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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 7750/22 ST 7919/22
No. Cion doc.:	ST 15109/22 - 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 - Revised Presidency compromise on Chapters IV, V and VI

Delegations will find attached a revised Presidency compromise on the articles of Chapters IV, V and VI 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 13 September.

Changes compared to the previous version<sup>1</sup> of the Presidency compromise are highlighted in **bold and underlined** for additions and in ~~strikethrough~~ for deletions.

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<sup>1</sup> ST 7750/22 (Chapters IV and V) and ST 7919/22 (Chapter VI).

**CHAPTER IV*****PROVISIONS FOR SMART AND RESILIENT TRANSPORT****Article 42***ICT systems for transport**

1. ICT systems for transport shall be such as to enable capacity and traffic management and the exchange of information within and between transport modes for multimodal transport operations and value-added transport-related services, improvements in resilience, safety, security, congestion and operational and environmental performance, and simplified administrative procedures. ICT systems for transport shall also facilitate seamless connection between infrastructure and mobile assets.
2. The following ICT systems for transport shall be deployed in accordance with and within the limits of specific provisions laid down in Union law, across the Union, in order to ensure the presence of a set of interoperable basic capabilities in all Member States:
  - (a) for railways: ERTMS, telematics applications for freight and passenger services as referred to in the Technical Specification for Interoperability, in particular outputs from Shift2Rail and Europe's Rail Joint Undertaking;
  - (b) for inland waterways: RIS;
  - (c) for road transport and its interfaces with other modes of transport: ITS;
  - (d) for maritime transport: for vessel traffic management VTMISS services and for information exchange the European Maritime Single Window environment (EMSWe);
  - (e) for air transport: ATM/ANS systems, in particular those resulting from the SESAR project;

(f) for multimodal transport: eFTI.

3. deleted.

### *Article 43*

#### **Sustainable freight transport services**

1. Member States shall promote projects of common interest which both provide efficient freight transport services that use the infrastructure of the trans-European transport network and contribute to reducing GHG emissions and other negative environmental impacts, and which aim to:
  - (a) improve sustainable use of transport infrastructure, including its efficient management;
  - (b) promote the deployment of innovative transport services, including short-sea shipping links in the framework of the European Maritime Space, ICT systems for transport and the development of the ancillary infrastructure necessary to achieve mainly environmental and safety-related goals of those services;
  - (c) facilitate multimodal transport service operations, including the necessary accompanying information flows, and improve cooperation of the participants of the logistic chain, including shippers, operators, service providers and their customers;
  - (d) stimulate resource efficiency and zero- and low-emission operation, in particular in the fields of technologies, operations, vehicle traction, driving/steaming, systems and operations planning; or
  - (e) improve links to the most vulnerable and isolated parts of the Union, in particular the outermost regions, and other remote, insular, peripheral and mountainous regions as well as sparsely populated areas.
2. deleted.

### **New technologies and innovation**

In order for the trans-European transport network to keep up with innovative technological developments and deployments, the aim shall be in particular to:

- (a) support and promote the decarbonisation of transport through transition to zero- and low-emission vehicles, vessels and aircrafts and other innovative and sustainable transport and network technologies;
- (b) enhance the decarbonisation of all transport modes by stimulating energy efficiency, introduce zero and low emission solutions, including hydrogen and electricity supply systems, as well as other new solutions such as sustainable fuels, and provide corresponding infrastructure, where possible through synergies with the TEN-E. Such infrastructure may include grid access and other facilities necessary for the energy supply, may take account of the infrastructure-vehicle interface and may encompass ICT systems for transport. Transport infrastructure may serve as energy hub to serve different transport modes;
- (c) support the take-up and deployment of new digital technologies, in particular promote data exchange and connectivity infrastructure with uninterrupted coverage across the **network** ~~European Transport Corridors~~ to ensure the highest level and performance of digital infrastructure and reach higher levels of automation;
- (d) improve the safety and sustainability of the movement of persons and of the transport of goods;
- (e) improve the operation, management, accessibility, interoperability, multimodality and efficiency of the network, including through the development of multimodal digital mobility services;
- (f) promote efficient ways to provide accessible and comprehensible information to all users and providers of transport services regarding interconnections, interoperability and multimodality;

- (g) promote efficient ways to provide accessible and comprehensive information to all users and providers of transport services regarding the environmental impacts of their transport choices;
- (h) promote measures to reduce externalities, such as congestion, damage to health and pollution of any kind including noise and emissions;
- (i) introduce security technology ~~and compatible identification standards on the networks~~;
- (j) improve transport infrastructure resilience against disruptions and climate change through infrastructure upgrades and design and digital, cyber secure solutions aimed at the protection of the network in the context of natural and human-made disasters;
- (k) further advance the development and deployment of ICT systems and new technologies for transport within and between modes of transport.

