



Council of the
European Union

Brussels, 28 June 2022
(OR. en)

10657/22

LIMITE

TRANS 440
CODEC 1006

Interinstitutional File:
2021/0420(COD)

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	15109/21
No. Cion doc.:	COM(2021) 812 final
Subject:	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 - Presidency compromise on Sections 2 and 4 of Chapter III

Delegations will find attached a first Presidency compromise on the articles of Sections 2 (inland waterways transport infrastructure) and 4 (road transport infrastructure) of Chapter III of the above proposal with a view to a detailed examination at the meeting of the Working Party on Transport - Intermodal Questions and Networks on 4 July.

Changes compared to the Commission proposal (ST 15109/21) are highlighted in **bold and underlined** for additions and in ~~strike through~~ for deletions.

The following two new definitions related to Section 4 (Road transport infrastructure) are proposed:

CHAPTER I

GENERAL PRINCIPLES

Article 3

Definitions

For the purpose of this Regulation, the following definitions apply:

(ao) ‘motoway’ means a motorway as defined in Article 2(1a) of Directive 2008/96/EC¹

(ap) ‘primary road’ means a road outside urban areas that connects major cities or regions, or both, belonging to the highest category of road below the category “motorway” in the national road classification that is in place on 26 November 2019 and fulfils the following criteria:

- a) prohibits stopping and parking on the running carriageway; and**
- b) does not cross at grade with any railway or tramway track, bicycle path or footpath.**

¹ **Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59–67).**

CHAPTER III

SPECIFIC PROVISIONS

SECTION 2

INLAND WATERWAYS TRANSPORT INFRASTRUCTURE

Article 20

Infrastructure components

1. Inland waterways infrastructure shall comprise, in particular:
 - (a) rivers;
 - (b) canals;
 - (c) lakes **and lagoons**;
 - (d) related infrastructure such as locks, elevators, bridges, reservoirs and associated flood and drought prevention and mitigation measures which may bring positive effects to inland waterway navigation;
 - (e) access waterways and last mile connections to multimodal freight terminals connected by inland waterways, in particular in inland and maritime ports;
 - (f) mooring and rest places;
 - (g) inland ports, including basic port infrastructure in the form of internal basins, quay walls, berths, jetties, docks, dykes, backfills, **platforms**, land reclamation and the infrastructure necessary for transport operations within the port area and outside the port area;

- (h) associated equipment referred to in paragraph 2;
 - (i) ICT systems for transport, including RIS;
 - (j) the connections of the inland ports to the other modes in the trans-European transport network;
 - (k) infrastructure related to facilities for alternative fuels ~~as defined in Regulation (EU) [...]~~ ~~[on the deployment of alternative fuels infrastructure]~~;
 - (l) infrastructure necessary for zero waste operations and circular economy measures.
2. Equipment associated with inland waterways may include equipment for the loading and unloading of cargos and storage of goods in inland ports. Associated equipment may include, in particular, propulsion and operating systems which reduce pollution, such as water and air pollution, energy consumption and carbon intensity. It may also include waste reception facilities, shore-side electricity power supply and other alternative fuels infrastructure for supply and generation and used oil collection facilities, as well as equipment for ice-breaking, hydrological services and dredging of the fairway, port and port approaches to ensure year-round navigability.
3. An inland port shall be part of the comprehensive network where it meets the following conditions:
- (a) it has an annual freight transshipment volume exceeding 500,000 tonnes. The total annual freight transshipment volume shall be based on the latest available three-year average, based on the statistics published by Eurostat;
 - (b) it is located on the inland waterway network of the trans-European transport network.

Article 21

Transport infrastructure requirements for the comprehensive network

1. Member States shall ensure that inland ports on the comprehensive network, by 31 December 2050:

- (a) will be connected with the road or rail infrastructure;
 - (b) offer at least one multimodal freight terminal open to all operators and users in a non-discriminatory way and which shall apply transparent and non-discriminatory charges;
 - (c) are equipped with facilities to improve the environmental performance of vessels in ports, including reception facilities, degassing facilities, noise reduction measures, measures to reduce air and water pollution.
2. Member States shall ensure that alternative fuels infrastructure is deployed in inland ports in compliance with the requirements of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure].

