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TUARASCÁIL

ó:	Ardrúnaíocht na Comhairle
chuig:	Coiste na mBuanionadaithe/ an Chomhairle
Uimh. an doic. roimhe seo:	ST 14136/18
Uimh. an doic. ón gCoim.:	ST 9075/18 + ADD 1-3
Ábhar:	Togra le haghaidh Rialachán ó Pharlaimint na hEorpa agus ón gComhairle maidir le bearta cuíchóirithe chun dul chun cinn a dhéanamh maidir leis an ngréasán tras-Eorpach iompair a chur i gcrích – Tuarascáil ar dhul chun cinn

I. RÉAMHRÁ

Ar an 17 Bealtaine 2018, thíolaic an Coimisiún an togra thuasluaite do Pharlaimint na hEorpa agus don Chomhairle, mar chuid den tríú pacáiste 'An Eoraip ag Bogadh' arb é is aidhm dó soghluaisteacht san Eoraip a dhéanamh níos sábháilte, níos glaine, níos éifeachtúla agus níos inrochtana.

Is é príomhchuspóir an togra seo na rialacha maidir le deonú ceadanna agus nósanna imeachta rialála eile a shimpliú d'fhonn éascaíocht a dhéanamh do thabhairt chun críche ghréasán TEN-T. Tá sé ina aidhm leis freisin cur le soiléireacht na bpróiseas is gá do thionscnóirí tionscadail a leanúint, go háirithe maidir le deonú ceadanna, soláthar poiblí agus nósanna imeachta eile.

Dírítear ar phríomhchuspóir an togra a bhaint amach tríd na nithe seo a leanas:

- údarás inniúil aonair a bhunú ar leibhéal náisiúnta (ionaid ilfhreastail) a bheidh i gceannas ar an bpróiseas foriomlán agus a ghníomhóidh mar phointe iontrála aonair do thionscnóirí tionscadail agus d'infheisteoirí eile;
- nósanna imeachta comhtháite a bhunú as a n-eascróidh cinneadh cuimsitheach amháin;
- spriocdhátaí a leagan síos le haghaidh próiseas dhá chéim ina mbeidh uastréimhse trí bliana.

II. AN OBAIR SNA hINSTITIÚIDÍ EILE

I bParlaimint na hEorpa, is é an Coiste um Iompar agus um Thurasóireacht atá ainmnithe mar choiste atá freagrach as an gcomhad seo agus is é an feisire Dominique Riquet (ALDE, FR) an rapóirtéir. Tá an dréacht-tuarascáil ar fáil. Glacfaidh an Coiste um an gComhshaol, um Shláinte Phoiblí agus um Shábháilteacht Bia (ENVI), an Coiste um an Margadh Inmheánach agus um Chosaint an Tomhaltóra (IMCO) agus an Coiste um Fhorbairt Réigiúnach (REGI) tuairim maidir leis an togra.

Ghlac Coiste Eacnamaíoch agus Sóisialta na hEorpa tuairim ag an seisiún iomlánach ar an 17 Deireadh Fómhair 2018. Táthar ag súil go nglacfaidh Coiste na Réigiún tuairim i mí Feabhra 2019.

III. AN OBAIR I gCOMHLACHTAÍ ULLMHÚCHÁIN NA COMHAIRLE

Tíolacadh an togra agus scrúdaíodh an measúnú tionchair ag dhá chruinniú den Mheitheal um Iompar (Ceisteanna Idirmhódúla agus Gréasáin) i mí an Mheithimh 2018. Bhí dhá chruinniú ag an Uachtaránacht i mí Iúil a bhí tiomnaithe do scrúdú á dhéanamh ar an togra airteagal i ndiaidh airteagail.

