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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on streamlining measures for advancing the realisation of the trans-European transport network - Outcome of the European Parliament's first reading, (Strasbourg, 11 to 14 February 2019)

I. INTRODUCTION

The rapporteur, Dominique RIQUET (ALDE, FR), presented a report on the proposal for a Regulation on behalf of the Committee on Transport and Tourism. The report contained 51 amendments (amendments 1-51) to the proposal. No other amendments were tabled.

II. VOTE

When it voted on 13 February 2019, the plenary adopted amendments 1- 51 to the proposal for a Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto¹.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

Streamlining measures for advancing the realisation of the trans-European transport network *I**

European Parliament legislative resolution of 13 February 2019 on the proposal for a regulation of the European Parliament and of the Council on streamlining measures for advancing the realisation of the trans-European transport network (COM(2018)0277 – C8-0192/2018 – 2018/0138(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0277),
 - having regard to Article 294(2) and Article 172 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0192/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Senate, the German Bundestag, the Irish Parliament and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Regional Development (A8-0015/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Regulation (EU) No 1315/2013 of the European Parliament and of the Council²² sets out a common framework for the creation of *state-of-the-art*, interoperable networks for the development of the internal market. The trans-European transport networks (TEN-T) have a dual layer structure: the comprehensive network ensures connectivity *of* all regions *of the Union* *whereas* the core network *consists of those elements of the network which are of the highest strategic importance for the Union*. Regulation (EU) No 1315/2013 defines binding completion targets for implementation, with the core network to be completed by 2030 and the comprehensive network by 2050.

²² Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for

Amendment

(1) Regulation (EU) No 1315/2013 of the European Parliament and of the Council²² sets out a common framework for the creation of interoperable networks comprising a dual-level *structure, in the Union, at the service of citizens*, for the development of the internal market *and for the social, economic and territorial cohesion of the Union*. The trans-European transport networks (TEN-T) have a dual layer structure: the *core network comprises those parts of the network which have the greatest strategic significance for the Union, and the* comprehensive network ensures connectivity *between* all regions *in the Union*. The core network *should serve as cross-border and multimodal accelerators for a single European transport and mobility area*. Regulation (EU) No 1315/2013 defines binding completion targets for implementation, with the core network to be completed by 2030 and the comprehensive network by 2050. *Furthermore, Regulation (EU) No 1315/2013 focuses on cross-border connections that will improve interoperability between the different modes of transport and contribute to the multimodal integration of Union transport, and should also take into account the development dynamics of the transport sector and of new technologies in the future.*

²² 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 (OJ L 348, 20.12.2013, p. 1).

the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Notwithstanding the necessity and binding timelines, experience has shown that many investments aiming to complete the TEN-T are confronted with complex permit granting procedures, cross-border procurement procedures and other procedures. This situation jeopardises the ***on time*** implementation of projects ***and*** in many cases results in significant delays and increased costs. ***In order to address these issues and make synchronised TEN-T completion possible,, harmonised action is necessary at Union level.***

Amendment

(2) Notwithstanding the necessity and binding timelines, experience has shown that many investments aiming to complete the TEN-T are confronted with ***multiple, slow, unclear and*** complex permit granting procedures, cross-border procurement procedures and other procedures. This situation jeopardises the ***on-time*** implementation of projects, in many cases results in significant delays and increased costs, ***gives rise to uncertainty for project promoters and potential private investors, and can even lead to projects being abandoned in the middle of the process. Given these conditions, the synchronised completion of the TEN-T by the deadline set out in Regulation (EU) No 1315/2013 of the European Parliament and of the Council requires harmonised action at Union level. Moreover, Member States should decide on their national infrastructure plans in accordance with the TEN-T objectives.***

Amendment 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) This Regulation applies only to Union projects which are recognised as projects of common interest under Regulation (EU) No 1315/2013 on the core network of the trans-European transport network. A Member State can also decide to broaden the scope to the comprehensive network.

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) In the legal **frameworks** of many Member States priority treatment is given to certain project categories based on their strategic importance for the **economy**. Priority treatment is characterised by shorter timelines, simultaneous procedures or limited timeframes for appeals while ensuring that the objectives of other horizontal policies are also reached. When such **a framework exists within** a national legal framework, **it** should automatically apply to Union projects recognised as projects of common interest under Regulation (EU) No 1315/2013.

