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LIMITE

TRANS 413 CODEC 1837

## NOTE

From:	General Secretariat of the Council
To:	Delegations
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 - Compromise proposals in Chapters IV, V and VI

In view of the Intermodal Transport Working Party on 17 October, delegations will find attached an extract of the four-column document with compromise proposals put forward by the European Parliament on Chapters IV, V and VI which were discussed but not agreed with the EP during technical meetings or at the third trilogue of 2 October 2023. They concern the following lines: **661**, **664c**, **689**, **694a**, **708**, **710**, **716**, **735**, **736**, **737**, **759**, **and 761**.

The Presidency intends to discuss with delegations the content of those proposals by the Parliament in order to guide the negotiations and to be able to elaborate compromises that could lead to an agreement with the Parliament while respecting the substance of the Council's position.

## 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 (Text with EEA relevance) - 2021/0420(COD)

	Commission Proposal	Amended COM Proposal	EP Mandate	Council Mandate	Compromise proposals Comments Draft Agreement
CHAPTE Article 4					
<mark>658a</mark>			Article 47a Military mobility		
Article 4	7a(1)		T T		
658b			1. When constructing or upgrading infrastructure on the trans-European transport network, Member States shall assess the need, relevance and feasibility to go beyond the requirements set out in Chapter III, for the purpose of accommodating the weight, size or scale of military transport of troops and material.		C Presidency compromise proposal accepted by the EP: 1. When constructing or upgrading infrastructure on those parts of the trans- European transport network that overlap with the military transport network



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					[defined in the joint Staff Working document on the updated Gap Analysis between the military requirements and the trans- European transport network requirements] Member States shall consider the need, relevance and feasibility to go beyond the requirements set out in Chapter III, for the purpose of accommodating the weight, size or scale of military transport of troops and material.
Article 4	7a(2)	Γ	I		
658c			2. By [one year after the entry into force of this Regulation], the Commission shall carry out a study to identify possibilities for short- notice large-scale movements across the Union, including strategic routes, in view of		C Presidency compromise: 2. By [one year after the entry into force of this Regulation], the Commission shall carry out a study to identify



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			improving the dual-use of the infrastructure of the trans-European transport network. The study shall provide elements for long- term infrastructure planning for dual use mobility purposes. In the course of that study, the Commission shall consult the Member States.	C	possibilities for short-notice large-scale movements across the Union. In the course of that study, the Commission shall consult the Member States.
Article 4	8		1		
659	Article 48 Maintenance and project life cycle		Article 48 Maintenance and project life cycle	Article 48 Maintenance and project life cycle	
Article 4	8, first paragraph				
660	Member States shall ensure that:		Member States shall ensure that:	1. Without prejudice to the responsibility of the Member States regarding the planning of the maintenance of infrastructure and their competence regarding the management and the financing of the	C





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				maintenance of infrastructure, and to the budgetary principle of annuality, where applicable, Member States shall ensure thatmake all possible efforts to ensure:	
Article 4	8, first paragraph, point (a)				
661	(a) the infrastructure of the trans-European transport network is maintained in a way that it provides the same level of service and safety during its lifetime;		(a) the infrastructure of the trans-European transport network is maintained in a way that it provides the same level of service and safety during its lifetime, <i>ensuring a forward-</i> <i>looking approach to</i> <i>maintenance work, which</i> <i>must be carried out to the</i> <i>very latest standards of</i> <i>user safety throughout the</i> <i>network. Maintenance</i> <i>works that result in a</i> <i>limitation or non-</i> <i>availability of rail</i> <i>infrastructure are</i> <i>managed according to the</i> <i>rules set out in</i> <i>Commission Delegated</i>	(a) the infrastructure of the trans-European transport network is maintained in a way that it provides, <b>during its lifetime, a high</b> <del>the same</del> level of service and safety <del>during its</del> <del>lifetime</del> adapted to the traffic flow, and improving its resilience, and that 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;	<b>EP proposal:</b> the infrastructure of the trans-European transport network is maintained in a way that it provides, during its lifetime, a high the equivalent level of service suited to the traffic flow, a high level of safety adapted to the traffic flow, and that preventive maintenance needs and estimated costs over the life-time of the infrastructure are taken into account in the planning phase of construction or



