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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with a view to the adoption of a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on streamlining measures for advancing the realisation of the trans-
European transport network
– Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 17 May 2018, the Commission presented the abovementioned proposal to the European Parliament and the Council, as part of the third 'Europe on the Move' package, which is designed to make European mobility safer, cleaner, more efficient and more accessible. The proposal aims to simplify permit-granting rules with the aim of facilitating the completion of the Trans-European Transport Network (TEN-T).
2. At the European Parliament, the Committee on Transport and Tourism (TRAN) was designated as the lead committee for this file and Mr Dominique Riquet (ALDE, FR) as the rapporteur. The Parliament voted on the report and adopted its first-reading position on 13 February 2019.
3. The European Economic and Social Committee adopted an opinion on 17 October 2018.
4. The Committee of the Regions adopted an opinion on 7 February 2019.
5. In the Council, following discussions at the Working Party on Transport - Intermodal Questions and Networks between June 2018 and November 2019, a general approach was reached on the proposal at the Council meeting of 2 December 2019.
6. Subsequently, three informal trilogues were held on 3 February, 18 May and 8 June 2020, resulting in an overall provisional agreement between the Council and the European Parliament in line with the mandate which was renewed by Coreper on 3 June 2020. On 17 June 2020, the Permanent Representatives Committee confirmed the final compromise text as agreed at the trilogue of 8 June 2020.

7. The European Parliament's TRAN committee voted in favour of the same provisional compromise text on 14 July 2020. Subsequently, the Chair of the TRAN Committee addressed a letter dated 16 July 2020 to the Chair of the Permanent Representatives Committee stating that, if the Council adopted its position at first reading in accordance with the agreed overall provisional agreement, she would recommend to the Plenary that the Council's position be accepted without amendment at Parliament's second reading, subject to legal-linguistic verification.

II. OBJECTIVE

8. The overall objective of the Directive is to simplify permit-granting rules with the aim of facilitating the completion of the Trans-European Transport Network (TEN-T). It also aims to bring greater clarity to the processes which project promoters need to follow, in particular as regards permit granting, public procurement and other procedures.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

Procedural context

9. On the basis of the Commission proposal, the Parliament and the Council conducted negotiations with the aim of concluding an early-second reading agreement on the basis of the Council's first-reading position. The text of the draft Council position fully reflects the compromise reached between the two co-legislators.

Summary of the main issues

10. The Council's position at first reading contains the following main elements, on which an agreement between the co-legislators has been found:
11. Legal nature of the proposal: Co-legislators have agreed to change the legal nature of the proposal from a 'Regulation' to a 'Directive'. This change allows for greater flexibility for Member States to carry out permit-granting procedures and it also allows them to take advantage of their permit granting procedures already in place.

12. Scope: The Council's position at first reading foresees that the list of projects, which comprises the list of cross-border links and missing links and is identical to the list in Section 1 of Part III of the annex to the Connecting Europe Facility Regulation, will be included in the Annex to the Directive, in order to ensure clarity and legal certainty. In addition, the scope will also cover other projects on the core network corridors with a total cost exceeding EUR 300 million.
13. Designated authority: The Council's position at first reading defines the role and responsibility of the designated authority which will be the main point of contact for information for the project promoter and will also provide guidance in the submission of all relevant documents and information, if requested. This provision also establishes a timeframe for the designation of this authority, which is set at 24 months after the entry into force of the Directive. The changes included in this Article aim to guarantee a sufficient level of flexibility for Member States for the implementation of this provision.
14. Duration of the permit-granting procedure: Co-legislators have agreed to set the overall time-limit for the permit-granting procedure at four years. In addition, two extensions in duly justified cases to this time-limit may be granted. The changes introduced in the Council's position aim to ensure a sufficient margin of flexibility as regards the timeframe for the completion of the permit-granting procedure, in particular in view of the complexity and diversity of transport projects that fall under the scope of the Directive.
15. Organisation of the permit-granting procedure: In the Council's position at first reading, the various phases of the permit-granting procedure have been merged into one, resulting in an important simplification. At the same time, this provision allows Member States to establish different steps within the four-year period according to their national law.
16. Transposition: As a consequence of the change of the legal form of the proposal, co-legislators have agreed to a transposition period set at 24 months after the entry into force of the Directive.

IV. CONCLUSION

17. The Council's position underlines the main objective of the Commission proposal and fully reflects the compromise reached in the informal negotiations between the Council and the European Parliament, with the support of the Commission.

 18. The Council therefore believes that its position at first reading is a balanced representation of the outcome of the negotiations and that, once adopted, the Directive will be an important contribution to the simplification of permit-granting rules resulting in the facilitation of the completion of the Trans-European Transport Network (TEN-T).
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