Amendment

(3) In the legal **systems** of many Member States priority treatment is given to certain project categories based on their strategic importance for the **Union**. Priority treatment is characterised by shorter timelines, simultaneous **and/or simplified** procedures or limited timeframes **for the completion of the permitting procedure or** for appeals while ensuring that the objectives of other horizontal policies are also reached. When such **rules on priority treatment exist in** a national legal framework, **they** should automatically apply to Union projects recognised as projects of common interest under Regulation (EU) No 1315/2013. **Member States that do not have such rules on priority treatment should adopt them.**

Amendment 5

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) In order to improve the effectiveness of the environmental assessments and streamline the decision-making process, where the obligation to carry out assessments related to environmental issues of core network projects arises simultaneously from Directive 2011/92/EU, as amended by Directive 2014/52/EU, and from other Union legislation such as Directive 92/43/EEC, Directive 2009/147/EC, Directive 2000/60/EC, Directive 2008/98/EC, Directive 2010/75/EU, Directive 2012/18/EU and Directive 2011/42/EC, Member States should ensure that a joint procedure fulfilling the requirements of these Directives is provided.

Amendment

(4) In order to improve the effectiveness of the environmental assessments and streamline the decision-making process, where the obligation to carry out assessments related to environmental issues of core network projects arises simultaneously from Directive 2011/92/EU, as amended by Directive 2014/52/EU, and from other Union legislation such as Directive 92/43/EEC, Directive 2009/147/EC, Directive 2000/60/EC, Directive 2008/98/EC, Directive 2010/75/EU, Directive 2012/18/EU and Directive 2011/42/EC, Member States should ensure that a joint procedure fulfilling the requirements of these Directives is provided. ***Moreover, early scoping of environmental impacts and early discussion with the competent authority about the content of the environmental assessments may reduce delays during the permitting stage and generally improve the quality of assessments.***

Amendment 6

**Proposal for a regulation
Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) Given the large number of environmental assessments arising from various European Directives and national rules which are necessary for granting permits to projects of common interest in the TEN-T core network, the Union should put in place a common, simplified and centralised procedure which fulfils the requirements of those Directives in order to help achieve the objectives set out

in this Regulation aimed at increasing the streamlining of measures.

Amendment 7

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) ***Core network projects should be supported by integrated permit granting procedures to make clear management of the overall procedure possible and to provide a single entry point for investors.***
Member States should designate a competent authority in accordance with their national legal frameworks and administrative set-ups.

Amendment

(5) Member States should designate a ***single*** competent authority in accordance with their national legal frameworks and administrative set-ups ***so that projects concerning the core network will benefit from the integration of permit granting procedures and having a single contact point for investors, thereby enabling clear and effective management of the comprehensive procedure. Where necessary, the single competent authority can delegate its responsibilities, obligations and tasks to another authority at the appropriate regional, local or other administrative level.***

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) The establishment of a single competent authority at national level integrating all permit granting procedures (one-stop shop) should reduce the complexity, improve the efficiency and increase the transparency of the procedures. It should also enhance the cooperation between Member States where appropriate. The procedures should promote a real cooperation between

Amendment

(6) The establishment of a single competent authority at national level integrating all permit granting procedures (one-stop shop) should reduce the complexity, improve the efficiency and ***coordination and*** increase the transparency ***and the speed*** of the procedures ***and of the adoption of the decisions.*** It should also enhance the cooperation between Member States where appropriate. The procedures

investors and the single competent authority and should therefore allow for the scoping in the pre-application phase of the permit granting procedure. Such scoping should be integrated in the detailed application outline and follow the procedure set out in Article 5(2) of 2011/92/EU, as amended by Directive 2014/52/EU.

should promote a real cooperation between investors and the single competent authority and should therefore allow for the scoping in the pre-application phase of the permit granting procedure. Such scoping should be integrated in the detailed application outline and follow the procedure set out in Article 5(2) of 2011/92/EU, as amended by Directive 2014/52/EU.

Amendment 9

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Where projects of common interest are considered to be Union priority projects, a joint competent authority agreed between the single competent authorities from two or more Member States or Member States and third countries could be established, in order fulfil the duties arising from this Regulation.