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			Decision (EU) 2017/2075;	C	upgrading, <u>in view of</u> <u>preventing accidents and</u> <u>maintaining the capacity</u> <u>of infrastructure</u> ;
Article 4	8, first paragraph, point (b)				
662	(b) long term maintenance plans including information on financing resources required to cover long-term maintenance costs of the existing and planned infrastructure are set up;			(b) long term maintenance plans including information on financing resources required to cover long term maintenance costs of the existing and plannedplanning for road and where relevant, for inland waterway infrastructure are set up;	C
Article 4	8, first paragraph, point (c)				
663	(c) maintenance needs and costs over the life-time of the infrastructure are taken into account in the planning phase of construction or upgrading;		(c) maintenance needs and costs over the life-time of the infrastructure are taken into account <i>infrom</i> <i>feasibility studies and</i> the planning phase of construction or upgrading;	(c) maintenance needs and costs over the life-time of the infrastructure are taken into account in the planning phase of construction or upgrading;	C
Article 4	8, first paragraph, point (d)				



	Commission Proposal	Amended COM Proposal	EP Mandate Council Mandate	Compromise proposals Comments Draft Agreement
664	(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 of the infrastructure managers concerned referred to in Article 8(3) of Directive 2012/34/EU and the contractual agreement between the competent authority and the infrastructure manager referred to in Article 30 of Directive 2012/34/EU.		(d) in the case of railway infrast ucture, consistency is ensured between the maintenance and renewal needsconsistency between the maintenance and renewal needs in the case of railway infrastructure 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 of the infrastructure managers concerned referred to in Article 8(3) of Directive 2012/34/EU and the contractual agreement between the competent authority and the infrastructure manager referred to in Article 30 of Directive 2012/34/EU.	
Article 4	8, first paragraph, point (da)			

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664a			(da) compliance with paragraph 1, points (b) and (c) is a precondition for receiving funding from the CEF.	C
Article 4	8, first paragraph, point (db)			
664b			The Commission, in coordination with the European Coordinators, shall establish a core network monitoring plan on maintenance at European level. This monitoring plan should, among others, evaluate the compliance of Member States with the requirements set in paragraph 1, study the state of play of the maintenance on the core network and identify gaps in the quality requirements of infrastructure, especially in critical infrastructure. The Commission shall provide	



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			Member States with recommendations on targeted measures to improve the maintenance of the network. The Commission shall also present progress reports every two years.		
664c					EP proposal for a new paragraph: (e) [By / X years after the entry into force of this Regulation,] the Commission shall set up an expert group, composed of Member States and other relevant experts, with the aim to elaborate recommendations on measures to improve the maintenance of the trans- European transport network.

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CHAPTE	RV				
667	CHAPTER V IMPLEMENTATION OF THE INSTRUMENTS OF EUROPEAN TRANSPORT CORRIDORS AND HORIZONTAL PRIORITIES		CHAPTER V IMPLEMENTATION OF THE INSTRUMENTS OF EUROPEAN TRANSPORT CORRIDORS AND HORIZONTAL PRIORITIES		
Article 5	1				
677	Article 51 Coordination of European Transport Corridors and horizontal priorities		Article 51 Coordination of European Transport Corridors and horizontal priorities	В	
Article 5	1(6)				
688	6. The European Coordinators of the European Transport Corridors shall:		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	<ul> <li>B</li> <li>Presidency compromise proposal:</li> <li>6. Without prejudice to the competences of the rail</li> </ul>	



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				respect to management and financing of infrastructure, the European Coordinators of the European Transport Corridors shall:	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 cooperate closely with the Member States concerned and the rail freight governance in order to:
Article 5	1(6), point (a)		1	1	
689	(a) cooperate closely with the rail freight governance to identify and prioritise investment needs for rail freight on the rail freight lines of the European Transport Corridors;		(a) cooperate closely with the rail freight governance to identify and prioritise investment needs for rail freight on the rail freight lines of the European Transport Corridors <i>with the aim to</i> <i>develop a single</i> <i>integrated governance</i> <i>structure for the</i> <i>European Transport</i> <i>Corridors</i> ;	(a) cooperate closely with the rail freight governance <b>and the Member States</b> <b>concerned to help to</b> identify <del>and</del> <del>prioritise</del> <b>priorities and</b> investment needs for rail freight on the rail freight lines of the European Transport Corridors;	C EP proposal: a) identify priorities and investment needs for rail freight on the rail freight lines of the European Transport Corridors; Those priorities and investment needs shall take into account the overall completion dates