#### *Article 45*

#### **~~{Safe and secure infrastructure}~~**

~~[Member States shall give due consideration to ensuring ensure that the trans-European transport infrastructure provides for safe and secure passenger and freight movements.]~~

#### *Article 46*

#### **Resilience of infrastructure**

1. Member States shall make all possible efforts to ensure that when projects of common interest are planned and implemented the security and resilience of such projects to climate change, natural hazards, human-made disasters, accidents and operational interruptions as well as intentional disruptions affecting the functioning of the Union transport system are taken into account. In particular, due consideration shall be given to:
  - (a) interdependencies, linkages and cascading effects with other networks such as telecommunication and electricity network;

- (b) safety, security and performance in the presence of multiple hazards;
- (c) structural infrastructure quality during its whole lifecycle, with particular attention to the future projected climate conditions;
- (d) civil protection needs to react to disruptions;
- (e) cyber-security and resilience of infrastructure, with particular attention to cross-border infrastructure.

2. Projects of common interest for which an environmental impact assessment must be carried out in compliance with Directive 2011/92/UE shall be subject to climate proofing. The climate proofing shall be undertaken taking into account the latest available best practice and guidance to ensure that transport infrastructures are resilient to the adverse impacts of climate change, through a climate vulnerability and risk assessment, including through relevant adaptation measures, and through integration of the costs of greenhouse gas emissions in the cost-benefit analysis. Such requirement does not apply to projects for which the **procurement process of the** environmental impact assessment has been ~~commissioned~~ **initiated** before entry into force of this Regulation.

#### *Article 47*

#### **Risks to security or public order**

1. **Without prejudice to each Member State having sole responsibility for its national security, as provided for in Article 4(2) TEU, and to the right of each Member State to protect its essential security interests in accordance with Article 346 TFEU,** Member States shall notify the Commission of any project of common interest in their territory with the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country with a view to allow assessment of its impact on security or public order in the Union. This obligation shall not apply to:
- (a)** foreign direct investments notified to the Commission and other Member States pursuant to Article 6(1) of Regulation (EU) 2019/452;

- (b) the participation or contribution of a natural person performing for remuneration work the nature of which is not determined by himself for and under the control of another;**
- (c) the participation or contribution in a project of common interest in a Member State which does not exceed an amount of EUR 5 000 000 or a value equivalent to that amount, provided that the cumulated participation or contribution of the natural person or undertaking in projects in that Member State does not exceed EUR 25 000 000 over a period of three years.**

2. ~~Member States shall ensure that the information notified pursuant to paragraph 1 is made available at least twelve months before the final decision on the implementation of the project of common interest.~~

The information shall in particular include:

- (a) the ownership structure of the undertaking of a third country and where applicable of the undertaking in which the participation or contribution is planned, including information on the ultimate beneficial owner and participation in the capital;
- (b) the approximate value of the participation of or contribution by a natural person of a third country or an undertaking of a third country in the project of common interest and the description of the form and conditions of such participation or contribution;
- (c) the products, services and business operations of the natural person of a third country or an undertaking of a third country and where applicable of the undertaking in which the participation or contribution is planned affecting the trans-European network;
- (d) the Member States in which the natural person of a third country or an undertaking of a third country and where applicable the undertaking in which the participation or contribution is planned conduct relevant business operations affecting the trans-European transport network;
- (e) the funding of the contribution or participation and its source, on the basis of the best information available to the Member State;

- (f) the date when the participation is planned to take effect or the contribution is planned to be completed.

In addition, Member States shall endeavour to provide any information, if available, relevant for the assessment undertaken by the Commission pursuant to points (a), (b) and (c) of the second subparagraph of paragraph 5.

**Member States shall ensure that the information notified pursuant to paragraph 1 is made available at least**

- **two months after the deadline for receipt of tenders in the public procurement as set out in Directive 2014/24 or Directive 2014/25, where applicable, or**
- **in the absence of public procurement four months before the date referred to in point (f) of the first subparagraph.**

3. No later than thirty calendar days following the receipt of information pursuant to paragraph 1, the Commission may request additional information from the Member State where the project of common interest is planned. Any request for additional information shall be duly justified, limited to information necessary to carry out the assessment pursuant to paragraph 5, proportionate to the purpose of the request and not unduly burdensome for the Member State where the project of common interest is planned.

The Member State where the project of common interest is planned shall ensure that the additional information requested by the Commission is made available to the Commission without undue delay.

