



Council of the
European Union

109847/EU XXVII. GP
Eingelangt am 28/07/22

Brussels, 28 July 2022
(OR. en)

11657/22

Interinstitutional File:
2022/0420(COD)

TRANS 515
CODEC 1187
IA 122

PROPOSAL

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 27 July 2022

To: General Secretariat of the Council

No. prev. doc.: ST 15109/21

No. Cion doc.: COM(2022) 384 final

Subject: Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013

Delegations will find attached document COM(2022) 384 final.

Encl.: COM(2022) 384 final

11657/22

VK/np

TREE.2.A

EN



Brussels, 27.7.2022
COM(2022) 384 final

2022/0420 (COD)

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on Union guidelines for the development of the trans-European transport network,
amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing
Regulation (EU) 1315/2013**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Regulation (EU) 1315/2013 on Union guidelines for the development of the trans-European transport network (TEN-T)¹ sets out a European-wide multimodal network of railways, inland waterways and short-sea shipping routes which are linked to urban nodes, maritime and inland ports, airports and terminals across the European Union. The network provides a solid foundation towards building the arteries that are needed for smooth passenger and freight transport flows in and across Europe.

To help tackle the increasing challenges of our generation such as climate change and the need for greater resilience of our transport infrastructure following the crippling effects of the COVID-19 pandemic, the Commission adopted on 14 December 2021 a legislative proposal which revises the TEN-T Regulation of 2013². In line with the objectives of the European Green Deal³ and the Sustainable and Smart Mobility Strategy⁴, it aims to increase activity that uses more sustainable forms of transport, and provides a greater focus on multimodality and interoperability between transport modes and nodes as well as a better integration of urban nodes into the TEN-T.

However, since the adoption of the revised guidelines, the resilience of the European transport network has been put to the test yet again by the devastating impact of Russia's war of aggression against Ukraine. This has redefined the geopolitical landscape, bringing to the surface our vulnerability to unforeseen disruptive events beyond the Union's borders. Its major impacts on global markets, such as global food security, has highlighted the fact that the Union's internal market and its transport network cannot be viewed in isolation when it comes to shaping Union policy. Better connections with the EU neighbouring partner countries are more than ever needed.

Given this new geopolitical context, the Commission Communication from 12 May 2022 on "Solidarity Lanes"⁵ identified several major transport infrastructure challenges that the EU and its neighbouring countries need to resolve in order to support Ukraine's economy and recovery, to enable agricultural and other goods to reach the EU and world markets, and ensure that connectivity with Europe is greatly enhanced for both exports and imports. To offer increased connectivity with the EU, the above Communication proposed as one measure to assess the extension of the European Transport Corridors.

The groundwork to extend these corridors has already been prepared by the Commission which adopted on 14 July 2022 revised indicative maps for the trans-European transport network in Ukraine, as part of the Commission's policy on extending the TEN-T to neighbouring countries⁶. The purpose of these extended TEN-T maps is that the TEN-T standards are applied also on the networks of third countries so as to allow for seamless connections. As such, they also provide a sound basis for foreign investments in these countries in line with European objectives.

¹ OJ L 348, 20.12.2013, p. 1

² COM(2021) 812 final

³ COM(2019) 640 final

⁴ COM(2020) 789 final

⁵ COM(2022) 217 final

⁶ C(2022) 5056 final

Another issue is the different rail track gauges used in Ukraine and most of the EU which significantly hinders rail interoperability. Products exported from Ukraine by rail must be transhipped near EU borders as trains circulating on the Ukrainian network cannot circulate on the European standard nominal track gauge of 1 435 mm. This issue of rail interoperability due to different track gauges has also highlighted the vulnerability of the railway network inside the EU territory, as several Member States have a railway network with different nominal track gauges than the European standard nominal track gauge. This issue was not addressed in the legislative proposal revising the TEN-T Regulation of 14 December 2021, but clearly emerged as a problem that needs to be tackled following the recent development in Ukraine.

Moreover, the European Green Deal calls for a substantial part of the 75% of inland freight carried today by road to be transported by rail and inland waterways. However, the required time and costs for transshipment negatively affect the competitiveness of rail, challenging this objective. A massive increase in volumes transported by rail would create serious bottlenecks at the borders as we can see today at the border of Ukraine, and therefore would also jeopardise the fulfilment of this objective.