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			C	as set out in this regulation, shall be ranked according to their European added value and shall be incorporated into the national plans.
Article 5	1(8), first subparagraph a			
694a			When applications for Union funding under the European Structural and Investment Funds (ESIF) for European Transport Corridors or horizontal priorities in the remit of the European Coordinator's mandate are submitted, the relevant European Coordinator shall assess those applications against their consistency with and the advancement of each European transport corridor or horizontal priority, while taking into account the increase	C Linked to connectivity index. EP proposal: When applications for Union funding under other Funds than CEF for European Transport Corridors or horizontal priorities in the remit of the European Coordinator's mandate are submitted, the relevant European Coordinator(s) shall issue an opinion in the light of the priorities set



	Commission Proposal	Amended COM Proposal	EP Mandate	Council Mandate	Compromise proposals Comments Draft Agreement
			of network connectivity indexes. The European Coordinator shall forward their assessment to the Commission.	S C	out in the corridor work plan. The European Coordinator shall forward their opinion to the Commission and the European Parliament.
Article 5	2				
<mark>696</mark>	Article 52 Governance of European Transport Corridors and horizontal priorities			Article 52 Governance of European Transport Corridors and horizontal priorities	
Article 5	2(4)				
708	4. The consultative Forum for the horizontal priorities shall be established and chaired by the European Coordinator. The Member States concerned and where appropriate representatives of the relevant sectors shall be able to participate. Member States shall designate a national coordinator for ERTMS to attend the consultative		4. The consultative Forum for the horizontal priorities shall be established and chaired by the European Coordinator. The Member States concerned and where appropriate <i>the neighbouring</i> <i>countries concerned and</i> representatives of the relevant sectors, <i>including the designated</i>	4. The consultative Forum for the horizontal prioritiespriority 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	<ul> <li>Presidency compromise proposal (not acceptable to the EP):</li> <li>The consultative Forum for the horizontal priority shall be established and chaired by the European Coordinator. The Member States concerned and, where appropriate and in agreement with Member</li> </ul>



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	Forum for ERTMS. The European Coordinator may also set up ad-hoc working groups.		authorities as defined in the Smart TEN-T Directive, shall be able to participate. Member States shall designate a national coordinator for ERTMS to attend the consultative Forum for ERTMS. The European Coordinator may also set up ad-hoc working groups.	designate a <del>national</del> coordinator for ERTMSrepresentative to attend the consultative Forum for ERTMS. The European Coordinator may also set up ad-hoc working groups.	States, representatives of the relevant sectors shall be able to participate. <b>EP proposal</b> : <u>Each Member State shall</u> designate <u>one responsible</u> (national) representative with the competences to <u>coordinate the ERTMS</u> <u>deployment within this</u> <u>Member State</u> to attend the consultative Forum for ERTMS. The European Coordinator may also set up ad-hoc working groups.
Article 5	2(5)				
709	5. The Member States concerned shall cooperate with the European Coordinator, participate in the Corridor Forum and the consultative forum for the horizontal priorities and give the European Coordinator the			5. The Member States concerned shall cooperate with the European Coordinator, participate in the Corridor Forum and the consultative forum for the horizontal prioritiespriority and give the European Coordinator	B EP provisionally accepts the Council GA.