The Member State where the project of common interest is planned may request the natural person of a third country or an undertaking of a third country to provide the information referred to in paragraph 2 and 3. The natural person of a third country or an undertaking of a third country concerned shall provide the information requested without undue delay.

4. Where the Commission considers that the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country is likely to affect ~~critical~~ infrastructure on the trans-European transport network on grounds of security or public order, or has relevant information in relation to that participation or contribution, or



the project of common interest concerned, it may issue an opinion addressed to the Member State where the project of common interest is planned.

~~Critical infrastructure thereby means an asset, system or part thereof used for transport purposes and located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions.~~

5. In determining whether the participation of a natural person of a third country or an undertaking of a third country is likely to affect ~~critical~~ infrastructure on grounds of security or public order, the Commission may consider its potential effects on, inter alia on:

- ~~(a) — critical infrastructure and facilities critical for the operation of such infrastructure, as well as land and real estate crucial for the use of such infrastructure;~~
- ~~(b) — technologies and dual use items as defined in point 1 of Article 2 of Regulation (EU) 2021/821<sup>2</sup> essential for the functioning of critical infrastructure;~~
- ~~(a<sup>e</sup>)~~ supply of inputs essential for the building, operation and maintenance of ~~critical~~ **the** infrastructure;
- ~~(b<sup>d</sup>)~~ access to sensitive information, including personal data, or the ability to control such information in conjunction with the building, operation and maintenance of ~~critical~~ **the** infrastructure.

In determining whether a foreign participation or contribution is likely to affect security or public order, the Commission may also take into account, in particular:

- (a) whether the third undertaking is directly or indirectly controlled by the government, including state bodies or armed forces, of a third country, including through ownership structure or significant funding;

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<sup>2</sup> ~~Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual use items (recast) (OJ L 206, 11.6.2021, p. 1).~~

- (b) whether the natural person of a third country or the third undertaking have already been involved in activities affecting security or public order in a Member State; or
- (c) whether there is a serious risk that the natural person of a third country or the third undertaking engage in illegal or criminal activities.
6. The Commission may provide an opinion pursuant to paragraph 4 no later than ~~three~~ **two** months following the receipt of information pursuant to paragraph 3. The opinion of the Commission shall be addressed to the Member State where the project of common interest is planned and it shall be sent to the other Member States. In case the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country is a foreign direct investment as defined in point 1 of Article 2 of Regulation (EU) 2019/452 not undergoing screening by the Member State where the foreign direct investment is planned or completed, the Commission shall issue such opinion, where justified, pursuant to Article 8 of Regulation (EU) 2019/452.
7. The Member State in which the project of common interest is planned to be implemented by, or with the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country shall take utmost account of the Commission's opinion and provide an explanation to the Commission if its opinion is not followed, no later than **two** ~~three~~-months following the issuance of the opinion.
8. ~~Each Member State and the Commission shall establish a~~ **The contact points established pursuant to Article 11(1) of Regulation (EU) 2019/452 shall be involved on all issues relating for to** the implementation of this Article. ~~Member States and the Commission shall involve those contact points on all issues relating to the implementation of this Article.~~
9. ~~A~~ **The** secure and encrypted system **established pursuant to Article 11(2) of Regulation (EU) 2019/452** shall be **used** ~~provided by the Commission~~ to support direct cooperation and exchange of information between the contact points.
10. Member States and the Commission shall ensure the protection of confidential information acquired in application of this article in accordance with Union and the respective national law.

11. Member States and the Commission shall ensure that classified information provided or exchanged under this article is not downgraded or declassified without the prior written consent of the originator.
12. Any processing of personal data pursuant to this Article shall be carried out in accordance with Regulation (EU) 2016/679<sup>3</sup> and Regulation (EU) 2018/1725<sup>4</sup> and only in so far as it is necessary for the screening of the participation in, or contribution to, the relevant project of common interest and for ensuring the effectiveness of the cooperation provided for in this Article. Personal data related to the implementation of this Article shall be kept only for the time necessary to achieve the purposes for which they were collected.

#### *Article 48*

### **Maintenance and project life cycle**

Without prejudice to the competence of the Member States regarding the planning, the management and the financing of the maintenance of infrastructure, and to the budgetary principle of annuality, where applicable, Member States shall make all possible efforts to ensure that:

- (a) the infrastructure of the trans-European transport network is maintained in a way that it provides, during its lifetime, a high level of service and safety adapted to the traffic flow;
- (b) ~~long term maintenance plans are set up~~ **three years following the date of entry into force of this Regulation**;

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<sup>3</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>4</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (c) a preview of preventive maintenance needs and estimated costs over the life-time of the trans-European transport infrastructure are taken into account in the planning phase of construction or upgrading;
- (d) in the case of railway infrastructure, consistency is ensured between the maintenance and renewal needs related to the development of the trans-European network for transport and reflected in the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU, the business plan referred to in Article 8(3) of Directive 2012/34/EU and the contractual agreement referred to in Article 30 of Directive 2012/34/EU.