Amendment 10

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) Given the urgency to complete the TEN-T core network, the simplification of permit granting procedures should be accompanied by a time limit within which competent authorities responsible should make a comprehensive decision regarding the construction of the project. This time limit should ***stimulate*** a more efficient

(8) Given the urgency to complete the TEN-T core network ***by 2030***, the simplification of permit granting procedures should be accompanied by a time limit within which competent authorities responsible should make a comprehensive decision regarding the construction of the project. This time limit

handling of procedures and should, under no circumstances, compromise the Union's high standards for environmental protection and public participation.

should **ensure** a more efficient handling of procedures and should, under no circumstances, compromise the Union's high standards for environmental protection, **transparency**, and public participation. ***Projects should be evaluated in terms of the project selection maturity criteria established by the Connecting Europe Facility. Compliance with the deadlines set out in this Regulation should be taken into account when carrying out such evaluations.***

Amendment 11

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) Cross-border TEN-T infrastructure projects face particular challenges as regards the coordination of permit granting procedures. The European Coordinators should be empowered to monitor these procedures and facilitate their synchronisation and completion.

Amendment

(10) Cross-border TEN-T infrastructure projects face particular challenges as regards the coordination of permit granting procedures. The European Coordinators ***referred to in Article 45 of Regulation (EU) No 1315/2013*** should be empowered to monitor these procedures and facilitate their synchronisation and completion ***to ensure compliance with the deadlines set by this Regulation.***

Amendment 12

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) The Commission is not systematically involved in the authorisation of individual projects. However, in some cases, certain aspects of the project preparation are subject to clearance at

Amendment

(12) The Commission is not systematically involved in the authorisation of individual projects. However, in some cases, certain aspects of the project preparation are subject to clearance at

Union level. Where the Commission is involved in the procedures, it will give priority treatment to the Union projects of common interest and ensure certainty for project promoters. In some cases State aid approval might be required. In line with the Best Practice Code for the conduct of State aid control procedures, Member States may ask the Commission to deal with projects of common interest on the core network of the TEN-T they consider to be of priority with more predictable timelines under the case portfolio approach or the mutually agreed planning.

Union level. Where the Commission is involved in the procedures, it will give priority treatment to the Union projects of common interest and ensure certainty for project promoters. In some cases State aid approval might be required. ***Without prejudice to the deadlines set out in this Regulation and*** in line with the Best Practice Code for the conduct of State aid control procedures, Member States ***should be able to*** ask the Commission to deal with projects of common interest on the core network of the TEN-T they consider to be of priority with more predictable timelines under the case portfolio approach or the mutually agreed planning.

Amendment 13

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) The implementation of infrastructure projects on the TEN-T core network should be also supported by Commission guidelines that bring more clarity as regards the implementation of certain types of projects while respecting the Union acquis. For example the Action Plan for nature, people and the economy²³ foresees such guidance to bring more clarity in view of respecting the Birds and Habitats Directives. Direct support related to public procurement should be made available for projects of common interests to ensure the best value for public money²⁴. Additionally, appropriate technical assistance should be made available under the mechanisms developed for the Multi-Annual Financial Framework 2021-2027, with the aim of providing financial support for TEN-T projects of common interest.

Amendment

(13) The implementation of infrastructure projects on the TEN-T core network should be also supported by Commission guidelines that bring more clarity as regards the implementation of certain types of projects while respecting the Union acquis. For example the Action Plan for nature, people and the economy²³ foresees such guidance to bring more clarity in view of respecting the Birds and Habitats Directives. Direct support related to public procurement should be made available for projects of common interests to ensure the ***minimising of external costs and the*** best value for public money²⁴. Additionally, appropriate technical assistance should be made available under the mechanisms developed for the Multi-Annual Financial Framework 2021-2027, with the aim of providing financial support for TEN-T projects of common interest.

²³ COM(2017) 198 final.

²⁴ COM(2017) 573 final

²³ COM(2017) 198 final.

²⁴ COM(2017) 573 final

Amendment 14

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) For reasons of legal certainty, the administrative procedures which started prior to the entry into force of this Regulation should not be subject to the provisions of this Regulation.

Amendment

(15) For reasons of legal certainty, the administrative procedures which started prior to the entry into force of this Regulation should not be subject to the provisions of this Regulation, ***unless otherwise decided with the agreement of those concerned.***

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation sets out requirements applicable to the administrative procedures followed by the competent authorities of Member States in relation to the authorisation and implementation of all projects of common interest on the core network of the trans-European transport network..

