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From:	General Secretariat of the Council
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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 [doc. 11531/18 - COM(2017) 568 final] – Opinion of the European Economic and Social Committee

Delegations will find attached a copy of the above-mentioned opinion.

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European Economic and Social Committee

TEN/683

Proposal on adjusting TEN-T in the light of Brexit

OPINION

European Economic and Social Committee

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

[COM(2018) 568 final - 2018/0299(COD)]

Rapporteur-general: **Stefan BACK**

Referrals	European Parliament, 10/09/2018 Council, 11/09/2018
Legal basis	Articles 172 and 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Transport, Energy, Infrastructure and the Information Society
Bureau decision	18/09/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	118/1/0

1. Conclusions and recommendations

- 1.1 The EESC welcomes the Proposal as a preparedness measure that meets the need to ensure a cohesive TEN-T network and adapt the North Sea-Mediterranean Core Network Corridor to a scenario where the UK is not part of the TEN-T.
- 1.2 The EESC recommends that the Commission take note of Ireland's situation following the withdrawal of the UK and seriously consider the potential negative effects on the EU/Irish economy as a consequence. In this context, it is recommended that extra precautions be taken when designing realignments.
- 1.3 The EESC takes the view that one or more direct links between the continental EU and the Republic of Ireland are needed to preserve the cohesion of the North Sea-Mediterranean Core Network Corridor and ensure transport operations between Ireland and the continental EU without border controls.
- 1.4 The EESC is of the opinion that when the UK is not part of the TEN-T and when, due to border controls, transport through the UK is likely to become slower, the itineraries of traffic flows to and from Ireland will probably change.
- 1.5 The EESC notes that the corridor configuration now proposed by the Commission was questioned during the consultation procedure preceding the proposal, and this for various reasons, including the suitability of the choice of ports and the need to also reconsider the alignment of the Atlantic Core Network Corridor.
- 1.6 The EESC recalls that the objective of the TEN-T is to ensure cohesion, efficiency and sustainability in transport; the core network is the strategically most important element for that purpose.
- 1.7 The EESC therefore questions the configuration of the proposed new corridor leg as it may not correspond to future traffic flows and thus may fall short of the objective of TEN-T Core Network Corridors to facilitate the most important long-distance traffic flows.
- 1.8 The EESC also notes that some of the ports that could come to the fore under the new circumstances are not core ports and therefore do not fulfil a basic criterion for becoming part of a core network corridor, and that a review of the TEN-T Guidelines Regulation is not scheduled until 2023.
- 1.9 The EESC maintains that it is probably not yet possible to predict with certainty how transport flows would change in a situation where the Proposal would apply.
- 1.10 The EESC therefore agrees that the configuration of the Proposal is an adequate way to temporarily deal with the situation until changes in traffic flows have appeared.
- 1.11 Nevertheless, the EESC regrets that no impact analysis was carried out to check the suitability of the proposed configuration, e.g. for perishable goods, and to consider the most efficient and sustainable configuration of an itinerary intended to replace the UK land bridge as a TEN-T link to and from Ireland.

- 1.12 The EESC therefore recommends that a dedicated review clause be added to the Proposal, stipulating that the Commission should review the adopted Regulation within two years of it becoming applicable. That review should be based on an assessment of the changes in actual transport flows between the Republic of Ireland and the continental EU and serve as a basis for appropriate proposals on the alignment of relevant TEN-T core network corridors.
- 1.13 Pending such a review, the EESC sees no reason to modify the substantive content of the Proposal, bearing in mind that the situation of none of the existing core ports in the English Channel that are currently part of the North Sea-Mediterranean or the Atlantic Core Network Corridor will change as a consequence of the modification.
- 1.14 The EESC questions why the Proposal does not propose cancelling existing links with and through the UK. If EU legislation on TEN-T does not apply to the UK, there would be no legal basis for implementing those links. It would therefore seem wise to remove them.

2. The Proposal

- 2.1 As part of the measures planned to prepare for the withdrawal of the United Kingdom (UK) from the European Union (Brexit), the European Commission has presented a proposal for a Regulation amending Regulation (EU) No 1316/2013 with regard to the withdrawal of the United Kingdom from the Union (the "Proposal").
- 2.2 The UK, following its 29 March 2017 notification to leave the EU, is set do so from 30 March 2019, under Article 50 TEU. Unless otherwise agreed through a ratified withdrawal agreement, EU law will no longer apply to the UK as of 30 March 2019 and the UK will become a non-Member State, not covered by the TEN-T and not part of the TEN-T core network corridors.
- 2.3 In its communication "Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019" (COM(2018) 556), the Commission underlined the importance of preparedness for any possible outcome of the ongoing withdrawal negotiations, including failure to reach an agreement.
- 2.4 The Proposal aims to deal with a situation where the ongoing negotiations between the UK and the EU do not lead to transition arrangements in a withdrawal agreement. In particular, it is intended to preserve a direct link within the North Sea-Mediterranean Core Network Corridor with the Republic of Ireland following the disappearance of the link through the UK as part of this corridor.
- 2.5 The proposal modifies the alignment of the corridor by adding the following link: "Baile Átha Cliath/Dublin/Corcaigh/Cork – Zeebrugge/Antwerpen/Rotterdam". The amendment shall apply from the day following that on which Regulation (EU) No 1316/2013 ceases to apply to the UK.