	Commission Proposal	Amended COM Proposal	EP Mandate	Council Mandate	Compromise proposals Comments Draft Agreement
	information required in order to perform the tasks laid down in this Article, including information on the development of corridors in the relevant national infrastructure plans.			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 infrastructure plansplans and programmes contributing to the development of the Trans-European Transport network.	
Article 5	2(6)				
710	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 representatives of civil society in relation to the work plan and its implementation. In		6. The European Coordinator <i>mayshall</i> consult regional and local authorities, <i>the</i> <i>designated authorities as</i> <i>defined in the Smart</i> <i>TEN-T Directive, urban</i> <i>nodes,</i> infrastructure managers, <i>transport</i> <i>operators, in particular</i> <i>those which are members</i> <i>of the rail</i> including port <i>designated entities, rail,</i> <i>maritime and inland</i>	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 representatives of civil societyrelevant stakeholders in relation to the work plan and its	B EP proposal: 6. The European Coordinator may consult regional and local authorities, infrastructure managers, transport operators, <u>including port</u> designated entities, rail, maritime and inland



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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.		<i>waterway operators</i> , freight governance, the supply industry, transport users, <i>accessibility</i> <i>experts</i> and representatives of civil society 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 Maritime Space with the European Maritime Safety Agency.	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.	waterway operators and in particular-those which are members of the rail freight governance, the supply industry, transport users and representatives of civil society other relevant stakeholders, including of urban nodes, in relation to the work plan and its implementation. The European Coordinator may also consult designated authorities as defined in the Smart TEN-T Directive, and where relevant facilitate contacts between them. 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 Maritime Space with the European Maritime Safety Agency.



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Article 5	3(3), first subparagraph, point (	(a)			
716	(a) a description of the characteristics of the corridor;		deleted	(a) a description of the characteristics of the corridor, in particular the cross-border sections;	B EP proposal: (covers also line 744d) (a) a description of the characteristics of the corridor <del>, in particular the</del> eross-border sections, including an analysis of current, and where relevant expected freight and passenger traffic volumes and flows along the corridor;
Article 5	54			1	I
734	Article 54 Implementing acts			Article 54 Implementing acts	
Article 5	4(1)				
735	1. Based on the first work plan of the European		1. Based on the first work plan of the	1. Based on the first work plan of the European	C EP proposal:



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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.		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 <i>fundingtiming in</i> <i>accordance with Article</i> <i>6(1)</i> .	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.	[Without prejudice to Article 8(4a)], and subject to the approval by the Member States concerned in accordance with Article 172 TFEU, the Commission shall adopt an implementing act for each European Transport Corridor building on the analysis of the first work plan of the European Coordinators after the entry into force of this Regulation. 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 along the European Transport Corridor. It shall be elaborated in close

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			C	<u>collaboration with the</u> <u>concerned Member</u> <u>States and updated every</u> <u>four years or upon the</u> <u>request of a Member</u> <u>State.</u>
Article 5	4(2)			
736	2. 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 of specific transport infrastructure requirements of the European Transport Corridor or of the horizontal priorities.		2. Without prejudice to Article 8(4a), and subject to the approval of the Member States concerned in accordance with Article 172 TFEU, the Commission may adopt implementing acts for the implementation of <del>specificcross-border</del> sections of the European Transport <del>Corridor, in</del> <del>particularCorridors, or</del> for the implementation of the horizontal priorities. Upon request of the Member State(s) concerned, the Commission may also adopt implementing acts for the implementation of complex cross-	<b>EP proposal</b> : [Without prejudice to Article 8(4a)], and subject to the approval by the Member States concerned in accordance with Article 172 TFEU, the Commission may adopt implementing acts for the implementation of cross-border sections of the European Transport Corridors, or for the implementation of the horizontal priorities. Upon request of the Member State(s)

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			borderother specific sections or of specific of the European Transport Corridors in the Member States concerned in order to ensure a coherent priority setting of that infrastructure requirements of the European Transport Corridor or of the horizontal priorities and investment planning by setting indicative milestones for the implementation of respective major missing links and for the removal of bottlenecks. Implementing acts shall be elaborated in close collaboration with the Member States concerned and updated every four years or upon the request of Member States.	concerned, t <u>The</u> Commission may also adopt implementing acts for the implementation of other specific sections of the European Transport Corridors in the Member States concerned in order to ensure a coherent priority setting of that infrastructure and investment planning by setting indicative milestones for the implementation of respective major missing links and for the removal of bottlenecks. Implementing acts shall be elaborated in close collaboration with the Member States concerned and updated every four years or upon the request of Member States.