Tíolacadh togra comhréitigh tosaigh don Uachtaránacht, atá i gceangal leis an tuarascáil seo, don Mheitheal ar an 5 Deireadh Fómhair 2018. D'fhéach an comhréiteach ón Uachtaránacht go príomha leis an togra seo a ailíniú le forálacha áirithe comhchosúla den Rialachán maidir le treoirlínte le haghaidh bonneagair thras-Eorpaigh fuinnimh¹. Cé gur aithin na Ballstáit an togra ón Uachtaránacht mar chéad chéad chéim sa treo ceart, ní féidir leis aghaidh a thabhairt ar na hábhair inní ar fad a chuir an Mheitheal in iúl.

IV. BARÚLACHA ÓN SCRÚDÚ

Tráchtanna ginearálta

Le linn an chéad bhabhta idirphlé, léiríodh tuairimí measctha ó na Ballstáit. Ba dhíol sásaimh do na Ballstáit uile cuspóir an togra, is é sin an mhoill a shárú a bhíonn ann de bharr na nósanna imeachta deonaithe ceadanna agus an gréasán TEN- T a chur chun feidhme gan mhoill neamhriachtanach faoi 2030. Léirigh roinnt Ballstát, áfach, nach leor rannchuidiú na mbeart a bheartaítear sa dréacht-Rialachán chun príomhchuspóir an togra a bhaint amach agus i gcásanna áirithe go bhféadfaí a thuilleadh moille a chur ar an dul chun cinn dá mbarr.

Go sonrach, chuir roinnt Ballstát a n-inní in iúl faoi údarás inniúil aonair ar an leibhéal náisiúnta a thabhairt isteach a bheadh i gceannas ar nósanna imeachta deonaithe ceadanna. Cheistigh siad conas a d'fhéadfaí an fhoráil seo a chur chun feidhme sa chleachtas sna Ballstáit agus an tionchar a bheadh aici ar na húdaráis áitiúla agus réigiúnacha ó thaobh an mhaoinithe agus ualach na hoibre de. Measadh gur chéim sa treo ceart a bhí sa téacs comhréitigh ón Uachtaránacht, lena gceadaítear do na húdaráis atá ann cheana ar an leibhéal riaracháin iomchuí a bheith ina n-údarás inniúil aonair.

¹ Rialachán (AE) Uimh. 347/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 17 Aibreán 2013 maidir le treoirlínte le haghaidh bonneagair thras-Eorpaigh fuinnimh agus lena n-aisghairtear Cinneadh Uimh. 1364/2006/CE agus lena leasaítear Rialachán (CE) Uimh. 713/2009, Rialachán (CE) Uimh. 714/2009 agus Rialachán (CE) Uimh. 715/2009 (IO L 115, 25.4.2013, lch. 39).

De bhreis air sin, cheistigh roinnt Ballstát comhréireacht an togra le prionsabal na coimhdeachta. Chuir siad in iúl, go gcuirtear teorainn, trí nós imeachta deonaithe ceadanna comhtháite agus údarás inniúil aonair a thabhairt isteach, le hinniúlacht náisiúnta na mBallstát údaráis agus nósanna imeachta náisiúnta a struchtúrú agus a eagrú, agus dá bharr sin, go gcuirtear srian leis an bhforáil don chinnteoireacht náisiúnta. Maidir leis an bpleanáil chomhtháite agus na nósanna imeachta deonaithe ceadanna atá beartaithe, léirigh roinnt Ballstát go bhféadfadh sin a bheith fritorthúil: go bhféadfaidís a tuilleadh moille a chur ar an dul chun cinn seachas a mhalairt agus go bhféadfadh cinntí ar lúide a n-éifeachtúlacht costais a bheith de thoradh orthu ós rud é gur lú aird a thabharfaí ar dhálaí áitiúla agus réigiúnacha agus ar dheiseanna maoinithe.

Agus an measúnú tionchair á scrúdú, bhí ceist ag roinnt Ballstát, i dtaca le rogha beartais 2 atá molta, faoina iomchuí atá an ionstraim reachtach a roghnaíodh. Dúirt siad go bhféadfaí rialacha aonfhoirmeacha a bhaint amach ar fud na hEorpa ach cineál eile ionstraime dlí a mholadh, e.g. treoir nó treoir nó treoirlínte, lena bhfágfaí dóthain solúbthachta ag na Ballstáit chun na bearta a chur chun feidhme.