Amendment

This Regulation sets out requirements applicable to the administrative procedures followed by the competent authorities of Member States in relation to the authorisation and implementation of all projects of common interest on the core network of the trans-European transport network ***relating to Regulation (EU) No 1315/2013, including the pre-selected projects listed in Part III of the Annex to the Regulation establishing the ‘Connecting Europe Facility’ 2021-2027.***

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may decide to extend the application of all provisions of this Regulation, as a block, to projects of common interest on the comprehensive network of the trans-European transport network.

Amendment 17

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) "comprehensive decision" means the decision or set of decisions taken by a Member State authority ***or authorities*** not including courts or tribunals that determines whether or not a project promoter is to be granted authorisation to build the transport infrastructure needed to complete a project without prejudice to any decision taken in the context of an administrative appeal procedure;

(a) "comprehensive decision" means the decision or set of decisions taken by ***the single competent authority of*** a Member State, ***and where applicable, the joint competent authority, but*** not including courts or tribunals, that determines whether or not a project promoter is to be granted authorisation to build the transport infrastructure needed to complete a project without prejudice to any decision taken in the context of an administrative appeal procedure;

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) "permit granting procedures" means

(b) "permit granting procedures" means

every procedure that has to be followed or step that has to be taken before the authorities of a Member State, under Union or national law, before the project promoter can implement the project;

every procedure that has to be followed or step that has to be taken before the ***competent*** authorities of a Member State, under Union or national law, before the project promoter can implement the project ***and starting from the date on which the acceptance of the file notification is signed by the single competent authority of the Member State;***

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) "Project promoter" means ***the applicant*** for authorisation ***for a private project or the public authority which initiates*** a project";

Amendment

(c) "Project promoter" means ***any natural person or public or private legal person applying*** for authorisation ***to initiate*** a project";

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) "single competent authority" means the authority which the Member State designates as responsible for performing the duties arising from this Regulation;

Amendment

(d) "single competent authority" means the authority which the Member State designates, ***in accordance with its national law,*** as responsible for performing the duties arising from this Regulation;

Amendment 21

Proposal for a regulation

Article 2 – paragraph 1 – point e a (new)

(ea) “Joint competent authority” means an authority established by mutual agreement between the single competent authorities from two or more Member States or from one or more Member States and one or more third countries which is in charge of facilitating the permit-granting procedures related to cross-border projects of common interest.

Amendment 22

Proposal for a regulation Article 3 – paragraph 1

1. Each project of common interest on the TEN-T core network shall be subject to an integrated permit granting procedure managed by a single competent authority designated by each Member State in accordance with Articles 5 and 6.

1. Each project of common interest on the TEN-T core network, ***including the pre-selected sections in Part III of the Annex to the Regulation establishing the Connecting Europe Facility***, shall be subject to an integrated permit granting procedure managed by a single competent authority designated by each Member State in accordance with Articles 5 and 6.

Amendment 23

Proposal for a regulation Article 3 – paragraph 3

3. To ensure efficient administrative procedures related to projects of common interest, project promoters and all authorities concerned shall ensure that the most rapid treatment legally possible is

3. To ensure efficient ***and effective*** administrative procedures related to projects of common interest, project promoters and all authorities concerned shall ensure that the most rapid treatment

given to these projects, including as regards the resources allocated.

legally possible is given to these projects, including as regards the *evaluation of the project-selection maturity criteria and the* resources allocated.

Amendment 24

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. In order to meet the time limits set out in Article 6 and reduce the administrative burden related to the completion of projects of common interest, all the *administrative* procedures resulting from the applicable law, *both* national and *of the* Union, shall be integrated and result in only one comprehensive decision.

Amendment

1. In order to meet the time limits set out in Article 6 and reduce the administrative burden related to the completion of projects of common interest, all the *permit granting* procedures resulting from the applicable law, *including the relevant environmental assessments, both at* national and Union *level*, shall be integrated and result in only one comprehensive decision, *without prejudice to transparency, public participation, environmental and safety requirements under Union law*.

Amendment 25

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. In the case of projects of common interest for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Directive 2011/92/EU of the European Parliament and of the Council and other Union law, Member States shall ensure that

Amendment

2. *Without prejudice to the deadlines set out in Article 6 of this Regulation*, in the case of projects of common interest for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Directive 2011/92/EU of the European

joint procedures within the meaning of Article 2(3) of Directive 2011/92/EU are provided for.

Parliament and of the Council and other Union law, Member States shall ensure that joint procedures within the meaning of Article 2(3) of Directive 2011/92/EU are provided for.