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Article 5	4(3)			
737	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 every time the work plan is revised by the European Coordinator, or to take into account the progress made, delays encountered or updated national programmes.		3. The implementing acts referred to in paragraphs 4 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-every time the work plan is revised by the European Coordinator, or to take into account the progress made, delays encountered or updated national programmes.	<b>C</b> <b>EP proposal:</b> The implementing acts referred to in <b>paragraphs 1 and 2</b> 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.
Article 5	8			
758	Article 58 Alignment of national plans with Union transport		Article 58 Alignment of national plans with Union transport	C



	Commission Proposal	Amended COM Proposal	EP Mandate	Council Mandate	Compromise proposals Comments Draft Agreement
	policy			policy	
Article 5	58(1)				
759	1. Member States shall ensure that national transport and investment plans 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).			1. Member States shall ensure that national transport and investment plansplans 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. They shall also take into account, inter alia, 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).	C EP accepts Council GA: However, if implementing acts for the corridors are finally included in Article 54(1), EP requests keeping the reference to Article 54(1). EP proposal: 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 and with the priorities and deadlines set out in this Regulation. They shall also take into account <sub>5</sub>



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				C	inter alia, the priorities set out in the work plans for the relevant corridors and horizontal priorities for the concerned Member States <u>and where</u> <u>applicable the</u> <u>implementing acts</u> <u>adopted in accordance</u> <u>with Article 54(1).</u>
Article 5	8(2)				
760	2. National investment plans shall include all projects of common interest and related investments needed for the timely completion of the network.		2. National investment plans shall include all projects of common interest and related investments needed for the timely completion of the network, <i>including</i> <i>for cross-broder projects</i> .	2. National investment plans shall include all projects of common interest and related investments needed for the timely completion of the network.	C
Article 5	8(3)				
761	3. Member States shall notify to the Commission the draft national plans and		3. Member States shall notify to the Commission the draft national plans	3. Member States shall notify toprovide the Commission with the	C

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programmes, or any modification of those, with a view to developing the trans-European transport network, at least twelve months before their adoption. The Commission may issue an opinion no later than six months following the notification by the Member State 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 corresponding corridor(s) and of the horizontal priorities and in the implementing acts adopted in accordance with Article 54(1). The Member States shall inform the Commission, no later than two months after notification of the opinion, on the measures adopted to address the recommendations set out in		and programmes, or any modification of those, with a view to developing the trans-European transport network, at least twelve months before their adoption. The Commission may issue <i>an opiniona decision</i> no later than six months following the notification by the Member State 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 corresponding corridor(s) and of the horizontal priorities and in the implementing acts adopted in accordance with Article 54(1). The Member States shall inform the Commission, no later than two months after notification of the <i>opiniondecision</i> , on the measures adopted to	relevantthe draft national plans and programmes, or any modification of those, with a view to developingplan(s) or programme(s) contributing to the development of the trans- European transport network, at least twelve months before their adoption. The Commission may issue an opinion no later than six months following the notification by the Member State 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 corresponding corridor(s) and of the horizontal priorities and in the implementing acts adopted in accordance with Article 54(1) or an abstract thereof, and any significant modification	<b>EP proposal:</b> Member States shall provide the Commission with the relevant draft national plan(s) or programme(s) contributing to the development of the trans-European transport network or an abstract thereof, and any significant modification of those as soon as possible after a public consultation of this plan or programme is launched. The Member States shall also provide the Commission with the final national plan(s) or programme(s) once adopted. <u>The</u> <u>Commission may issue</u> <u>an opinion on the</u> <u>coherence of the draft</u> <u>national plans and</u> <u>programmes with the</u>

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the opinion.		address the recommendations set out in the opinion and shall take all the correcting measures before the final adoption of the national plan. Projects within national plans that are not aligned with Union transport policy shall not be considered to be a priority for receiving Union funds.	of those as soon as possible after a public consultation of this plan or programme is launched. The Member States shall inform the Commission, no later than two months after notification of the opinion, on the measures adopted to address the recommendations set out in the opinion also provide the Commission with the final national plan(s) or programme(s) once adopted.	Regulation and with the priorities set out in the work plans of the corresponding European Transport Corridor(s) and of the horizontal priorities and in the implementing acts adopted in accordance with Articles 54(1) and (2).