Ar deireadh, mheas roinnt Ballstát nár díriodh mar is ceart sa mheasúnú tionchair ar na gnéithe sin ba chúis leis an moill is ábhartha maidir le tionscadail bonneagair a chur chun feidhme - gnéithe amhail talamh a fháil, measúnuithe tionchair comhshaoil, achomhairc ó eagraíochtaí neamhrialtasacha, agus saincheisteanna teicniúla nó airgeadais.

Barúlacha maidir le saincheisteanna sonracha

(a) Raon feidhme (Airteagal 1)

Mheas roinnt Ballstát go bhfuil raon feidhme an dréacht-Rialacháin róleathan; mheas roinnt eile díobh nach bhfuil sé sonrach go leor. Ba mhian leo an raon feidhme a theorannú do thionscadail trasteorann nó do thionscadail lena mbaineann tairseach shainithe airgeadais. Ar an taobh eile, thacaigh roinnt Ballstát leis an raon feidhme a leathnú chun go gcuimseofaí tionscadail leasa choitinn maidir leis an ngréasán cuimsitheach TEN-T. Chuir roinnt Ballstát eile i gcoinne an togra seo. Ina theannta sin, d'iarr roinnt Ballstát go leathnófaí an raon feidhme chun tionscadail trasteorann le tríú tíortha a chur san áireamh.

Ba chúis sásaimh an téacs comhréitigh ón Uachtaránacht lena gceadaítear do na Ballstáit an raon feidhme a leathnú ar bhonn roghnach do thionscadail leasa choitinn maidir leis an ngréasán cuimsitheach TEN-T.

(b) Nósanna imeachta deonaithe ceadanna a chomhtháthú (Airteagal 4)

Bhí go leor Ballstát inníoch faoi choincheap an chinnidh chuimsithigh, mar atá molta ag an gCoimisiún. Dar le go leor díobh, ba chosúil le cinneadh róchasta é, a bheadh an-deacair a chuíchóiriú i measc na n-údarás éagsúil a bhfuil baint acu le ceadanna a dheonú. Cuireadh ceisteanna chun soiléiriú a fháil freisin maidir lena gcuimseofaí sa chinneadh cuimsitheach, e.g. cibé acu an mbeadh measúnuithe comhshaoil nó pleanáil spásúil ina gcuid de nó nach mbeadh.

Bhí roinnt Ballstát den tuairim gur rud dearfach a bhí sa téacs comhréitigh ón Uachtaránacht lena gcuirtear an cinneadh cuimsitheach in oiriúint le go gcomhlíonfar cur chuige comhordaithe, cé gur mheas Ballstáit eile nach leor é mar théacs comhréitigh.

(c) Údarás inniúil deonaithe ceadanna aonair (Airteagal 5)

Bhí amhras ar na Ballstáit go ginearálta faoi eintiteas aonair "ar leibhéal níos airde" a ainmniú, ar mó údarás agus cumhacht cinnteoireachta a bheadh aige ná mar a bheadh ag eintitis eile atá rannpháirteach sa phróiseas. Ós rud é go mbíonn éagsúlacht mhór i méid, cineál agus suíomh na dtionscadal iompair, braithfidh na húdaráis inniúla le haghaidh gach ceann ar leith de na tionscadail sin ar an gcineál ceada a iarrrtar agus ar an suíomh ina n-iarrrtar é, ós rud é go bhfuil an saineolas agus an inniúlacht ag údaráis éagsúla. Dá bhrí sin, bhain baol leis an struchtúr a beartaíodh, is é sin go bhféadfadh coinbhleachtaí dlínse a bheith ann i gcás ina mbeadh baint ag níos mó ná aireacht amháin agus/nó leibhéal cinnteoireachta amháin ar leibhéal áitiúil nó náisiúnta. Dá bhrí sin, d'iarr na Ballstáit go mbeadh níos mó solúbthachta ann. Bhí cuid sásta plé a dhéanamh ar an bhfeidhm a bheadh ag comhlacht inniúil aonair, a mbeadh ról comhordaitheora aige, chun ceadanna éagsúla a bhailiú ó na húdaráis náisiúnta éagsúla a bhfuil inniúlachtaí éagsúla acu.