The TEN-T network extends to a number of neighbouring third countries, notably Russia and Belarus. This network constitutes the basis for cooperation between the EU and third countries in the field of infrastructure, including to enhance cross-border connections with the EU. In view of Russia's war of aggression in Ukraine, and the position adopted by Belarus in this conflict, such cooperation with Russia and Belarus is considered to be no longer appropriate, nor in the interest of the EU.

As a result, the present amended proposal aims to introduce the following changes to the legislative proposal of 14 December 2021:

- As an immediate response to the requested action communicated in the “Solidarity Lanes” Communication, an extension of four European Transport Corridors to Ukraine and the Republic of Moldova is proposed, based on the indicative maps of the core network in these two countries. This regards notably an extension of the North-Sea Baltic Corridor via Lviv and Kyiv to Mariupol, the extension of the Baltic-Black-Aegean Sea Corridor to Odesa via Lviv and via Chişinău as well as an extension of the Baltic Sea-Adriatic Sea and the Rhine-Danube Corridors to Lviv. Such corridor extensions imply an amendment of Annex III to the proposal of last December.
- In view of the current geopolitical context, an orientation towards and expansion of the trans-European transport network in Russia and Belarus is no longer valid or desirable. It is therefore proposed to remove the indicative maps of the trans-European transport network in Russia and Belarus from Annex IV. However, in case of a democratic transition in Belarus building and upgrading the country's cross border connections with the EU in line with the comprehensive economic plan for a democratic Belarus would be a high priority, including through re-inclusion of the country back in the Regulation.
- Consequently, improved cross-border connections to Russia and Belarus are no longer of high priority on the territory of EU Member States. Connections currently exist from Finland, Estonia, Latvia, Lithuania and Poland to these two third countries. To reflect the lesser priority in building and upgrading those “last-mile” connections, it is proposed to downgrade the last miles of all cross-border connections currently on the core network to the comprehensive network for which only a later deadline of implementation of 2050 is provided for. Consequently, this

will lead to a minor adaptation of the European Transport Corridors alignment. These changes imply amendment of Annexes I and III.

- Further to the adoption of modified indicative maps of the TEN-T network in Ukraine (COM(2022)5056 final), it is proposed to replace the related maps in Annex IV.
- Finally, several Member States have a railway network with a different nominal track gauge than the European standard nominal track gauge of 1 435 mm. The countries concerned are Ireland (1 600 mm gauge), Finland (1 524 mm gauge), Estonia, Latvia and Lithuania (1 520 mm gauge) and Portugal and Spain (1 668 mm gauge). Such differences in railway track gauge considerably restrict rail interoperability across the European Union as has been demonstrated by the current crisis in Ukraine and its problems in exporting grains by rail due to its different track gauge. It is therefore proposed, for all Member States with a land rail connection with other Member States, to include a requirement to develop all new TEN-T railway lines with a European standard nominal track gauge of 1 435 mm and also to develop a migration plan towards this European standard nominal track gauge for all existing lines of the European Transport Corridors. This should be reflected in the infrastructure requirements of the TEN-T, notably in Section 1 (railway infrastructure) of Chapter III.
- **Consistency with existing policy provisions in the policy area**

As the main pillar of EU transport infrastructure policy, the TEN-T Regulation acts as an enabler while also depending on complementary policies. The standards and requirements set in the TEN-T Regulation are directly connected with the relevant objectives and needs in other transport sectors/fields and thus with other more sector-specific pieces of legislation. This means, for example, that the TEN-T rail infrastructure – for ensuring seamless cross-border transport and mobility – has to comply with interoperability legislation set in railway policy. As such, the changes brought forward in this present proposal with regard to migrating to a European standard nominal track gauge are fully consistent with existing rail legislation.

As regards the changes in the maps, these are fully in line and consistent with the measures brought forward in the Commission Communication from 12 May 2022 on “Solidarity Lanes” (COM(2022) 217 final).