Amendment 26

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. By ... (OP please insert the date one year of the entry into force of this Regulation), each Member State shall designate one single competent authority which shall be responsible for facilitating the permit granting ***process including*** for making the comprehensive decision.

Amendment

1. By ... [one year after the date of entry into force of this Regulation] ***and in any event no later than 31 December 2020***, each Member State shall designate one single competent authority which shall be responsible for facilitating the permit granting ***procedures necessary*** for making the comprehensive decision, ***in accordance with paragraph 3 of this Article***.

Amendment 27

Proposal for a regulation Article 5 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

The responsibility of the single competent authority ***referred to in paragraph 1*** and/or the tasks related to it ***may*** be delegated to, ***or*** carried out by, another authority at the appropriate administrative level, per project of common interest or per particular category of projects of common interest, under the following conditions:

Amendment

On the initiative of the single competent authority, ***its responsibilities, obligations*** and/or the tasks related to it, ***as referred to in paragraph 1, may, with the agreement of the Member State***, be delegated to ***and*** carried out by another authority at the appropriate ***regional, local or other*** administrative level, per project of common interest or per particular category of projects of common interest, ***with the***

exception of the taking of the comprehensive decision referred to in paragraph 3 of this Article, under the following conditions:

Amendment 28

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

- (a) only one authority is responsible *per* project of common interest;

Amendment

- (a) only one **competent** authority is responsible *for each* project of common interest;

Amendment 29

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

- (b) the authority is the sole point of contact for the project promoter in the procedure leading to the comprehensive decision for a given project of common interest, and

Amendment

- (b) the **competent** authority is the sole point of contact for the project promoter in the procedure leading to the comprehensive decision for a given project of common interest; and

Amendment 30

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

- (c) the authority coordinates the submission of all relevant documents and information.

Amendment

- (c) the **competent** authority coordinates the submission of all relevant documents and information.

Amendment 31

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The comprehensive decision issued by the single competent authority shall be the sole legally binding decision resulting from the **statutory** permit granting procedure. Where other authorities are concerned by the project, they may give their opinion as input to the procedure, in accordance with national legislation. ***This opinion shall be taken into account by the single competent authority.***

Amendment

The comprehensive decision issued by the single competent authority shall be the sole legally binding decision resulting from the permit granting procedure. ***Without prejudice to the deadlines set out in Article 6 of this Regulation,*** where other authorities are concerned by the project, they may give their opinion as input to the procedure, in accordance with national legislation. The single competent authority ***is required to take such opinions into account, particularly if they concern the requirements laid down in Directive 2014/52/EU of the European Parliament and of the Council and in Council Directive 92/43/EEC.***

Amendment 32

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. When taking the comprehensive decision, the single competent authority shall ensure that the relevant requirements under international and Union law are respected and shall duly justify its decision.

Amendment

4. When taking the comprehensive decision, the single competent authority shall ensure that the relevant requirements under international and Union law are respected and shall duly justify its decision ***on the basis of the applicable legal provisions.***

Amendment 33

Proposal for a regulation Article 5 – paragraph 5

Text proposed by the Commission

5. ***If*** a project of common interest requires decisions to be taken in two or more Member States, the respective competent authorities shall take all the necessary steps for efficient and effective cooperation and coordination among themselves. Without prejudice to obligations arising under applicable Union and international law, Member States shall endeavour to provide for joint procedures, particularly with regard to the assessment of environmental impacts.

Amendment

5. ***Where*** a project of common interest requires decisions to be taken in two or more Member States, ***or in one or more Member States and one or more third countries***, the respective competent authorities shall take all the necessary steps for efficient and effective cooperation and coordination among themselves, ***or may establish a joint competent authority, without prejudice to the deadlines set out in Article 6, in charge of facilitating the permit granting procedure.*** Without prejudice to obligations arising under applicable international and Union law, Member States shall endeavour to provide for joint procedures, particularly with regard to the assessment of environmental impacts.

Amendment 34

Proposal for a regulation Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. To ensure effective implementation of this Regulation and in particular of its Article 6 a, the single competent authority shall inform the Commission of the start date of the permit granting procedure and the comprehensive decision, as set out in Article 6.

Amendment 35

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. The pre-application phase, covering the period from the start of the permit granting procedure to the submission of the complete application file to the single competent authority, shall in principle not exceed **two years**.

Amendment

2. The pre-application phase, covering the period from the start of the permit granting procedure to the submission of the complete application file to the single competent authority, shall in principle not exceed **18 months**.