#### *Article 49*

#### **Accessibility for all users**

Trans-European transport infrastructure shall allow seamless mobility and accessibility for all users, in particular:

- people in situations of vulnerability including persons with disabilities or reduced mobility;  
and
- people living in outermost regions and other remote, rural, insular, peripheral and mountainous regions as well as sparsely populated areas.

## CHAPTER V

### ***IMPLEMENTATION OF THE INSTRUMENTS OF EUROPEAN TRANSPORT CORRIDORS AND HORIZONTAL PRIORITIES***

#### *Article 50*

#### **The instrument of European Transport Corridors and horizontal priorities**

1. European Transport Corridors are an instrument to facilitate the coordinated implementation of parts of the trans-European transport network and are intended, in particular, to improve cross-border links, to complete missing links and to remove bottlenecks within the Union.
2. In order to lead to resource-efficient multimodal transport and to contribute to cohesion through improved territorial cooperation, the European Transport Corridors shall be focused on:
  - (a) modal integration with a particular view to strengthen the most environmentally friendly transport modes, notably rail, inland waterways and short-sea shipping;
  - (b) interoperability;
  - (c) a coordinated development of infrastructure, in particular in cross-border sections, notably in view of developing an highly interoperable rail freight system as well as a performant long-distance rail passenger network, including at high speed, across the Union;
  - (d) supporting the coordinated and integrated development and deployment of innovative solutions for the digitalisation and interoperability of transport.
  - (e) promoting the deployment of alternative fuels infrastructure.**
3. European Transport Corridors shall enable Member States to achieve a coordinated and synchronised approach with regard to investment in infrastructure.

4. The ERTMS and the European Maritime Space are the two horizontal priorities for the implementation of the trans-European transport network. The instruments set up in accordance with this Chapter shall facilitate the timely deployment of ERTMS and the integration of maritime transport infrastructure and services into the trans-European transport network.

#### *Article 51*

#### **Coordination of European Transport Corridors and horizontal priorities**

1. In order to facilitate the coordinated implementation of the European Transport Corridors, of ERTMS and of the European Maritime Space, the Commission shall, in agreement with the Member States concerned, and after consulting the European Parliament and the Council, designate one European Coordinator for each Corridor and for each horizontal priority.
2. The European Coordinator shall be chosen, in particular, on the basis of his/her knowledge of matters relating to transport and/or to the financing and/or the socio-economic and environmental evaluation of major projects, as well as his/her experience with Union policy making. The European Coordinator shall be selected for a mandate of maximum of four years, renewable. The remit of the European Coordinator shall relate to the implementation of a single corridor or horizontal priority.
3. The Commission decision designating the European Coordinator shall specify how the tasks referred to in paragraphs 5, 6 and 7 are to be performed.
4. The European Coordinator shall act in the name and on behalf of the Commission, which shall provide the necessary secretarial assistance.
5. The European Coordinators shall:
  - (a) support the coordinated implementation of the European Transport Corridor or horizontal priority concerned;
  - (b) draw up a work plan together with the Member States concerned and monitor its implementation in accordance with Article 53;

- (c) consult with the Corridor Forum or the consultative forum for the horizontal priorities respectively in relation to that work plan and its implementation and regularly inform the Forum on the implementation of the work plan;
- (d) report to the Member States, to the Commission and, as appropriate, to all other entities directly involved in the development of the European Transport Corridor or horizontal priority on any difficulties encountered and, in particular when the development of a corridor or horizontal priority is being impeded, with a view to helping to find appropriate solutions;
- (e) submit an annual status report to the European Parliament, the Council, the Commission and the Member States concerned on the progress achieved in implementing the European Transport Corridors and horizontal priorities. This annual status report shall focus on the progress made on key priorities and investments, describe the nature of problems encountered in their implementation and may suggest potential solutions.

6. Without prejudice to the competences of the rail freight governance under Regulation (EU) 913/2010 and to the competence of the Member States with respect to management and financing of infrastructure, the European Coordinators of the European Transport Corridors shall:

- (a) cooperate closely with the rail freight governance and the Member States concerned to help identify priorities and investment needs for rail freight on the rail freight lines of the European Transport Corridors;
- (b) monitor the performance of rail freight services, in close cooperation with the rail freight governance and, if appropriate, identify potential barriers, such as technical and operational ones[, and make recommendations in this regard].