- **Consistency with other Union policies**

The present proposal is also consistent with other Union policies, such as sectoral legislation on rail, in particular the following two Regulations:

Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the ‘infrastructure’ subsystem of the rail system in the European Union which applies on different types of track gauges;

Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the ‘control-command and signalling’ subsystems of the rail system which applies to networks with 1 435 mm, 1 520 mm, 1 524 mm, 1 600 mm and 1 668 mm track gauges. However, it will not apply to short border-crossing lines with 1 520 mm track gauges that are connected to the network of third countries.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the proposed amendments of the legislative proposal for a revised TEN-T Regulation (COM(2021) 812 final) is the Treaty on the Functioning of the European Union (TFEU) (Articles 170-172) stipulating the establishment and development of trans-European networks in the area of transport, telecommunications and energy infrastructures.

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

Under the TFEU the purpose of the trans-European networks is to enable citizens of the Union, economic operators and regional communities to derive full benefit from an area without internal frontiers. The networks will also take account of the need to strengthen the economic, social and territorial cohesion of the Union and to promote its overall harmonious development. TEN-T policy is thereby, by its nature, a policy that extends beyond Member States borders since it focusses on a single European network scheme across borders. A European-wide network of this kind can obviously not be established by one Member State alone.

Similarly, a better connection of the Union's transport network with neighbouring third countries such as Ukraine and the Republic of Moldova is more effective if implemented at Union level and not individually at national level. Indeed, also the evaluation of the Regulation (EU) 1315/2013 on guidelines for the development of the trans-European transport network (SWD(2021) 117 final)⁷ concluded that TEN-T cooperation with third countries, as one of the areas which were newly introduced in 2013, generated significant added value which would have been unachievable through Member States acting alone.

The same goes for the Union's response to Russia's war of aggression against Ukraine, which includes giving less priority to transport connections with Russia and Belarus. This also requires a coordinated approach across the Union.

- **Proportionality**

This amended proposal does not go beyond what is necessary to achieve its objectives. It provides for the adaptation of the annexed maps which set out the trans-European transport network within the EU, and also for the adaptation of indicative maps in third neighbouring countries.

In addition, it is proposed to oblige Member States to migrate to European standard nominal track gauge of 1 435 mm whenever a new railway line is constructed. This obligation already existed, but what are known isolated networks, i.e. networks with a track gauge different from European standard nominal track gauge of 1 435 mm, were exempted from this requirement. As far as the requirement for sections that are still to be built, it does not induce any additional cost, apart from an analysis and solution of how such new railway lines with the European standard nominal track gauge of 1 435 mm gauge can be connected effectively to the rest of the national network which might be in a different track gauge.

The proposal also includes an obligation for Member States to migrate existing railway lines in European Transport Corridors. However, the Member States have a margin of appreciation, first to decide on the timing of such migration and, second to decide if necessary that the migration is not justified based on a socio-economic cost-benefit analysis for certain lines.

⁷ Evaluation of the Regulation (EU) N° 1315/2013 on Union Guidelines for the development of a trans-European transport network, SWD (2021) 117 final of 26 May 2021

Finally, this proposal also includes the downgrading of the last miles of cross-border sections with Russia and Belarus. This downgrading regards only very limited sections in terms of geographical scope (the “last miles”). Downgrading does not mean that these road or railway sections are removed from the TEN-T network, but that their last mile to the border will simply have lesser priority of its implementation timeline, i.e. not obliging Member States to complete them by 2030, but only by 2050. This is fully in line with the national plans and programmes of the concerned Member States as they do not plan to invest funding and financing in these last-mile connections in the short and medium term.

- **Choice of the instrument**

Since this is a proposal to amend a legislative proposal which revised an existing regulation, it seems legitimate to keep the status of the instrument as it is.

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

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

The evaluation of the TEN-T Regulation (SWD(2021) 117 final) analysed the TEN-T cooperation with neighbouring and third countries through the establishment of an indicative trans-European transport network. It concluded that such indicative maps helped provide a reference point for cooperation on planning transport infrastructure development in those countries, with a view to guaranteeing continuity and fostering the transport connectivity of the EU. These maps have been of strong mutual interest when it comes to enhancing strategic multimodal transport connections between the EU and the neighbouring regions concerned as well as for promoting economic development and exchange.

The indicative maps are based on the same methodology as that of the TEN-T within the EU and cover both the core and comprehensive network layers. Although these indicative network extensions do not automatically imply mandatory applicability of all TEN-T standards and requirements which have been set for the EU Member States, the evaluation concluded that they have helped share the Union’s methodology for transport infrastructure deployment and for promoting the Union’s technical standards, regulatory aspects and best practices in terms of financing. They have furthermore given orientation to international financial institutions, relevant EU sources of financing and national and private investors on where to focus their funding and activities in these regions. All these aspects will become even more crucial in order to help the recovery and reconstruction process of Ukraine and its impacted neighbouring country, the Republic of Moldova.