Thacaigh roinnt Ballstát leis an téacs comhréitigh ón Uachtaránacht, lena ndéanfaí ionad ilfhreastail den údarás inniúil aonair, bunaithe ar chuige comhordaithe seachas ar chur chuige comhtháite, agus d'iarr roinnt Ballstát eile go soiléir go mbeadh tuilleadh solúbthachta ann.

(d) Fad tréimhse agus cur chun feidhme an nós imeachta deonaithe ceadanna

Mheas formhór na mBallstát go bhfuil na spriocdhátaí atá beartaithe chun na nósanna imeachta a chur i gcrích róghearr, go háirithe maidir leis an teorainn ama don chéim réamhiarratais (dhá bhliain). Ina theannta sin, mheas go leor Ballstát go raibh an t-airteagal ró-mhionsonraithe, agus ba dhíol imní an chaoi a n-oibreodh teorainn ama a oireann do chách go héifeachtach i bhfianaise chastacht agus éagsúlacht na dtionscadal iompair.

Rinne roinnt Ballstát spriocdhátaí a nascadh leis an gceist faoi na nósanna imeachta a chuirfí san áireamh sa phróiseas chun ceadanna a fháil i gcreat eintitis aonair. I ndáil leis sin, thacaigh cuid acu le nósanna imeachta áirithe a bhaineann le hullmhú na ndoiciméad iarratais ar thionscadail (i.e. pleanáil spásúil agus measúnuithe comhshaoil, etc.) a eisiamh ó raon feidhme an nós imeachta ceadaithe ós próisis fhada iad sin agus ós iad is dócha a chuirfeadh moill ar chúrsaí, rud a d'fhágfadh gur dheacair, nó gur dhodhéanta fiú, cloí leis an teorainn ama atá beartaithe.

Is léir anois gur gá a thuilleadh oibre a dhéanamh i dtreo soiléirithe agus simplithe, go háirithe maidir le hAirteagal 5 agus Airteagal 6, chun dul chun cinn a dhéanamh i dtaca leis an gcomhad seo.

V. CONCLUÍD

Is cosúil gur den rithábacht don togra na saincheisteanna a leagtar amach thuas, agus spreag siad plé fairsing ag an Meitheal dá bharr sin. Ní mór aghaidh a thabhairt ar na saincheisteanna seo faoin Uachtaránacht inteachta chun tuilleadh dul chun cinn a dhéanamh agus chun teacht ar chomhaontú i leith an chomhaid seo.

I bhfianaise an mhéid sin thuas, iarrtar ar Choiste na mBuanionadaithe agus ar an gComhairle an dul chun cinn atá déanta maidir leis an scrúdú ar an Rialachán atá beartaithe a thabhairt dá n-aire.

Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on streamlining measures for advancing the realisation of the trans-European transport
network

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

² OJ C , , p. .

³ OJ C , , p. .