7. The European Coordinators of the European Transport Corridors shall:

- (a) cooperate closely with the Member States concerned in order to help identify priorities and investment needs for the rail passenger lines of the European Transport Corridors;

~~1(b) monitor administrative, operational and interoperability aspects of passenger traffic on the rail passenger lines of the European Transport Corridors, including monitoring the performance of rail passenger services.1~~

8. Pursuant Article 14(4) of Regulation (EU) No 2021/1153, the Commission shall request the consultative opinion of the European Coordinator when examining applications for Union funding under the Connecting Europe Facility (CEF) for European Transport Corridors or horizontal priorities in the remit of the European Coordinator's mandate, in order to ensure the consistency and advancement of each corridor or horizontal priority. The European Coordinator shall verify whether projects proposed by the Member States for CEF co-funding are consistent with the priorities of the work plan.
9. If the European Coordinator is unable to carry out his or her mandate satisfactorily and in accordance with the requirements laid down in this Article, the Commission may at any time after consulting the Member States concerned terminate that mandate and designate a new European Coordinator in accordance with the procedure set out in paragraph 1.

## *Article 52*

### **Governance of European Transport Corridors and horizontal priorities**

1. For each European Transport Corridor and horizontal priority, the respective European Coordinator shall be assisted in the performance of his/her tasks concerning the work plan and its implementation by a secretariat and by a consultative forum, respectively the "Corridor Forum" and the "consultative Forum for the horizontal priority".
2. The "Corridor Forum" shall be formally established and chaired by the European Coordinator. The Member States concerned shall agree on the membership of the Corridor Forum for their part of the European Transport Corridor and ensure representation of the rail freight governance.
3. With the agreement of the Member States concerned, the European Coordinator may set up and chair corridor working groups which focus on:
  - (a) interoperability and deployment of new digital technologies and infrastructure;



- (b) the coordinated development and implementation of infrastructure projects in cross-border sections;
- (c) cross-border passenger rail services;
- (d) operational bottlenecks;
- (e) urban nodes;
- (f) cooperation with third countries;
- (g) other topics deemed necessary.

When relevant, the European Coordinator shall cooperate and coordinate with the rail freight governance on the activities of the working groups to avoid any duplication of work.

4. The consultative Forum for the horizontal priority ~~ies~~ shall be established and chaired by the European Coordinator. The Member States concerned and, where appropriate and in agreement with Member States, representatives of the relevant sectors shall be able to participate. ~~¶~~ Member States shall designate a representative to attend the consultative Forum for ERTMS. ~~¶~~ The European Coordinator may also set up ad-hoc working groups.
5. The Member States concerned shall cooperate with the European Coordinator, participate in the Corridor Forum and the consultative forum for the horizontal priority and give the European Coordinator the information required in order to perform the tasks laid down in this Article, including information on the development of corridors in the relevant national plans and programmes contributing to the development of the Trans-European Transport network.
6. The European Coordinator may consult regional and local authorities, infrastructure managers, transport operators, in particular those which are members of the rail freight governance, the supply industry, transport users and relevant stakeholders in relation to the work plan and its implementation. In addition, the European Coordinator responsible for ERTMS shall closely cooperate with the European Union Agency for Railways and Europe's Rail Joint Undertaking and the European Coordinator for the European Maritime Space with the European Maritime Safety Agency.

### **Work plan of the European Coordinator**

1. Each European Coordinator of the European Transport Corridors and the two horizontal priorities shall draw up, at the latest two years after the entry into force of this Regulation and thereafter every four years, a work plan that provides a detailed analysis of the state of implementation of the corridor or horizontal priority under his/her competence and its compliance with the requirements of this Regulation as well as the priorities for its future development.
2. The work plan shall be prepared in close cooperation with the Member States concerned and in consultation of the Corridor Forum and rail freight governance, or consultative forum of the horizontal priority. The work plan of the European Transport Corridors shall be approved by the Member States concerned. The Commission shall submit the work plan to the European Parliament and the Council for information.

When drafting the work plan, the European Coordinator shall take into account the implementation plan as referred to in Article 9 of Regulation (EU) 913/2010.