The evaluation furthermore concluded that third country cooperation on TEN-T policy has also been appropriate as it promotes high European environmental and social standards as well as financial sustainability along land corridors. Common network planning activities with neighbouring countries, leading to indicative TEN-T extensions are appropriate in that they set a stable framework for concentrated transport infrastructure investment supported by EU sources and global international financial institutions. The evaluation further stated that international developments (such as progress in the accession negotiations and signature of the Transport Community Treaty for the Western Balkans region) suggest that this approach remains relevant towards the 2030/2050 horizons and could be further expanded. This is even more valid given the new geopolitical context. An extension of the European Transport Corridors to Ukraine and the Republic of Moldova as included in the present amended proposal can therefore be a very valuable tool to help those countries in their recovery and reconstruction process.

- **Stakeholder consultations**

On 29 June 2022, an interinstitutional meeting involving not only all 27 EU Member States but also high-level representatives of Ukraine, the Republic of Moldova and Georgia took place. It addressed the question of what the new geopolitical reality with Russia's war of aggression against Ukraine means for TEN-T policy specifically, and Union transport policy more widely, and how the TEN-T should and can adapt to this new geopolitical context. This discussion gave important input to the present amended proposal.

In addition, bilateral meetings with each of the 27 EU Member States, under the chairmanship of the French and the Czech Presidencies, which were conducted on 8 and 10 June 2022, have been used to discuss the proposed changes to this amended proposal, notably the migration of lines with different track gauge to the European standard nominal track gauge of 1 435 mm and the downgrading of last-mile connections of the core network road and railway sections to Russia and Belarus.

Finally the Commission published on its website a Call for evidence describing the problems to be tackled, the objectives to be met and the draft policy measures. The Call for evidence was open for feedback from 6 July 2022 until 20 July 2022. Twenty-two replies have been registered, all supporting the proposed measures. The main comments were the following:

- The proposed measures will contribute to improve railway connections with Ukraine and Moldova through extension of the European transport corridors. They will improve connectivity of Ukraine and Moldova with the EU notably for freight transport, thereby contributing to the objectives of the European Green Deal and the Sustainable and Smart Mobility Strategy.
- The extension of the European Transport Corridors to Ukraine and Moldova will need the fulfilment of technical, regulatory and administrative requirements.
- Many railway connections in Ukraine and between Ukraine and the EU will require substantial investments. Construction of terminals and transshipment facilities are also needed.
- When implementing the extended corridors the Commission should give due attention to the improvement of road connections (motorways) between Romania, Moldova and Ukraine.
- The Danube river has high potential for the exports and imports of goods between Ukraine and the EU.
- The development of connections between Ukraine and Moldova and the modernisation and reconstruction of transport infrastructure will need very substantial investments. This would require an increase of the EU budget dedicated to the realisation of the TEN-T network.
- The deployment of European standard nominal track gauge lines between Ukraine/Moldova and the EU as well as in the EU is essential to improve rail interoperability. This will increase efficiency of rail, notably by reducing the waiting time at border crossing points. However the impact of such deployment needs to be carefully assessed, in particular the impact in terms of financing and on the interoperability with the network which is equipped with a different track gauge.

One reply to the Call for evidence is raising concerns related to the inclusion of the Dnipro river in the TEN-T network. It should be noted that the inclusion of the Dnipro river in the TEN-T network was the subject of a separate procedure and was adopted by a Commission

delegated act on 14 July 2022. The current proposal merely reproduces the TEN-T maps included in the above-mentioned delegated act.

- **Collection and use of expertise**

For this amended proposal, the Commission has mainly relied on the conclusions of the interinstitutional session of the EU Member States, with the participation of Ukraine, the Republic of Moldova and Georgia, as well as on the bilateral exchanges with each Member State.

