from the corridor countries during the TEN-T Days on 25 April 2018.

The stakeholders were also given the opportunity to provide feedback on the initiative via the European Commission's Better Regulation portal ('Have your say').

During the feedback period from 28 June 2018 to 12 July 2018, comments were received from several stakeholders, among them companies, business associations and public authorities. The intention to revise the alignment of the NSM corridor was fully appreciated. Comments concerned mostly the choice of ports on the continent, to which Ireland should be connected. The feedback was taken into consideration in drafting the proposal.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Due to the nature of the proposed measure, no impact assessment is planned, in line with the Better Regulation Guidelines. There are no other materially different policy options available. The envisaged measure represents the only viable policy option to ensure the continuous connection of all parts of the North Sea – Mediterranean corridor in the light of the United Kingdom's withdrawal from the Union.

The measure will respond to a continuing need to maintain the integrity of the transport corridor, and to bring truly efficient and sustainable transport connections between Ireland and the European continental mainland. The measure highlights the importance of maritime connections as an aim to address challenges arising from the withdrawal of the United Kingdom, which would also adversely affect all other countries involved in the NSM corridor as regards planning and investment in infrastructure.

- **Fundamental rights**

This proposal has no consequences for the protection of fundamental rights.

4. BUDGETARY IMPLICATIONS

Not applicable.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) No 1316/2013 with regard to the withdrawal of the United Kingdom from the Union

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) On 29 March 2017, the United Kingdom notified the European Council of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. Consequently, unless another date is established in a withdrawal agreement, or the European Council, in agreement with the United Kingdom, unanimously establishes another date, Union law will cease to apply to the United Kingdom from 30 March 2019. The United Kingdom will then become a third country.
- (2) A Union funding instrument, the Connecting Europe Facility, was established by Regulation (EU) No 1316/2013 of the European Parliament and of the Council³. The aim of the Connecting Europe Facility is to enable projects of common interest to be prepared and implemented within the framework of the trans-European networks policy in the sectors of transport, telecommunications and energy.

¹ OJ C , , p. .

² OJ C , , p. .

³ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

- (3) Part I of Annex I to Regulation (EU) No 1316/2013 sets out a list of nine core network corridors. Those corridors constitute an instrument to facilitate the coordinated implementation of the core network. They should contribute to the cohesion of the core network through improved territorial cooperation, address wider transport policy objectives and facilitate interoperability, modal integration and multimodal operations.
- (4) The United Kingdom is part of the North Sea – Mediterranean Core Network Corridor, which includes links between Belfast, Dublin and Cork on the island of Ireland, and links in Great Britain from Glasgow and Edinburgh in the north to Folkestone and Dover in the south. The United Kingdom’s sections and nodes are included in the table of ‘pre-identified sections including projects’ of the core network corridors included in Part I of Annex I to Regulation (EU) No 1316/2013.
- (5) In view of the United Kingdom’s withdrawal from the Union, the parts of the alignment of the North Sea – Mediterranean Core Network Corridor related to the United Kingdom and the United Kingdom’s sections and nodes included in the table of ‘pre-identified sections including projects’ will become obsolete and will no longer produce legal effects from the day following that on which Regulation (EU) No 1316/2013 ceases to apply to the United Kingdom.
- (6) In order to avoid the North Sea – Mediterranean Core Network Corridor being separated into two distinct and unconnected parts and to ensure connectivity of Ireland with mainland Europe, the North Sea – Mediterranean Core Network Corridor should include maritime links between the Irish core ports and core ports of Belgium and the Netherlands.
- (7) Ensuring the connection between Ireland and the other Member States on the North Sea – Mediterranean Core Network Corridor is crucial for ongoing and future infrastructure investments and for providing legal clarity and certainty for infrastructure planning.
- (8) This Regulation should apply from the day following that on which Regulation (EU) No 1316/2013 ceases to apply to the United Kingdom,

HAVE ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 1316/2013 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from the day following that on which Regulation (EU) No 1316/2013 ceases to apply to the United Kingdom.

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*