Amendment 36

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. In order to launch the permit granting procedure, the project promoter shall notify the single competent authority of the Member States concerned about the project **in writing**, and shall include a detailed description of the project. No later than **two months** following the receipt of the above notification, the single competent authority shall either **acknowledge** it or, if it considers that the project is not mature enough to enter the permit granting procedure, reject the notification in writing. If the single competent authority decides to reject the notification, it shall justify its decision. The date of signature of the acknowledgement of the notification by the competent authority shall serve as the start of the permit granting procedure. If two or more Member States are concerned, the date of the acceptance of the last notification by the competent authority concerned shall serve as the date of the start of the permit granting procedure.

Amendment

3. In order to launch the permit granting procedure, the project promoter shall notify **in writing** the single competent authority of the Member States concerned **or, where appropriate, the joint competent authority**, about the project, and shall include a detailed description of the project. No later than **one month** following the receipt of the above notification, the single competent authority shall either **accept** it or, if it considers that the project is not mature enough to enter the permit granting procedure, reject the notification in writing. If the single competent authority decides to reject the notification, it shall justify its decision. The date of signature of the acknowledgement of the notification by the competent authority shall serve as the start of the permit granting procedure. If two or more Member States are concerned, the date of the acceptance of the last notification by the competent authority concerned shall serve as the date of the start of the permit granting procedure.

Amendment 37

Proposal for a regulation

Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. Within **three** months of the start of the permit granting procedure, the single competent authority, in close cooperation with the project promoter and other authorities concerned and taking into account the information submitted by the project promoter on the basis of the notification referred to in paragraph 3, shall establish and communicate to the project promoter a detailed application outline, containing:

Amendment

4. Within **two** months of the start of the permit granting procedure, the single competent authority, ***or where appropriate, the joint competent authority***, in close cooperation with the project promoter and other authorities concerned and taking into account the information submitted by the project promoter on the basis of the notification referred to in paragraph 3, shall establish and communicate to the project promoter a detailed application outline, containing:

Amendment 38

Proposal for a regulation

Article 6 – paragraph 4 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the competent authority, at the appropriate administrative level, in charge, in case of delegation by the single competent authority in accordance with Article 5(2);

Amendment 39

Proposal for a regulation

Article 6 – paragraph 4 – point b – point i

Text proposed by the Commission

- (i) the decisions **and** opinions to be obtained;

Amendment

- (i) the decisions, **permits**, opinions **and assessments** to be obtained;

Amendment 40

Proposal for a regulation

Article 6 – paragraph 4 – point b – point ii

Text proposed by the Commission

- (ii) the authorities, stakeholders, and the public likely to be concerned;

Amendment

- (ii) the authorities, stakeholders, and the public likely to be concerned **and/or consulted**;

Amendment 41

Proposal for a regulation

Article 6 – paragraph 4 – point b – point iv

Text proposed by the Commission

- (iv) major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken;

Amendment

- (iv) major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken, **and the overall scheduled timeframe**;

Amendment 42

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

6. The project promoter shall submit the application file based on the detailed

Amendment

6. The project promoter shall submit the application file based on the detailed

application outline within the period of **21** months from the receipt of that detailed application outline. After the expiry of that period, the detailed application outline is no longer considered applicable, unless the single competent authority decides to prolong that period, on the basis of a justified request from the project promoter.

application outline within the period of **15** months from the receipt of that detailed application outline. After the expiry of that period, the detailed application outline is no longer considered applicable, unless the single competent authority decides, **on its own initiative**, to prolong that period **by a maximum of 6 months**, on the basis of a justified request from the project promoter.

Amendment 43

Proposal for a regulation Article 6 – paragraph 8

Text proposed by the Commission

8. The single competent authority shall assess the application and adopt a comprehensive decision within the period of **one year** from the date of submission of the complete application file in accordance with paragraph 7. Member States may set an earlier time-limit, where appropriate.

Amendment

8. The single competent authority shall assess the application and adopt a comprehensive **binding** decision within the period of **6 months** from the date of submission of the complete application file in accordance with paragraph 7, **unless the single competent authority decides, on its own initiative, to extend this period, by a maximum of 3 months, substantiating its decision**. Member States may set an earlier time-limit, where appropriate.

Amendment 44

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Permit granting procedure and financial assistance from the Union

1. In accordance with the procedure set out in Article 6 of this Regulation, the

state of progress of the project shall be taken into account when evaluating projects according to the selection maturity criteria of projects set out in Article 13 of Regulation (EU) .../... [establishing the Connecting Europe Facility].