3. The work plan for the European Transport Corridor shall provide a detailed analysis of the state of implementation of the corridor concerned, which includes in particular:
  - (a) a description of the characteristics of the corridor, in particular the cross border sections;
  - (b) an analysis of the state of compliance of the corridor with the transport infrastructure requirements of this Regulation and its related progress achieved;
  - (c) an identification of the missing links and bottlenecks hampering the development of the corridor;
  - (d) an analysis of the investments required, including the different financing and funding sources committed and/or envisaged for the implementation of the projects needed for the development and completion of the corridor;

- (e) a description of possible solutions to address the investment needs and bottlenecks, in particular for the passenger and freight lines and links of the corridor;
- (f) a plan, that may contain intermediate non-binding milestones, for the removal of physical, technical, digital, operational and administrative barriers between and within transport modes and for the enhancement of efficient multimodal transport with particular attention to cross-border sections and national missing links.

For the analysis of the investments and the preparation of the plan, the European Coordinator shall:

- cooperate with the executive board and the management board of the corridor referred to in Article 11 of Regulation (EU) No 913/2010 for the aspects related to rail freight; and
- shall take into account the corridor relevant elements of the analysis, the **policy framework** action plans elaborated by the Member States pursuant to Article 35(4) and the list referred to in Article 18, point (b), of Regulation (EU) No 913/2010 for the aspects related to the multimodal freight terminals.

~~For the analysis of the investments and the preparation of the plan with intermediate targets related to passenger services, the European Coordinator shall~~

- take into account the results of the monitoring performed in accordance with article 51, paragraph 7, point (b) **for the aspect related to passenger services.**

- (g) the results of the performance monitoring of rail freight traffic undertaken by the rail freight governance in accordance with Article 19(2) of Regulation (EU) No 913/2010 and the list of corridor objectives, targets and measures defined in accordance to Article 9(1) of Regulation (EU) No 913/2010, as means to reach the operational requirements of Article 18 of this Regulation;
- [(h) an identification of measures in urban nodes which can contribute to ~~which are relevant for the effective functioning of~~ the freight and passenger transport on the corridor. Those measures shall be in compliance with relevant SUMPs. ~~and achievement of the objectives of the trans-European transport network;]~~
- (i) an identification, established with the Member States concerned, of priorities for the development of the corridor;
- (j) an analysis of the possible impacts of climate change on the infrastructure and, where appropriate, proposed measures to enhance resilience to climate change;
- (k) measures to be taken in order to mitigate greenhouse gas emissions, noise and, as appropriate, other negative environmental impacts.

4. The European Coordinator shall support Member States in implementing the work plan, in particular as regards:

- (a) at the request of the Member States concerned, the priority setting in national planning, by helping to identify implementation problems and bottlenecks, including operational issues, on each corridor or for each horizontal priority;
- (b) at the request of the Member States concerned, the project and investment planning, the related costs and implementation timeline estimated to implement the European Transport Corridors or horizontal priority;
- (c) the work in the supervisory body of a single entity, where relevant, for the coordination, construction and/or management of cross-border infrastructure projects, in accordance with the provisions set out in Article 8(5).

### Implementing acts

1. ~~[Building based on the analysis of the first work plan of the European Coordinators, the Commission shall adopt an implementing act for each work plan of the European Transport Corridors and the two horizontal priorities. This implementing act shall set out the priorities for infrastructure and investment planning and for funding.]~~ **The implementing act shall ensure a coherent priority setting of infrastructure and investment planning by setting indicative milestones for the implementation of major missing links, bottlenecks and cross-border sections. It shall be elaborated in close collaboration and agreed with the concerned Member States<sup>5</sup> and updated every four years or upon the request of Member States].**
2. Without prejudice to Article 8(4a), and ~~after approval by the Member States concerned<sup>6</sup>,~~ the Commission may adopt implementing acts for the implementation of specific sections of the European Transport Corridor, in particular for ~~the implementation of complex cross-border sections, or for specific transport infrastructure requirements of the European Transport Corridor or~~ **for the implementation** of the horizontal priorities.
3. The implementing acts referred to in paragraphs [1 and] 2 shall be adopted in accordance with the examination procedure referred to in Article 59(3). The Commission shall amend the implementing acts in accordance with the same procedure to take into account the progress made, delays encountered or updated national programmes.
4. Until full implementation of the measures provided for in the implementing act and unless provided otherwise in the implementing act, the Member States concerned shall communicate every [two] years to the Commission a report on the progress achieved, indicating in particular the financial commitments made in the national budget plan. The report may refer to the information gathered in accordance with Article 55.

<sup>5</sup> The part in grey highlight is under consideration by the Council Legal Service.

<sup>6</sup> The part in grey highlight is under consideration by the Council Legal Service.

## CHAPTER VI

### COMMON PROVISIONS

#### Article 55

#### Reporting and monitoring

1. Member States shall inform the Commission on a regular, comprehensive and transparent basis about the progress made in completing the trans-European transport network through the implementation of projects of common interest and the investments made for that purpose.