3. General comments

- 3.1 The EESC welcomes the Proposal as a measure that meets the need to ensure a cohesive TEN-T network and preserve the North Sea-Mediterranean Core Network Corridor, including if the ongoing withdrawal and transition agreement negotiations between the EU and the UK fail to result in an

agreement. The Proposal is thus part of the Commission's preparations for a worst-case scenario, where the UK leaves the EU without an agreement.

- 3.2 The Proposal, when adopted, will apply from the day when the UK leaves the EU and EU law no longer applies to the UK, meaning that the UK is therefore not covered by the TEN-T.
- 3.3 The EESC notes that one or more direct links between the continental EU and the Irish Republic are needed to preserve the cohesion of the North Sea-Mediterranean Core Network Corridor and ensure transport operations between Ireland and the continental EU without border controls.
- 3.4 The EESC strongly emphasises the gravity of the situation facing the economy and well-being of Ireland, particularly where changes have foreseen and unforeseen consequences.
- 3.5 It is therefore of the utmost importance that any new alignment enhances Ireland's connectivity with the continental EU. While a large share of the Irish road freight reaching continental Europe passes through the UK today, maritime links should indeed be added between the Irish core ports of Dublin and Cork and the North Sea-Mediterranean corridor's ports on the continent.
- 3.6 The EESC notes that the corridor configuration of the Proposal pictures a scenario where the UK is not part of the TEN-T and where, due to border controls, transport through the UK will become slower, and that in this new situation the itineraries of traffic flows to and from Ireland are likely to change.
- 3.7 The EESC also notes that the corridor alignment now proposed by the Commission has been questioned, both in detail and in broad terms. During the consultation procedure preceding the Proposal, the roadmap, which is largely followed by the Proposal, was questioned by a number of ports on the southern coast of the English Channel and by the association of French ports and regional authorities, which raised the issue of making the ports of Dunkirk, Calais, Le Havre, Roscoff and Brest part of the proposed link of the North Sea-Mediterranean Corridor and of modifying the alignment of the Atlantic Core Network Corridor. Likewise, various Irish interests have questioned the efficiency of a long sea link as a replacement for the "land bridge" via the UK, as shorter sea routes are available, for instance from Ireland to ports in Brittany. It has been maintained that shorter sea routes will be more suitable, e.g. for perishable goods.
- 3.8 The objective of the TEN-T is to ensure cohesion, efficiency and sustainability in transport. The core network is the strategically most important element for reaching these objectives, while the core network corridors are intended to facilitate the most important long-distance transport flows in the core network¹.
- 3.9 The EESC therefore questions the alignment of the new corridor leg and is of the opinion that changing the alignment of the corridor may not correspond to future traffic flows and may therefore fall short of the objective of the TEN-T to facilitate the most important long-distance traffic flows².

¹ Regulation (EU) No 1315/2013 on Union guidelines for the development of the trans-European transport network, Article 38.

² Regulation (EU) No 1315/2013, Article 43(1).

- 3.10 The EESC notes that some of the ports that could come to the fore under the new circumstances, such as Brest or Roscoff, are not core ports and therefore do not fulfil a basic criterion for becoming part of a core network corridor, and that a review of the TEN-T Guidelines Regulation is not scheduled until 2023.
- 3.11 The EESC also takes the view that it is probably not yet possible to predict with certainty how transport flows would change in a situation where the Proposal would apply.
- 3.12 The EESC therefore agrees that the configuration of the Proposal is an adequate way to temporarily deal with the situation until changes in traffic flows have appeared.
- 3.13 Nevertheless, the EESC regrets that no impact analysis was carried out to check the suitability of the proposed configuration, e.g. for perishable goods, and to consider the most efficient and sustainable configuration of an itinerary intended to replace the UK land bridge as the main TEN-T link between the Republic of Ireland and the continental EU, bearing in mind the difficulty in predicting changes in transport flows following the withdrawal of the UK from the EU without a withdrawal agreement.
- 3.14 It appears to the EESC that the potential economic, social and environmental consequences of the proposed measure are sufficiently significant to warrant an impact assessment as set out in the Interinstitutional Agreement on Better Law-Making³.
- 3.15 The EESC therefore recommends that a dedicated review clause be added to the Proposal, stipulating that the Commission should review the adopted Regulation within two years of it becoming applicable. That review should be based on an assessment of the changes in actual transport flows between the Republic of Ireland and the continental EU and serve as a basis for appropriate proposals on the alignment of relevant TEN-T core network corridors.
- 3.16 Pending such a review, the EESC sees no reason to modify the Proposal, also bearing in mind that the situation of none of the core ports in the English Channel that are currently part of the corridor will change as a consequence of the modification.

4. Specific comments

- 4.1 The EESC questions why the Proposal does not propose cancelling links with and through the UK. If EU law on TEN-T does not apply to the UK, those links could not be legally implemented under EU law. It would therefore seem wise to remove them.

Brussels, 17 October 2018.

Luca JAHIER

The president of the European Economic and Social Committee

³ [OJ L 123, 12.5.2016, p. 1](#). See also Commission Communication (COM(2016) 615 final) on Better Regulation, and Commission Communication (COM(2017) 651 final) on Completing the Better Regulation Agenda, section 2.3.