2. Delays occurring with regard to the stages and deadlines set out in Article 6 will justify an investigation of the state of progress of the project and a revision of the financial assistance received by the Union under the Connecting Europe Facility, as provided for in Article 17(1) of Regulation (EU) .../... [CEF] and might result in a reduction or the withdrawal of the financial assistance.

Amendment 45

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. For projects that involve two or more Member States, the competent authorities of the Member States concerned shall align their timetables and agree on a joint schedule.

Amendment

1. For projects that involve two or more Member States ***or one or more Member States and one or more third countries***, the competent authorities of the Member States concerned shall align their timetables and agree on a joint schedule.

Amendment 46

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In such cases, in order to facilitate the permit granting procedure, single competent authorities from two or more Member States or one or more Member States and one or more third countries

may, by mutual agreement, establish a joint competent authority, as provided for under article 5(5).

Amendment 47

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The European Coordinator referred to in Article 45 of Regulation (EU)² No 1315/2013 shall be empowered to ***closely*** follow the permit granting procedure for cross-border projects of common interest and to facilitate contacts between the involved competent authorities.

Amendment

2. The European Coordinator referred to in Article 45 of Regulation (EU)² No 1315/2013 shall be empowered to follow the permit granting procedure for cross-border projects of common interest and to facilitate contacts ***and cooperation*** between the involved competent authorities ***or where appropriate, with the joint competent authority.***

Amendment 48

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the obligation to comply with the time limits under this Regulation, if the time-limit for the comprehensive decision is not observed, the competent authority shall immediately inform the European Coordinator concerned about the measures taken or to be taken to conclude the permit granting procedure with the least possible delay. The European Coordinator may request the competent authority to regularly report on progress achieved.

Amendment

3. Without prejudice to the obligation to comply with the time limits under this Regulation, if the time-limit for the comprehensive decision is not observed, the ***single*** competent authority shall immediately inform ***the Commission, and where appropriate,*** the European Coordinator concerned about the measures taken or to be taken to conclude the permit granting procedure with the least possible delay. The ***Commission, and where appropriate, the*** European Coordinator may request the ***single*** competent authority to regularly report on progress achieved.

Amendment 49

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. In case the procurement procedures are conducted by a joint entity set up by the participating Member States, that entity shall apply the national provisions of one of those Member States and, by way of derogation from these Directives, those provisions shall be the provisions determined in accordance with point (a) of Article 57(5) of Directive 2014/25/EU of the European Parliament and of the Council or point (a) of Article 39(5) of Directive 2014/24/EU of the European Parliament and of the Council, as applicable, unless an agreement between the participating Member States provides otherwise. Such an agreement shall in any case provide for the application of a single national legislation ***in case of*** the procurement procedures conducted by a joint entity.

Amendment

2. In case the procurement procedures are conducted by a joint entity set up by the participating Member States, that entity, ***together with its subsidiaries, where appropriate,*** shall apply the national provisions of one of those Member States and, by way of derogation from these Directives, those provisions shall be the provisions determined in accordance with point (a) of Article 57(5) of Directive 2014/25/EU of the European Parliament and of the Council or point (a) of Article 39(5) of Directive 2014/24/EU of the European Parliament and of the Council, as applicable, unless an agreement between the participating Member States provides otherwise. Such an agreement shall in any case provide for the application of a single national legislation ***for*** the procurement procedures conducted by a joint entity ***and, where appropriate, its subsidiaries, across the whole of the project.***

Amendment 50

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

On the request of a project promoter or Member State, in accordance with the relevant Union funding programmes and

Amendment

At the request of a project promoter or Member State, in accordance with the relevant Union funding programmes and

without prejudice to the Multi-Annual Financial Framework, the Union shall make available technical assistance for the implementation of this Regulation and the facilitation of the implementation of projects of common interest.

without prejudice to the Multi-Annual Financial Framework, the Union shall make available technical, ***advisory and financial*** assistance for the implementation of this Regulation and the facilitation of the implementation of projects of common interest ***at each stage of the process***.

Amendment 51

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

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

However, Articles 4, 5, 6 and 7 shall apply in a given Member State from the date when the single competent authority has been designated by that Member State in accordance with Article 5(1).

The Commission will publish in the Official Journal a notice when those provisions become applicable in a Member State.