This information shall include ~~the yearly transmission of~~ **yearly aggregated** technical data related to the compliance of the network with the transport infrastructure requirements laid down in chapter III of this Regulation unless such information has already been gathered for the purposes of other Union applications or databases.

This transmission shall be ensured **in an automated way** through the interactive geographical and technical information system for the trans-European transport network (TENtec). ~~Until the end of its~~ automated data exchange functionality **in TENtec** is fully operational, **this transmission shall be ensured every two years**.

As regards investments, Member States shall transmit financial data **every two years** in the form of yearly-aggregated data per transport mode and per network (core, extended core and comprehensive).

The Commission shall specify by means of implementing acts adopted in accordance with the examination procedure referred to in Article 59(3), the list of technical data to be transmitted pursuant to the first subparagraph.

2. The Commission shall ensure that TENtec is publicly and easily accessible, allowing for an automated data exchange with national systems and other relevant Union applications and data sources. TENtec shall contain project-specific and updated information on the forms and amounts of Union co-funding as well as on the progress of each project.

The Commission shall also ensure that TENtec does not make publicly available any information which is ~~commercially~~ confidential or which could prejudice or unduly influence any process of public procurement in a Member State.

3. ~~{The Commission and the~~ Member States shall ensure the quality, completeness and consistency of the data in the TENtec information system. ~~} They~~ ~~Commission and the~~ ~~Member States~~ shall cooperate in view of allowing an automated data exchange between national systems and data sources and TENtec.

#### *Article 56*

### **Updating of the network**

1. Subject to the second paragraph of Article 172 TFEU, the Commission is empowered to adopt delegated acts in accordance with Article 60 to amend Annexes I and II, in order to:
  - (a) take account of changes resulting from the quantitative thresholds laid down in Articles 20(3)(a), 24(4) and 32(2). In that respect, the Commission shall:
    - (i) include inland ports, maritime ports and airports in the comprehensive network, if it is demonstrated that the latest three-year average of their traffic volume exceeds the relevant threshold;
    - (ii) exclude maritime ports and airports from the comprehensive network, if it is demonstrated that the average of their traffic volume over the last six years is below 85% of the relevant threshold **or at the request of the Member State concerned**;
  - (b) include urban nodes in the trans-European transport network, if it is demonstrated that they meet the requirements set out in Article 39(2) or exclude urban nodes from the trans-European transport network at the request of the Member State concerned;
  - (c) include in the trans-European transport network ~~multimodal freight~~ **rail road** terminals identified by the Member State according to Article 35(4) or exclude

~~multimodal freight~~ **rail road** terminals from the trans-European transport network at the request of the Member State concerned;

- (d) adjust, on the basis of the information provided by the Member States concerned in accordance with Article 55(1), the maps for road, railway and inland waterway infrastructure in a strictly limited way so as to reflect progress made in completing the network. In adjusting those maps, the Commission shall not admit any adjustment in route alignment beyond that which is allowed by the relevant project authorising decision **as defined in Article 2, point 1, of Directive (EU) 2021/1187**<sup>7</sup>.

The adaptations referred to in points (a) and (b) of the first subparagraph shall be based on the latest available statistics published by Eurostat or, if those statistics are not available, by the national statistics offices of the Member States.

2. A project of common interest concerning infrastructure which is newly included through a delegated act adopted pursuant to paragraph 1 in the trans-European transport network shall be eligible for Union financial assistance under the instruments available for the trans-European transport network as from the date of entry into force of that delegated acts.

Projects of common interest concerning infrastructure which have been excluded from the trans-European transport network shall cease to be eligible as from the date of entry into force of the delegated acts adopted pursuant to paragraph 1 of this Article. The cessation of eligibility shall not affect financing or grant decisions taken by the Commission before that date.

3. Subject to Article 172(2) TFEU, the Commission is empowered to adopt delegated acts in accordance with Article 60 to amend Annex IV in order to include or adapt indicative maps of transport infrastructure networks of neighbouring countries. Such delegated acts shall be based on high-level agreements on transport infrastructure networks between the Union and the neighbouring countries concerned.

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<sup>7</sup> **Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021 on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T) (OJ L 258, 20.7.2021, p. 1–13).**



## *Article 57*

### **Engagement with public and private stakeholders**

National procedures regarding the involvement and consultation of regional and local authorities and civil society concerned by a project of common interest shall be complied with, where appropriate, in the planning and construction phase of a project. The Commission shall promote the exchange of good practice in this regard, notably as regards the consultation and inclusion of people in situations of vulnerability.