- **Impact assessment**

A new impact assessment beyond the one underpinning the initial legislative proposal of 14 December 2021⁸ is deemed unnecessary because the main objectives and preferred options have not changed, and because the economic, environmental and social impacts of the text proposed should not differ significantly from the impacts that were expected to arise from the terms of the initial proposal. In addition, the impact assessment of the initial proposal took account of the transport flows from third countries, but only in a stylised way, and did not take into account the exact alignments of the indicative networks of the neighbouring third countries. Since this proposal modifies mainly the maps of the neighbouring third countries and limited last-mile connections towards these countries on Union territory, it should not have an impact on the results of the initial impact assessment.

As for the new provisions to foster the migration to the European nominal railway track gauge, this proposal limits itself to a limited modification of the requirement under the current legislative proposal, which makes provision for new railway lines on the TEN-T (i.e. those still to be built as of the Regulation's entry into force), to migrate to the European standard nominal track gauge of 1 435 mm. The legislative proposal of December 2021 exempts new railway lines from this provision which are "an extension on a network the track gauge of which is different and detached from the main rail lines in the Union". This requirement is not very clear and the current proposal is aimed at interpreting this in a clearer way, and above all at making sure that so called "isolated networks", i.e. networks of a different gauge than the European standard nominal track gauge of 1 435 mm, are not automatically exempted from this requirement.

In any case, this formal requirement regards only new railway lines. The costs of building a new railway line in European standard nominal track gauge of 1 435 mm do not differ in principle from those in a different track gauge. Hence, there should be no major difference in economic impacts of this measure compared to the initial impact assessment.

Several Member States have today a railway network with different track gauges. Latest technology allows for operating on different track gauges with variable gauge trains. Another technology for managing different track gauges on a network is the so-called third rail on the infrastructure tracks, that allows different types of trains to circulate on the infrastructure. Spain, for example, has been developing a high speed network with the European standard nominal track gauge, a conventional network in Iberian gauge and a metric gauge in some urban nodes. While this entails an additional cost, technology therefore exists to ensure that the progressive migration of railway lines to the European standard nominal track gauge will have limited effect on the railway system and should not disrupt rail traffic. The experience in Spain also shows that once the process to migrate some lines with the European standard nominal track gauge is engaged, it triggers the migration on other parts of the network. Starting the migration on the main railway lines of the TEN-T network will therefore create a positive dynamic.

⁸ SWD(2021) 472 final

On the other side, this amended proposal includes a provision that calls on Member States with a railway network that is different from the European standard nominal track gauge of 1 435 mm to establish a migration plan to the European standard nominal track gauge for the existing lines of the European Transport Corridors. This migration plan will include a socio-economic cost-benefit analysis. The economic and social impacts would hence be analysed as part of this migration plan. If such analysis results in a negative cost-benefit analysis, Member States can refrain from migrating certain sections of their network to European standard nominal track gauge.

Overall, the migration to European standard nominal track gauge is expected to have positive effects and impacts. Above all, it aims at better interoperability of rail transport across the Union and with the neighbouring third countries. For example, the need to export agricultural products from Ukraine to European ports following the Russian blockade of Ukraine's Black Sea ports has also shown the economic adverse impacts of non-harmonised track gauge in the Union. To reach the port of Klaipėda in Lithuania, grain transported on Ukrainian trains has to be transhiped at the border between Poland and Ukraine (on trains with the European standard nominal track gauge of 1 435 mm), and then transhiped again at the border between Poland and Lithuania (on 1 520 track gauge trains). This leads to increased transport costs and loss of time and as such is a very concrete example of the consequences of the lack of interoperability on the EU railway system due to different track gauges. This non-interoperability also seriously hinders the complementarity between modes of transport, in particular in case of crisis, such as the blockade of the Ukrainian ports whose consequences are putting at risk global food security. Further, the environmental costs of the thousands of trucks that are crossing the border between France and the Iberian Peninsula, or between Poland and Baltics countries, or more recently between Ukraine and Poland are partly due to the lack of interoperability of the railway network.

Apart from interoperability issues, the European Court of Auditors (ECA) has expressed concerns about the lack of competition of the respective national railway networks because of the differences in track gauges. For instance, a ECA report on rail freight transport published in 2016⁹ stated that the lack of a standard track gauge in the EU is not only a technical constraint for train operations which hinders interoperability. Indeed, the coexistence of different rail track gauges within one country or within the Union also hampers the dynamics of competition between market operators. The entry of new operators could be hindered by limiting the interoperability of rolling stock and the size of the economies of scale attainable with an open market. Furthermore, it aggravates the incidence of other barriers to market entry, reducing the available supply of rolling stock manufacturers and increasing maintenance costs.