Article 22

Transport infrastructure requirements for the core network

1. Member States shall ensure that the inland ports of the core network meet the requirements set out in Article 21(1), points (a) and (b), by 31 December 2030 and in Article 21(1), points (c), by 31 December 2040.
2. Member States shall ensure that the inland waterway network, including connections referred to in Article 20(1), point (e), is maintained to enable efficient, reliable and safe navigation for users by ensuring minimum waterway requirements ~~and levels of service~~ and by preventing the deterioration of these minimum requirements or any of its defined underlying criteria (Good Navigation Status).
3. Member States shall **by 31 December 2030** in particular ensure that:
- (a) Rivers, canals, lakes, **lagoons**, inland ports and their access routes provide a navigable channel depth of at least 2.5 m and a minimum height under non-openable bridges of at least 5.25 m at defined reference water levels, which are exceeded at a defined number of days per year on a statistical average.

The reference water levels shall be established on the basis of the number of days per year on which the actual water level exceeded the specified reference water level. **After consulting the Member States concerned,** ~~t~~The Commission shall adopt implementing acts specifying the reference water levels referred to in the previous subparagraph per river basin. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

When specifying the reference water levels the Commission shall take into account the requirements which are set out in international conventions and in agreements concluded between Member States.

- (b) Member States shall publish on a website accessible to the public the number of days per year as referred to **in the second subparagraph of this** ~~under point (a)~~ during which the actual water level exceeds or does not achieve the specified reference water level for navigation channel depth as well as the average waiting times at each lock;
- (c) operators of locks shall ensure that locks are operated and maintained in such a way that waiting times are minimised;
- (d) rivers, canals, ~~and lakes~~ **and lagoons** are equipped with RIS for all services according to Directive 2005/44/EC², so as to guarantee real-time information to users across borders.

4. At the request of a Member State, in duly justified cases, exemptions from the minimum requirements referred to in paragraph (3), point (a), may be granted by the Commission by means of implementing acts. Any request for exemption shall be based on a socio-economic cost-benefit analysis, the assessment of specific geographic or significant physical constraints and/or of potential negative impacts on environment and biodiversity.

² Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255, 30.9.2005, p.152).

Deterioration of the minimum requirements caused by direct human action or by lack of diligence in the maintenance of the inland waterway network shall not be considered as a case justifying the granting of an exemption.

Member States may be granted an exemption in case of force majeure. Member States shall rehabilitate the navigability conditions to the previous status as soon as the situation allows for it.

Any request for exemption shall be coordinated and agreed with the neighbouring Member State(s) where applicable.

5. The Commission shall adopt implementing acts setting out requirements complementing the minimum requirements established in accordance with paragraph (3), point (a), second subparagraph, per river basin. These requirements may be related in particular to:

- (a) complementary parameters for waterways specific for free flowing rivers;
- (b) specifications for inland waterway infrastructure;
- (c) specifications for infrastructure of inland ports;
- (d) appropriate mooring places and services for commercial users;
- (e) deployment of alternative energy infrastructure to ensure corridor-wide access to alternative fuels;
- (f) requirements for digital applications of the network and automation processes;
- (g) resilience of the infrastructure to climate change, natural hazards and human-made disasters or intentional disruptions;
- (h) introduction and promotion of new technologies and innovation for zero-carbon energy fuels and propulsion systems.

The implementing act referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 59(3) **and shall take into account specific characteristics of each river basin.**

6. The Commission shall ensure a coherent approach on the application of the good navigation status in the Union and may adopt guidelines thereto. When establishing minimum requirements for paragraphs (e) and (f), the Commission shall ensure that the interoperability between river basins is not compromised.

Article 23

Additional priorities for inland waterway infrastructure development

In the promotion of projects of common interest related to inland waterway infrastructures, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:

- (a) where appropriate, achieving higher standards for modernising existing waterways and for creating new waterways, in order to meet market demands;
- (b) prevention and mitigation measures against flooding and droughts;
- (c) **improvement of digitalisation and automation processes, in particular in view of an increased safety, security and sustainability in** ~~the promotion of sustainable, safe and secure inland waterway transport, including within urban nodes;~~
- (d) modernisation and expansion of the capacity of the infrastructure necessary for **multimodal** transport operations within as well as outside the port area;
- (e) promoting and developing measures to improve the environmental performance of inland waterway transport and transport infrastructure, including zero and low emission vessels and measures to mitigate impacts on water bodies and water-dependent biodiversity, in accordance with the applicable requirements under Union law or relevant international agreements.