- (1) Regulation (EU) No 1315/2013 of the European Parliament and of the Council⁴ sets out a common framework for the creation of state-of-the-art, interoperable networks for the development of the internal market. The trans-European transport networks (TEN-T) have a dual layer structure: the comprehensive network ensures connectivity of all regions of the Union whereas the core network consists of those elements of the network which are of the highest strategic importance for the Union. Regulation (EU) No 1315/2013 defines binding completion targets for implementation, with the core network to be completed by 2030 and the comprehensive network by 2050.
- (2) Notwithstanding the necessity and binding timelines, experience has shown that many investments aiming to complete the TEN-T are confronted with complex permit granting procedures, cross-border procurement procedures and other procedures. This situation jeopardises the on time implementation of projects and in many cases results in significant delays and increased costs. In order to address these issues and make synchronised TEN-T completion possible,, harmonised action is necessary at Union level.
- (3) In the legal frameworks of many Member States priority treatment is given to certain project categories based on their strategic importance for the economy. Priority treatment is characterised by shorter timelines, simultaneous procedures or limited timeframes for appeals while ensuring that the objectives of other horizontal policies are also reached. When such a framework exists within a national legal framework, it should automatically apply to Union projects recognised as projects of common interest under Regulation (EU) No 1315/2013.

⁴ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

- (4) In order to improve the effectiveness of the environmental assessments and streamline the decision-making process , where the obligation to carry out assessments related to environmental issues of core network projects arises simultaneously from Directive 2011/92/EU, as amended by Directive 2014/52/EU, and from other Union legislation such as Directive 92/43/EEC, Directive 2009/147/EC, Directive 2000/60/EC, Directive 2008/98/EC, Directive 2010/75/EU, Directive 2012/18/EU and Directive 2011/42/EC, Member States should ensure that a joint procedure fulfilling the requirements of these Directives is provided.
- (5) Core network projects should be supported by integrated permit granting procedures to make clear management of the overall procedure possible and to provide a single entry point for investors. Member States should designate a competent authority in accordance with their national legal frameworks and administrative set-ups.
- (6) The establishment of a single competent authority at national level integrating all permit granting procedures (one-stop shop) should reduce the complexity, improve the efficiency and increase the transparency of the procedures. It should also enhance the cooperation between Member States where appropriate. The procedures should promote a real cooperation between investors and the single competent authority and should therefore allow for the scoping in the pre-application phase of the permit granting procedure. Such scoping should be integrated in the detailed application outline and follow the procedure set out in Article 5(2) of 2011/92/EU, as amended by Directive 2014/52/EU.
- (7) The procedure set out by this Regulation should be without prejudice to the fulfilment of the requirements defined in the international and Union law, including provisions to protect the environment and human health.
- (8) Given the urgency to complete the TEN-T core network, the simplification of permit granting procedures should be accompanied by a time limit within which competent authorities responsible should make a [...] **consolidated** decision regarding the construction of the project. This time limit should stimulate a more efficient handling of procedures and should, under no circumstances, compromise the Union's high standards for environmental protection and public participation.

- (9) Member States should endeavour to ensure that appeals challenging the substantive or procedural legality of a [...] **consolidated** decision are handled in the most efficient way possible.
- (10) Cross-border TEN-T infrastructure projects face particular challenges as regards the coordination of permit granting procedures. The European Coordinators should be empowered to monitor these procedures and facilitate their synchronisation and completion.
- (11) Public procurement in cross-border projects of common interest should be conducted in accordance with the Treaty and Directives 2014/25/EU and/or 2014/24/EU. In order to ensure the efficient completion of the cross-border core network projects of common interest, public procurement carried out by a joint entity should be subject to a single national legislation. By way of derogation from the Union public procurement legislation, the applicable national rules should in principle be those of the Member State where the joint entity has its registered office. It should remain possible to define the applicable legislation in an intergovernmental agreement.
- (12) The Commission is not systematically involved in the authorisation of individual projects. However, in some cases, certain aspects of the project preparation are subject to clearance at Union level. Where the Commission is involved in the procedures, it will give priority treatment to the Union projects of common interest and ensure certainty for project promoters. In some cases State aid approval might be required. In line with the Best Practice Code for the conduct of State aid control procedures, Member States may ask the Commission to deal with projects of common interest on the core network of the TEN-T they consider to be of priority with more predictable timelines under the case portfolio approach or the mutually agreed planning.