The use of a track gauge different from the European standard nominal track gauge impedes access to the option of renting European rolling stock for the operation of conventional lines. This means that new entrants have to compete on other track gauge lines by purchasing suitable rolling stock. Since the market for the production of this material is national, this may potentially translate into higher prices due to a lack of international competition in its production.

Deploying the European standard nominal track gauge will therefore contribute to improve the functioning of the internal market. Market opening, together with the development of a high quality standard rail network (ERTMS, 740m train length, electrification, etc.) which is fully interoperable, will contribute to increase rail transport activity by decreasing the costs of

⁹ European Court of Auditors (2016): Special report no 08/2016: Rail freight transport in the EU: still not on the right track.

infrastructure and the cost of rolling stock. It will also facilitate the emergence on the market of new entrants, with a market for rolling stock which is interoperable on the whole network.

Finally, the migration plan aims to ensure a smooth transition. Technologies are available to ensure that there is no interruption in the network, between the European standard nominal track gauge and the existing national networks. However these technologies should be seen as a transition since the long term objective is to create a unified European network. A hybrid system on the long term would perpetuate the current situation which creates, on top of interoperability issues, a burden for the emergence of new market players that have no other choice than purchasing specific rolling stock for the non-European standard nominal track gauge lines.

In a nutshell, the additional costs entailed by the lack of interoperability means that traffic by rail is not competitive. In a situation of crisis, the capacity of substituting one mode of transport by another is not ensured, hence jeopardising the good functioning of the internal market.

- **Regulatory fitness and simplification**

The original proposal initiative was part of the Commission 2021 Work Programme under Annex I (new initiatives) and not part of Annex II (REFIT initiatives).

The amended proposal further improves the functioning of the TEN-T railway policy by addressing the interoperability issue of different track gauges on the TEN-T network.

- **Fundamental rights**

By setting a uniform requirement for railway track gauges on the TEN-T network, the amended proposal will further strengthen accessibility for all users to the TEN-T railway network.

4. BUDGETARY IMPLICATIONS

This amended proposal has no further implications on the Union budget compared to those already indicated in the original legislative proposal of 14 December 2021.

5. OTHER ELEMENTS

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

As outlined in the initial proposal of December 2021 the Commission will also monitor the progress, impacts and results of the present initiative through a set of governance instruments based on the TEN-T governance, such as the strengthened role of the European Coordinators and their work plans.

- **Detailed explanation of the specific provisions of the proposal**

Changes (1) to (5) regard the inclusion of new recitals which shall address the new geopolitical dimension and context that the TEN-T will have to address and face.

Changes (6) to (9) are introduced as to put stronger emphasis on the need to migrate to European standard nominal railway track gauge, in particular with regard to all new railway lines that are still to be built as of this Regulation's entry into force, but also as regards a sound migration plan for existing railway sections on the European Transport Corridors.

Change (10) takes into account the particular situation of Ireland, which due to its insular situation is detached from any European railway system and shall as such be exempted from the European standard nominal track gauge of 1 435 mm requirements.

Changes (11) to (14) include all changes with regard to the annexed maps to the TEN-T Regulation, notably the removal of the maps of Belarus and Russia, the inclusion of the new adopted indicative maps for Ukraine, the downgrading of the last miles of all rail and road cross-border sections to Russia and Belarus from core to comprehensive network and extension of the European Transport Corridors to Ukraine and the Republic of Moldova.

- **Changes compared to the original legislative proposal (COM(2021) 812 final)**

The changes made in this amended proposal, compared with the one of 14 December 2021 (COM(2021) 812 final), are the following:

RECITALS

(1) The following new recital 39 is inserted:

‘(39) The resilience of the European transport network has been challenged and put to test by the devastating impact of Russia’s war of aggression against Ukraine. That aggression has redefined the geopolitical landscape, bringing to the surface the vulnerability of the Union to unforeseen disruptive events beyond the Union’s borders. Its major impacts on global markets, such as global food security, has highlighted the fact that the Union’s internal market and its transport network cannot be viewed in isolation when it comes to shaping Union policy. Better connections with the Union neighbouring partner countries are needed more than ever.’