## *Article 58*

### **Alignment of national plans with Union transport policy**

1. Member States shall ensure that national plans and programmes contributing to the development of the trans-European transport network are coherent with Union transport policy, with the priorities and deadlines set out in this Regulation and with the priorities set out in the work plans for the relevant corridors and horizontal priorities for the concerned Member States [and with the implementing acts adopted in accordance with Article 54(1)].
2. ~~2. National investment plans and programmes contributing to the development of the trans-European transport network shall include all projects of common interest and related investments needed for the timely completion of the network.]~~
3. Member States shall notify to the Commission the draft national plans and programmes contributing to the development of the trans-European transport network or abstracts, and any significant modification of those, during the consultation phase where applicable, and in any case before their adoption. Member States shall inform the Commission about the indicative timeline for their adoption. The Commission may issue, if possible before their adoption, an opinion on the coherence of the draft national plans and programmes with the priorities set out in this Regulation and with the priorities set out in the work plans for the relevant corridor and of the horizontal priorities [and in the implementing acts adopted in accordance with Article 54(1)]. The Member States shall notify to the Commission the final national plans and programmes once adopted.

**Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. For the purpose of Article 22(3) and (5) the Commission shall be assisted by the Committee established pursuant to Article 7 of Council Directive 91/672/EEC<sup>8</sup>.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third paragraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

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8 Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway (OJ L 373, 31.12.1991, p. 29).

## Article 60

### Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 11(3), 56(1) and (3) shall be conferred on the Commission for a period of five years from [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of powers referred to in Article 11(3), 56(1) and (3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
- 3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 11(3), 56(1) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of the notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

**Review**

1. By 31 December 2033, the Commission, having consulted with Member States as appropriate and with the assistance of the European Coordinators, shall carry out an assessment of the implementation of the core network, evaluating in particular its compliance with the requirements of this Regulation.

The assessment shall take into account the annual status report and the work plans drawn up by the European Coordinators pursuant to Article 51(5), point (e) and Article 53(1) respectively.

2. By 31 December 2033, the Commission, having consulted with Member States as appropriate and with the assistance of the European Coordinators, shall carry out a review of the implementation of the extended core and the comprehensive network, evaluating:

- (a) compliance with this Regulation;
- (b) progress in the implementation of this Regulation;
- (c) changes in passenger and freight transport flows;
- (d) developments in national transport infrastructure investment;
- (e) the need for amendments to this Regulation.

The evaluation shall also consider the impact of evolving traffic patterns and relevant developments in infrastructure investment plans.

3. When carrying out that review, the Commission shall evaluate whether the extended core and the comprehensive network as provided for in this Regulation is likely to comply with the provisions of Chapters II, III and IV by the deadlines of 31 December 2040 and 31 December 2050, as applicable, while taking into account the economic and budgetary situation in the Union and in individual Member States. The Commission shall also evaluate, in consultation with the Member States, whether the extended core network and the comprehensive network should be modified to take into account developments in transport flows and national investment planning.

**Delay in completion of the core network, the extended core network and the comprehensive network**

1. In the event of significant delay in starting or completing work on the core network, extended core network and on the comprehensive network compared to the indicative ~~initial~~ timeline set in implementing acts in accordance with Article 54 [or defined in national transport and investment plans or other relevant project documentation], the Commission may ask the Member State or Member States concerned to provide the reasons for the delay. Such reasons shall be provided by the Member State or Member States within three months of the request. On the basis of the reply given, the Commission shall consult the Member State or Member States concerned in order to resolve the problem that has caused the delay.
2. In case the delayed section concerns a European Transport Corridor, the European Coordinator shall be involved in view of resolving the problem.
3. Without prejudice to the procedure laid down in Article 258 TFEU and to Article 8(4a), the Commission may, after considering the reasons provided by the Member State or Member States concerned pursuant to the first paragraph, in case the significant delay in starting or completing the work on the core network, extended core network or on the comprehensive network is attributable to the Member State or Member States without an objective justification, issue an opinion together with recommendations for the Member State or Member States concerned, where relevant, to adopt within 6 months measures in view of eliminating that delay.
- ~~4. [In case the delayed section concerns a project supported with Union funds under direct management, a reduction of the amount of the grant and/or an amendment or termination of the grant agreement may be initiated in accordance with the applicable rules.]~~

*Article 63*

**Exemptions**

The provisions relating to railways, and in particular any requirement to connect airports and ports to railways as well as the provisions related to safe and secure parking and multimodal freight terminals shall not apply to Cyprus, Malta and outermost regions for as long as no railway system is established within their territory.

*Article 64*

**Amendments to Regulation (EU) 2021/1153**

Annex to Regulation (EU) 2021/1153 is amended in accordance with Annex VI to this Regulation.

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