- (13) The implementation of infrastructure projects on the TEN-T core network should be also supported by Commission guidelines that bring more clarity as regards the implementation of certain types of projects while respecting the Union acquis. For example the Action Plan for nature, people and the economy⁵ foresees such guidance to bring more clarity in view of respecting the Birds and Habitats Directives. Direct support related to public procurement should be made available for projects of common interests to ensure the best value for public money⁶. Additionally, appropriate technical assistance should be made available under the mechanisms developed for the Multi-Annual Financial Framework 2021-2027, with the aim of providing financial support for TEN-T projects of common interest.
- (14) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of the need for coordination of those objectives, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (15) For reasons of legal certainty, the administrative procedures which started prior to the entry into force of this Regulation should not be subject to the provisions of this Regulation.

HAVE ADOPTED THIS REGULATION:

⁵ COM(2017) 198 final.

⁶ COM(2017) 573 final

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter and scope

- 1.** This Regulation sets out requirements applicable to the administrative procedures followed by the competent authorities of Member States in relation to the authorisation and implementation of all projects of common interest on the core network of the trans-European transport network.
- 2. Member States may decide to extend the application of this regulation to projects of common interest on the comprehensive network of the trans-European transport network.**

Article 2

Definitions

For the purposes of this Regulation, the definitions set out in Regulation (EU) No 1315/2013 shall apply. The following definitions shall also apply:

- (a) "[...] **consolidated** decision" means the decision [...] by a Member State authority or authorities **adopted accordingly to its national legal or administrative system**, not including courts or tribunals, that determines whether or not a project promoter is to be granted authorisation to build the transport infrastructure needed to complete a project without prejudice to any decision taken in the context of an administrative appeal procedure;
- (b) "permit granting procedures" means every procedure that has to be followed or step that has to be taken [...] **as required by** the authorities of a Member State, under Union or national law, before the project promoter can implement the project, **not including procedures for the award of public procurements**;

(b)(i) "Project of common interest" means a project according to Article 3(a) of Regulation (EU) No 1315/2013.

- (c) "Project promoter" means the applicant for authorisation for a [...] project or the public authority which initiates a project";
- (d) "single competent authority" means **an existing or newly established** [...] authority, **identified by a Member State at the appropriate administrative level for each project or category of projects of common interest,** which [...] **acts as a “one-stop shop” and is** [...] responsible for performing the duties arising from this Regulation;
- (e) "Cross-border project of common interest" means a project of common interest according to Article 7 of Regulation (EU) No 1315/2013 covering a cross-border section as defined in point (m) Article 3 of that Regulation which is implemented by a joint entity.

CHAPTER II – PERMIT GRANTING

Article 3

‘Priority status’ of projects of common interest

1. Each project of common interest on the TEN-T core network shall be subject to an integrated permit granting procedure [...] **run** by a single competent authority [...] **identified** by each Member State in accordance with Articles 5 and 6.
2. Where priority status exists under national law, projects of common interest shall be granted the status with the highest national significance possible, and be treated as such in permit granting procedures, where and in the manner such treatment is provided for in national legislation applicable to the corresponding types of transport infrastructure.
3. To ensure efficient [...] **permit granting** procedures related to projects of common interest, project promoters and all authorities concerned shall ensure that the most rapid treatment legally possible is given to these projects, including as regards the resources allocated.

Article 4

Integration Coordination of permit granting procedures

1. In order to meet the time limits set out in Article 6 and reduce the administrative burden related to **the authorisation and the** completion of projects of common interest, all the [...] **permit granting** procedures resulting from the applicable law, both national and of the Union, shall be [...] **coordinated** and result in [...] one [...] **consolidated** decision.
2. In the case of projects of common interest for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Directive 2011/92/EU of the European Parliament and of the Council and other Union law, Member States shall ensure that joint procedures within the meaning of Article 2(3) of Directive 2011/92/EU are provided for.