(2) The following new recital 40 is inserted:

‘(40) Given that new geopolitical context, the Commission Communication from 12 May 2022 on the “Solidarity Lanes”¹⁰ identifies several major transport infrastructure challenges that the Union and its neighbouring countries need to resolve in order to support Ukraine’s economy and recovery, to enable agricultural and other goods to reach the Union and world markets, and ensure that connectivity with the Union is greatly enhanced for both exports and imports. To offer increased connectivity with the Union, that Communication proposed to assess the extension of the European Transport Corridors into Ukraine and the Republic of Moldova’.

(3) The following new recital 41 is inserted:

‘(41) Because of Russia’s war of aggression against Ukraine, and the position adopted by Belarus in that conflict, cooperation between the Union and Russia and Belarus in the field of the TEN-T policy is neither appropriate nor in the interest of the Union. Hence the TEN-T network in those two third countries should be discontinued. As a consequence, improved cross-border connections to Russia and Belarus are no longer of high priority on the territory of the Member States. Connections currently exist between Finland, Estonia, Latvia, Lithuania and Poland with those two third countries. To reflect the lesser priority in building and upgrading those connections, the last-miles of all cross-border connections with Russia and Belarus currently included in the core network should be downgraded from the core to the comprehensive network for which only a later deadline of implementation of 2050 is provided for. However, in case of a democratic transition

¹⁰ COM(2022) 217 final

in Belarus building and upgrading the country's cross border connections with the EU in line with the comprehensive economic plan for a democratic Belarus would be a high priority, including through re-inclusion of the country back in the Regulation.'

- (4) The following new recital 42 is inserted:

'(42) The new geopolitical context also showed how important seamless transport connections are within the Union's territory and with neighbouring third countries. A different railway track gauge from the European nominal standard nominal track gauge of 1 435 mm severely hampers the interoperability of the railway networks across the Union and even impacts the competitiveness of those isolated railway networks. New railway lines should therefore be only built in European standard nominal track gauge of 1 435 mm. In addition, Member States with a different track gauge network should assess the migration of existing lines of the European Transport Corridors. This obligation should not apply to Ireland as its transport network, due to its insular situation, is fully detached from any land-side connection on the Union territory.'

- (5) Recital 39 and all following recitals are renumbered as recital 43 and subsequent numbers;

CHAPTER III: SPECIFIC PROVISIONS

Section 1: Railway transport infrastructure

- (6) in Article 15 (Transport infrastructure requirements for the comprehensive network), the following changes are introduced:

- (a) in paragraph 2, point (b) is deleted.
- (b) in paragraph 2, points (c), (d) and (e) are renumbered as points (b), (c) and (d).
- (c) in paragraph 3, point (a) is replaced by the following:

'isolated networks are exempted from the requirements under paragraph 2, points (a) to (d)';

- (7) in Article 16 (Transport infrastructure requirements for the core network and the extended core network), the following changes are introduced:

- (a) in paragraph 2, point (a) is replaced by the following:

'meets the requirements set out in Article 15(2), points (a) to (d), and of a prevailing minimum operational line speed of 100 km/h for freight trains on the freight lines of the extended core network';

- (b) in paragraph 2, point (b) is replaced by the following:

'meets the requirements set out in Article 15(2), point (a), on the passenger lines of the extended core network';

- (c) in paragraph 3, point (a) is replaced by the following:

'meets the requirements set out in Article 15(2), points (a), (b) and (c), and of a prevailing minimum operational line speed of 100 km/h for freight trains on the freight lines of the core network';

- (d) in paragraph 3, point (b) is replaced by the following:

'meets the requirements set out in Article 15(2), point (a), on the passenger lines of the core network';

(e) in paragraph 4, point (a) is replaced by the following:

'meets the requirement of Article 15(2), point (d), on the freight lines on the core network';

(f) in paragraph 4, point (b) is replaced by the following:

'meets the requirement of paragraph 2, point (b) on the passenger lines of the core network.';

(8) the following article 16a is inserted:

