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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 310 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on 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 (TEN-T)

Delegations will find attached document COM(2021) 310 final.

Encl.: COM(2021) 310 final



Brussels, 15.6.2021
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TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on 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 (TEN-T)**

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European transport network (TEN-T)**

1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2018) 277 final - 2018/0138 COD):	17 May 2018.
Date of the opinion of the European Economic and Social Committee:	17 October 2018.
Date of the Committee of the Regions adopted its Opinion on the proposal:	7 February 2019.
Date of the position of the European Parliament, first reading:	13 February 2019.
Date of the Council agreement on a general approach:	2 December 2019.
Dates of the trilogues:	3 February 2020. 18 May 2020. 8 June 2020.
Date when the Committee of Permanent Representatives confirmed the compromise agreement:	17 June 2020.
Date when the TRAN committee of the European Parliament voted to endorse the compromise agreement:	14 July 2020.
Date when the Committee of Permanent Representatives adopted the position of the Council (I/A Item):	[9] June 2021.
Date of adoption of the Council first reading position:	[14] June 2021.

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The Commission proposal on streamlining measures for advancing the realisation of the trans-European transport network was presented in May 2018 as part of the 3rd mobility package (Europe on the Move). The proposal is key for the completion of the core TEN-T network by the agreed deadline of 2030 by reducing delays encountered in the implementation of TEN-T infrastructure projects. 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.

3. COMMENTS ON THE POSITION OF THE COUNCIL

Change of the instrument from a Regulation to a Directive

The Council's position at first reading, adopted on 14 June 2021 and reflecting the outcome of the negotiations with the European Parliament, differs on many formal aspects from the original Commission proposal due to the change of the legal instrument from a regulation to a Directive. However, despite these significant changes to the Commission's proposal following the trilogues, the text of the agreement reached adheres to the objectives of the original Commission proposal to achieve faster permit-granting procedures and facilitation for the project promoter.

The most important changes introduced compared to the Commission's proposal include:

Scope of application

The Commission had proposed a scope of application linked to all projects of common interest on the TEN-T core network.

The scope of application now includes: (1) the pre-identified cross-border links and missing links of the TEN-T core network corridors as contained in section 1 of part III of the Regulation Connecting Europe Facility 2021-2027¹; (2) projects on the core network corridors exceeding EUR 300 million. Not included are the projects that exclusively relate to telematics applications, new technology and innovation as defined in the TEN-T Regulation². Member States can choose to extend the scope of application of this Directive to all projects on the core network or even of the comprehensive network.

The Commission can accept this amendment as it ensures that a broad and significant range of projects is covered, in particular the larger and complex infrastructure projects such as cross-border sections.

Designated Authority

The "single competent permit granting authority" proposed by the Commission was changed into a "designated authority", in line with the instrument of a Directive and taking into account the differences in Member States. The clear identification for each project of a designated authority which will serve as a contact point during the entire procedure and providing the relevant information will facilitate the work of project promoters. The Commission can accept this amendment.

Deadline for the permit-granting procedure

The Commission original proposal envisaged a procedure broken down in several different stages with accompanying timeframes. In line with the instrument of a Directive, the provision was changed, leaving more flexibility on the stages that Member States can foresee, but imposing an overall deadline of 4 years to conclude the entire permit-granting procedure. Additional safeguards were added, namely a limitation to the possibility of prolongations and the provision that any prolongation needs to be duly justified and the project promotor needs to be informed about it. The Commission can accept these amendments.

¹ Commission proposal COM(2018)438 final on which an agreement was reached between the co-legislators on 11 March 2021

² Regulation (EU) No 1315/2013 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. 1–128

Coordination of cross-border permit-granting procedure and the role of the European Coordinators

For projects involving two Member States, the obligation to align timetables for the permitting and to agree on a joint schedule was slightly amended. Nevertheless, the Directive ensures that the authorities of Member States have to cooperate in case of cross-border projects on the permit-granting. Similarly, the wording in the provisions on the role of the European Coordinators in cross-border permit granting procedures was amended. The text of the Directive ensures that the European Coordinators receive information on the permit-granting procedure, may facilitate contacts between designated authorities and may ask for information when the deadlines set are not met. The Commission can accept these amendments.

Priority status

The Commission proposal had foreseen that project promoters and authorities should give the most rapid legal treatment possible. The overall concept, asking Member States that authorities give priority to projects covered by the Directive during the permit granting procedure, remains. The Directive amended the provision on the application of specific permit-granting procedures for priority projects which already exist under national law by allowing for testing specific permit-granting procedures. The Commission can accept these amendments.

Reporting

The Directive adds a reporting obligation for Member States to inform the Commission every two years on the number of permit-granting procedures falling within the scope of this Directive, the average length of the procedures, the number of permit-granting procedures exceeding the time limit and the establishment of any joint authorities. The Commission can accept this amendment.

4. Conclusion

In general, the agreement reached allows to reach the objectives of the Commission's initial proposal, maintaining a sufficient the level of ambition. The new rules will make administrative procedures for infrastructure projects more efficient and transparent and benefit the transport sector in its recovery after the COVID-19 crisis by assisting faster implementation of transport infrastructure projects. The Commission accepts the position taken by the Council.