Article 5

Single competent Organisation of the permit granting authority process

1. [...] **E**[...]ach Member State shall [...] **ensure that a** [...] single competent authority [...] **is** responsible for facilitating [...] permit granting [...] **procedures for a project of common interest** including for making the [...] **consolidated** decision.
2. **Each Member State may entrust t**[...]he responsibility of the single competent authority referred to in paragraph 1 and/or the tasks related to it [...] to an **existing or newly established** [...] authority at the appropriate administrative level, per project of common interest, **per geographical area** or per particular category of projects of common interest, [...] **provided that**[...]

[...] only one authority is responsible per project of common interest, [...]

[...] is the sole point of contact for the project promoter in the procedure leading to the [...] **consolidated** decision for a given project of common interest, and

[...] coordinates the submission of all relevant documents and information.

The single competent authority may retain the responsibility to establish time limits, without prejudice to the time limits set in accordance with Article 6.

[...]

3. By 1 January 2021, each Member State shall take the suitable measures in accordance with its national legal system to identify the single competent authority, where relevant at the appropriate administrative level and per category of projects of common interests. This information shall be made available to project promoters, to the neighbouring Member States and to the European Commission.
- 3(a) The single competent authority shall issue the consolidated decision within the time limits specified in Article 6.
- 3(b) The consolidated decision comprises multiple individual legally binding decisions issued simultaneously or successively by several authorities concerned, including the decision resulting from the joint procedures referred to in Article 4(2), which shall be coordinated by the single competent authority.
- 3(c) The single competent authority shall, in consultation with the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 6, establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued.
- 3(d) The single competent authority may take an individual decision on behalf of another national authority concerned, if the decision by that authority is not delivered within the time limit and if the delay cannot be adequately justified; or, where provided under national law, and to the extent that this is compatible with Union law, the competent authority may consider that another national authority concerned has either given its approval or refusal for the project if the decision by that authority is not delivered within the time limit. Where provided under national law, the competent authority may disregard an individual decision of another national authority concerned if it considers that the decision is not sufficiently substantiated with regard to the underlying evidence presented by the national authority concerned.
4. When taking the [...] **consolidated** decision, the single competent authority shall ensure that the relevant requirements under **national**, international and Union law are respected and shall duly justify its decision.

5. If a project of common interest requires decisions to be taken in two or more Member States, the respective competent authorities shall take all the necessary steps for efficient and effective cooperation and coordination among themselves. Without prejudice to obligations arising under applicable Union and international law, Member States shall endeavour to provide for joint procedures, particularly with regard to the assessment of environmental impacts.
- 6. The single competent authority may also be entrusted with tasks related to the coordination and the authorisation, in compliance with Union and national legislation, of specific projects of common interest aiming at the reconstruction of infrastructure on the core network of the trans-European transport network in the case of natural or man-made disasters.**

Article 6

Duration and implementation of the permit granting procedure

1. The permit granting procedure shall consist of the pre-application phase and the phase of the assessment of the application and the decision-making by the single competent authority.
2. The pre-application phase, covering the period from the start of the permit granting procedure to the submission of the complete application file to the single competent authority, shall in principle not exceed [two] years.

2(a) The pre-application phase shall include the preparation of any environmental reports to be prepared by the project promoter. Preliminary studies and preparatory assessments may nevertheless start or be carried out before the pre-application phase to ensure the maturity of the notified project.

3. In order to launch the permit granting procedure, the project promoter shall notify the single competent authority of the Member States concerned about the project in writing, and shall include a detailed description of the project. No later than [...] **three** months following the receipt of the above notification, the single competent authority shall either acknowledge it or, if it considers that the project is not mature enough to enter the permit granting procedure, reject the notification in writing. If the single competent authority decides to reject the notification, it shall justify its decision. The date of signature of the acknowledgement of the notification by the competent authority shall serve as the start of the permit granting procedure. If two or more Member States are concerned, the date of the acceptance of the last notification by the competent authority concerned shall serve as the date of the start of the permit granting procedure.
4. Within three months of the start of the permit granting procedure, the single competent authority, in close cooperation with the project promoter and other authorities concerned and taking into account the information submitted by the project promoter on the basis of the notification referred to in paragraph 3, shall [...] **provide** the project promoter **with** a detailed application outline, containing:
- (a) the material scope and level of detail of information to be submitted by the project promoter, as part of the application file for the [...] **consolidated** decision
 - (b) a schedule for the permit granting process, identifying at least the following:
 - (i) the **permits**, decisions and opinions to be obtained;
 - (ii) the authorities[...] **and** stakeholders [...] to be concerned, **including the formal phase of the public consultation**;
 - (iii) the individual stages of the procedure and their [...] **expected time limits**;
 - (iv) major milestones to be accomplished and their deadlines in view of the [...] **consolidated** decision to be taken;
 - (v) the resources planned by the authorities and possible additional resource needs.

