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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
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Subject:	Draft Council conclusions on Special Report No 10/2020 by the European Court of Auditors: "EU transport infrastructures: more speed needed in megaproject implementation to deliver network effects on time" - Approval

1. On 16 June 2020, the European Court of Auditors published the above-mentioned Special Report.
2. Under the rules laid down in the Council conclusions on improving the examination of special reports¹ drawn up by the Court of Auditors, the Permanent Representatives Committee on 24 June 2020 instructed the Working Party on Transport - Intermodal Questions and Networks to examine the report in accordance with those rules.
3. Consequently, the Special Report was presented to the Working Party on 2 July and the first draft of the Council conclusions was examined on 10 July.
4. At the meeting on 11 September, the Working Party agreed on the revised draft² prepared by the Presidency, including two text proposals that were accepted on the spot. The text as agreed is set out in the Annex to this note.

¹ ST 7515/00.

² ST 9318/1/20 REV 1.

5. In light of the above, the Permanent Representatives Committee is invited to confirm the agreement reached at the Working Party and recommend to the Council to approve the Council conclusions set out in the Annex to this note as an "A" item at one of its forthcoming meetings.

**Draft Council conclusions on
Special Report No 10/2020 by the European Court of Auditors:**

***"EU transport infrastructures:
more speed needed in megaproject implementation to deliver network effects on time"***

THE COUNCIL OF THE EUROPEAN UNION:

1. TAKES NOTE of Special Report No 10/2020 by the European Court of Auditors entitled "EU transport infrastructures: more speed needed in megaproject implementation to deliver network effects on time".
2. REMARKS that the Report assesses how the Commission ensures that EU co-funded cross-border "Transport Flagship Infrastructures" (TFIs) on the TEN-T network are well planned and efficiently implemented, while NOTING that the concept of TFIs is not part of the current legislative framework governing the TEN-T network.
3. RECALLS the Council conclusions of December 2017 on the progress of implementation of the Trans-European Transport Network (TEN-T) and the Connecting Europe Facility (CEF) for transport, in which the Council reiterated the commitment of the Member States to implement the TEN-T network, and called for the timely implementation of projects by all the beneficiaries³.
4. UNDERLINES the importance of optimising the use of the transport system as a whole, for both passengers and freight. In this context, HIGHLIGHTS the contribution of the audited projects to the shift towards **more efficient and** low-carbon transport modes, to addressing bottlenecks and eliminating missing links on the core network corridors, and hence STRESSES their importance in improving the connectivity of the EU core transport network and delivering the full benefits of a well functioning network.

³ ST 15425/17

5. REITERATES the importance of EU financial support for the development of the TEN-T network in general that helps to ensure long-term engagement and create a stable environment for the project's implementation. Furthermore, STRESSES the important leverage effect of EU financial support, over consecutive programming periods, for decision making and in particular for the implementation of projects addressing key missing links and major bottlenecks.
6. REMARKS that the time span of a MFF financial period is smaller in comparison to the time span required for the implementation of large-scale infrastructure projects.
7. UNDERLINES that projects like the ones audited in the Special Report, especially when they are cross-border, are all highly complex in terms of their size, their technical and financial planning, as well as their implementation, necessitating close and continuous cooperation between the different stakeholders in the concerned Member States, also taking into account political and public opinion.
8. APPRECIATES the dedicated involvement of the Commission in TEN-T network implementation and ACKNOWLEDGES the Commission's efforts in using a variety of existing tools and resources intended to support the Member States in the completion of transport infrastructure projects.
9. TAKES NOTE of the recommendations of the Court addressed to the Commission while RECALLING past TEN-T implementation achievements, and ENCOURAGES the Commission to promote better long-term planning based on current legislation and its further development.
10. TAKES NOTE of the main findings and conclusions of the Report regarding the full operational capacity of the audited projects by 2030, the planning tools used for their preparation such as traffic forecast and cost-benefit analysis, the efficiency of their implementation and the Commission's oversight role, and RECALLS the ~~various~~ **pertinent observations and reactions provided by Member States and project promoters** submitted to the ECA ~~by the concerned Member States and project promoters~~ **in order to specify and better define** ~~on~~ certain data exposed in the Report.

11. SHARES large parts of the observations by the Commission included in the Special Report, in particular regarding:

- the Commission's response to the operational capacity of the audited projects by 2030 and the details provided on the state-of-play of the implementation of the individual projects;
- the challenge to compare costs and delays of projects based on preliminary studies, when scope and/or design of the projects were still subject to significant changes, in particular due to public consultations and environmental impact assessments;
- the measures aimed to ensure the optimal use of the newly built infrastructure and thus public funding, such as traffic forecast levels or cost-benefit analyses, which for infrastructure projects of this magnitude are updated over time based on an initial analysis and in line with possible changes to the scope or to technical requirements;
- the securing of EU funding at an early stage of the process, which provides an important leverage effect in prioritising and financing at the local or national level, while it is recalled that any funding for these large projects should comply with the provisions of the Financial Regulation and the CEF Regulation, which does not provide any pre-allocated, dedicated funding priority for these large projects.