SECTION 4

ROAD TRANSPORT INFRASTRUCTURE

Article 28

Infrastructure components

1. Road transport infrastructure shall comprise, in particular:
 - (a) roads including:
 - (i) bridges;
 - (ii) tunnels;
 - (iii) junctions;
 - (iv) crossings;
 - (v) interchanges;
 - (vi) hard shoulders;
 - (vii) parking and rest areas, including safe and secure parking areas for commercial vehicles;
 - (viii) weigh in motion systems;
 - (ix) infrastructure related to facilities for alternative fuels ~~in full compliance with the requirements of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure];~~
 - (x) infrastructure mitigating impact on environment;
 - (b) associated equipment;

- (c) **digital infrastructure and** ICT systems for transport;
 - (d) access routes and last mile connection to multimodal freight terminals;
 - (e) connections of the freight terminals and logistic platforms to the other modes in the trans-European transport network;
 - (f) bus terminals.
2. The roads referred to in point (a) of paragraph 1 are those which play an important role in long-distance freight and passenger traffic, integrate the main urban and economic centres and interconnect with other transport modes.
3. Equipment associated with roads may include, in particular, equipment for traffic management, information and route guidance, for the levying of tolls or user charges, for safety, for reducing negative environmental effects, for refuelling or recharging of vehicles with alternative propulsion, and for safe and secure parking areas for commercial vehicles.

Article 29

Transport infrastructure requirements for the comprehensive network

1. Member States shall ensure that:
- (a) the safety of road transport infrastructure is ensured, monitored and, when necessary, improved in accordance with Directive 2008/96/EC of the European Parliament and of the Council³;
 - (b) the roads are designed, built or upgraded and maintained with the highest level of safety of traffic through, in particular, the implementation of the latest technologies;

³ Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).

- (c) the roads are designed, built or upgraded and maintained with the highest level of environmental protection, including as appropriate through low noise road surfaces and the collection, treatment and release of water run-off;
- (d) road tunnels over 500 m in length comply with Directive 2004/54/EC of the European Parliament and of the Council⁴;
- (e) where applicable, the interoperability of toll collection systems is ensured in accordance with Directive (EU) 2019/520 of the European Parliament and of the Council⁵ and with Commission Implementing Regulation C/2019/9080⁶ and Commission Delegated Regulation C/2019/8369⁷;
- (f) where applicable, the tolls or user charges are levied in accordance with Directive 1999/62/EC of the European Parliament and of the Council⁸;

⁴ Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.4.2004, p. 39).

⁵ Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45).

⁶ Commission Implementing Regulation (EU) 2020/204 of 28 November 2019 on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC (OJ L 43, 17.2.2020, p. 49).

⁷ Commission Delegated Regulation (EU) 2020/203 of 28 November 2019 on classification of vehicles, obligations of European Electronic Toll Service users, requirements for interoperability constituents and minimum eligibility criteria for notified bodies (OJ L 43, 17.2.2020, p. 41).

⁸ Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).

- (g) any intelligent transport system on road transport infrastructure complies with Directive (EU) [...] on the framework for the deployment of Intelligent Transport Systems and is deployed in a manner consistent with delegated acts adopted under that Directive⁹;
- (h) alternative fuels infrastructure is deployed on the road network in full compliance with the requirements of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure].

2. Member States shall ensure that by 31 December 2050 the road infrastructure of the comprehensive network:

- **is designed, built or upgraded as motorway or primary road¹⁰ and**
- meets the following requirements:
 - (a) ~~the road is specially designed, built or upgraded for motor traffic and:~~
 - (i) ~~provides, except at special points or temporarily, separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;~~
 - (ii) ~~does not cross at grade with any road, railway or tramway track, bicycle path or footpath; and~~
 - (iii) ~~does not serve properties bordering on it.~~

⁹ Directive 2021/... revising Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport] (OJ L [...]).