5. In order to ensure that the application file is complete and of adequate quality, the project promoter shall seek the single competent authority's opinion on its application as early as possible during the pre-application procedure. The project promoter shall cooperate fully with the single competent authority to meet deadlines and comply with the detailed application outline as defined in paragraph 4.
6. The project promoter shall submit the application file based on the detailed application outline within the period of [...] **24** months from the receipt of that detailed application outline. **The single competent authority, based on the characteristics of the project, analyses to be made or public to be consulted, in duly justified cases can determine a longer period for the submission of the application file.** After the expiry of [...] **the period for the submission of the application file**, the detailed application outline is no longer considered applicable, unless the single competent authority decides to prolong that period, on the basis of a justified request from the project promoter.
7. At the latest within the period of two months from the date of submission of the complete application file, the competent authority shall acknowledge in writing the completeness of the application file and communicate it to the project promoter. The application file submitted by the project promoter shall be considered as being complete, unless, within the period of two months from the date of submission, the competent authority makes a request regarding missing information to be submitted by the project promoter. That request shall be limited, as regards the material scope and level of detail, to the elements identified in the detailed application outline. Any additional request for information shall only result from exceptional and unforeseen new circumstances and shall be duly justified by the single competent authority.
8. The single competent authority shall assess the application and adopt a [...] **consolidated** decision within the period of one year from the date of submission of the complete application file in accordance with paragraph 7. Member States may set an earlier time-limit, where appropriate.

9. The time limits in the above provisions shall be without prejudice to obligations arising from Union and international legal acts, as well as to administrative appeal procedures and judicial remedies before a court or tribunal.

Article 7

Coordination of cross-border permit granting procedure

1. For projects that involve two or more Member States, the competent authorities of the Member States concerned shall align their timetables and agree on a joint schedule.
2. The European Coordinator referred to in Article 45 of Regulation (EU)² No 1315/2013 shall be empowered to [...] facilitate contacts between the involved competent authorities **in the context of the permit granting procedure for cross-border projects of common interest**.
3. Without prejudice to the obligation to comply with the time limits under this Regulation, if the time-limit for the [...] **consolidated** decision is not observed, [...] **the European Coordinator concerned shall be informed by the Member States** concerned about the measures taken or to be taken to conclude the permit granting procedure with the least possible delay. The European Coordinator may request the competent authority to regularly report on progress achieved.

CHAPTER III PUBLIC PROCUREMENT

Article 8

Public Procurement in cross-border projects of common interest

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

CHAPTER IV TECHNICAL ASSISTANCE

Article 9

Technical assistance

On the request of a project promoter or Member State, in accordance with the relevant Union funding programmes and without prejudice to the Multi-Annual Financial Framework, the Union shall make available technical assistance for the implementation of this Regulation and the facilitation of the implementation of projects of common interest.

CHAPTER V FINAL PROVISIONS

Article 10

Transitional provisions

This Regulation shall not apply to the [...] **permit granting** procedures which started before the date of its entry into force.

Article 11

Entry into force

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

Chapter II of this Regulation shall apply from 1 January 2021. Ongoing procurement procedures will be completed on the basis of the legal position applicable on 31 December 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament *For the Council*

The President *The President*