'Article 16a

European standard nominal track gauge for rail

1. Member States shall ensure that any new railway infrastructure of the comprehensive network, the extended network and the core network, including connections referred to in Article 14(1), point (d), provides for the European standard nominal track gauge of 1 435 mm. That requirement is considered to be met when 1 435 mm track gauge trains can circulate on the infrastructure. For the purposes of this Article new railway infrastructure means any infrastructure for which construction works have not started on the date of entry into force of this Regulation.
 2. Member States with a rail network, or a part thereof, with a track gauge different from that of the European standard nominal track gauge of 1 435 mm shall draw up, at the latest two years after the date of entry into force of this Regulation, a migration plan of the existing railway lines located on the European Transport Corridors to the European standard nominal track gauge of 1 435 mm. Such migration plan shall be coordinated with the neighbouring Member State(s) concerned by the migration.
 3. Member States may identify in the migration plan the railway lines which will not migrate to the European standard nominal track gauge of 1 435 mm. The migration plan shall include a socio-economic cost-benefit analysis justifying the decision not to migrate the railway lines to the European standard nominal track gauge of 1 435 mm and an assessment of the impact on interoperability.
 4. The priorities for infrastructure and investment planning related to the migration plan shall be included in the first work plan of the European Coordinator for a European Transport Corridor of which the freight railway lines with a track gauge different from that of the European standard nominal track gauge is part, in accordance with Article 53.';
- (9) in Article 19 (Additional priorities for railway infrastructure development), the following changes are introduced:
- (a) the following point (a) is added:
'(a) migrating to the European standard nominal track gauge (1 435 mm)';
 - (b) points (a) to (g) are renumbered to points (b) to (h).;

CHAPTER VI: COMMON PROVISIONS

(10) in Article 63 (Exemptions), the following second sub-paragraph is added:

'The provisions of Article 16a shall not apply to Ireland.';

ANNEX I

- (11) the maps displayed in ANNEX I – PART 1/23, PART 2/23, PART 3/23, PART 4/23, PART 5/23, PART 14/23, and PART 15/23 to COM(2021) 812 final are replaced by the parts in ANNEX I, parts 1 to 6, of the present amended proposal as follows:
- (a) ANNEX I – PART 1/23 is replaced by ANNEX I – PART 1/6;
 - (b) ANNEX I – PART 2/23 is replaced by ANNEX I – PART 1/6;
 - (c) ANNEX I – PART 3/23 is replaced by ANNEX I – PART 2/6;
 - (d) ANNEX I – PART 4/23 is replaced by ANNEX I – PART 3/6;
 - (e) ANNEX I – PART 5/23 is replaced by ANNEX I – PART 4/6;
 - (f) ANNEX I – PART 14/23 is replaced by ANNEX I – PART 5/6;
 - (g) ANNEX I – PART 15/23 is replaced by ANNEX I – PART 6/6.;

ANNEX III

- (12) the maps displayed in ANNEX III – PART 1/14, PART 4/14, PART 5/14, PART 6/14, PART 7/14, PART 8/14, PART 9/14, PART 10/14, PART 13/14 and PART 14/14 to COM(2021) 812 final are replaced by the maps in ANNEX II, parts 1 to 8 to the present amended proposal, as follows:
- (a) ANNEX III – PART 1/14 is replaced by ANNEX II – PART 1/8;
 - (b) ANNEX III – PART 4/14, the second map is replaced by the second map, ANNEX II – PART 1/8;
 - (c) ANNEX III – PART 5/14, is replaced by ANNEX II – PART 2/8;
 - (d) ANNEX III – PART 6/14 is replaced by ANNEX II – PART 3/8;
 - (e) ANNEX III – PART 7/14 is replaced by ANNEX II – PART 4/8;
 - (f) ANNEX III – PART 8/14 is replaced by ANNEX II – PART 5/8;
 - (g) ANNEX III – PART 9/14 is replaced by ANNEX II – PART 6/8;
 - (h) in ANNEX III – PART 10/14, the first map is replaced by the first map of ANNEX II – PART 7/8;
 - (i) in ANNEX III – PART 13/14, the second map is replaced by the second map of ANNEX II – PART 7/8;
 - (j) ANNEX III – PART 14/14 is replaced by ANNEX II – PART 8/8.;

ANNEX IV

- (13) the maps of ANNEX IV – PART 1/12 and PART 8/12 to COM(2021) 812 final are replaced by the maps in ANNEX III, parts 1 and 2, to the present amended proposal.
- (14) the maps of ANNEX IV – PART 12/12 to COM(2021) 812 final are deleted.