¹⁰ **Following sentence should be added at the end of recital 48: „In particular, road infrastructure of the comprehensive network, should be designed, built or upgraded as motorways or as primary roads and roads of the core and extended core networks as motorways. In order to ensure the application of the highest safety standards, for those roads on the comprehensive network, Member States should strive to ensure that new infrastructure or existing ones are built or upgraded as motorways.“**

- (ba) rest areas are available at a maximum distance of 60 km from each other, providing sufficient parking space, safety and security equipment, and appropriate facilities, including sanitary facilities, that meet the needs of a diverse workforce;
- (be) safe and secure parking areas are available at a maximum distance of 100 km from each other, providing a sufficient parking space for commercial vehicles and complying with the requirements set out in Article 8a(1), point (a), of Regulation (EC) No 561/2006 ~~Regulation (EU) 2020/1054~~¹¹;

The safe and secure parking areas shall be located on the TEN-T network or within 3 km driving distance from the nearest exit of a TEN-T road;

- (ec) weigh in motion systems are installed at a maximum distance of 300 km from each other. Weigh in motion systems shall allow the identification of vehicles and vehicle combinations that are likely to have exceeded the maximum authorised weights set out in Directive 96/53/EC.

3. Member States shall ensure, by 31 December 2030, the deployment or use of the means to detect safety-related events or conditions, and collection of the relevant road traffic data, for the purpose of providing road safety-related minimum universal traffic information as defined in Commission Delegated Regulation 886/2013¹².

¹¹ **Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1–14).** ~~Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (OJ L 249, 31.7.2020, p. 1).~~

¹² Commission delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users(OJ L 247, 18.9.2013, p. 6).

4. At the request of a Member State, in duly justified cases, exemptions from the requirement set out in paragraph 2, point **(b)**, ~~(a)~~, may be granted by the Commission by means of implementing acts, ~~in particular where the traffic density does not exceed 10,000 vehicles per day in both directions, or when there are specific geographic or significant physical constraints, as long as an appropriate level of safety is ensured.~~ Any request for exemption shall be based on a socio-economic cost-benefit analysis, the assessment of specific geographic or significant physical constraints and/or of potential negative impacts on environment and biodiversity of the investments.

Article 30

Transport infrastructure requirements for the core network and extended core network

1. Member States shall ensure that the road infrastructure of the core network and extended core network complies with Article 29(1).
- 1a. Member States shall ensure that the road infrastructure of the core network and extended core network is designed, built or upgraded as motorway.**
2. Member States shall ensure that the road infrastructure of the core network and extended core network meets the requirements set out in Article 29(2), **second indent**, points ~~(a)~~, **(b)** and ~~(c)~~, by 31 December 2040.
3. Member States shall ensure that the road infrastructure of the core network and extended core network meets the requirements set out in Article 29(2), **second indent**, point ~~(b)~~, by 31 December 2030.
4. Member States shall ensure that the road infrastructure of the core network meets the requirements set out in Article 29(3):
 - by 31 December 2025 **for those infrastructure of the core network;**
 - **by 31 December 2030 for those infrastructure of the extended core network.**

5. a) Member States may[, in duly justified cases,] exempt sections where the traffic density does not exceed 10,000 vehicles per day in both directions from the requirements set out in paragraph 1a2(a). They shall notify the Commission of the exemptions granted. Those exempted sections shall be designed, built or upgraded as primary roads by 31 December 2030.

b) Without prejudice to point (a), at the request of a Member State, in duly justified cases, exemptions from the requirement set out in paragraph 2(a1a), may be granted by the Commission by means of implementing acts, in particular when there are specific geographic or significant physical constraints, as long as an appropriate level of safety is ensured.

Any such request for exemption shall be based on a socio-economic cost-benefit analysis, the assessment of specific geographic or significant physical constraints and/or of potential negative impacts on environment and biodiversity of the investments.

~~At the request of a Member State, in duly justified cases, exemptions from the requirement set out in Article 29 (2), point (a), may be granted by the Commission by means of implementing acts, in particular where the traffic density does not exceed 10,000 vehicles per day in both directions, or when there are specific geographic or significant physical constraints, as long as an appropriate level of safety is ensured. Any request for exemption shall be based on a socio-economic cost-benefit analysis, the assessment of specific geographic or significant physical constraints and/or of potential negative impacts on environment and biodiversity of the investments.~~

Additional priorities for road infrastructure development

In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:

- (a) improvement and promotion of road safety, taking into account the needs of vulnerable users and road users in all their diversity, in particular persons with reduced mobility;
- (b) mitigation of congestion on existing roads, in particular through intelligent traffic management, including dynamic congestion charges or tolls varied based on the time of day, week or season;
- (c) **improvement of digitalisation and automation processes,** introduction of innovative technologies to improve the control of compliance with the Union road transport legal framework, including smart and automated enforcement tools and 5G communication infrastructure;
- (d) when building or upgrading road infrastructure, ensure the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport.
