



Council of the
European Union

Brussels, 31 March 2022
(OR. en)

7750/22

LIMITE

TRANS 202

Interinstitutional File:
2021/0420(COD)

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	15109/21 7456/22 6840/22
No. Commission doc.:	COM(2021) 812 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013 - Presidency compromise on Chapters IV and V

Delegations will find attached a Presidency compromise on the articles of Chapters IV and V 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 6 April.

Changes compared to the Commission proposal are highlighted in **bold and underlined** for additions and in ~~strike through~~ for deletions.

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:
 3. ~~The ICT systems for transport referred to in this Article shall include:~~
 - (a) for railways: ERTMS, telematics applications for freight and passenger services as referred to in the Technical Specification for Interoperability, ~~and other digitalisation improvements~~, 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 VT-MIS 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, ~~the EU Mobility Data Space and frameworks facilitating business-to-business data exchange for supply chain transparency and optimisation.~~

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 carbon dioxide **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, ~~as well as the establishment of relevant governance structures;~~
- (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. Member States shall promote the deployment of innovative transport services, including through the European Maritime Space, ICT systems and the development of the ancillary infrastructure necessary to achieve environmental and safety-related goals of those services as well as the establishment of relevant governance structures.~~

Article 44

New technologies and innovation

In order for the trans-European transport network to keep up with innovative technological developments and deployments, ~~Member States~~ **the aim** shall ~~aim 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 ~~such as hyperloop~~;
- (b) ~~make possible~~ **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 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 ~~and the development of infrastructure that allows for~~

~~seamless multimodality, such as high-speed rail and city train/tram connection at airports;~~

- (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 costs, 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. ~~When planning infrastructure,~~ Member States shall improve **make all possible efforts to ensure that when projects of common interest are planned and implemented** the

security and the resilience **of such projects** of the transport infrastructure 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**. When implementing projects of common interest, Member States shall take into **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 based on **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 environmental impact assessment has been ~~completed~~ **commissioned** before entry into force of this Regulation.

[Article 47]

Risks to security or public order

Under consideration

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,** ~~the same~~ **a high** level of service and safety **adapted to the traffic flow** ~~during its lifetime~~;
- (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];~~
- (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 ~~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.

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;
as well as **and**

- ~~persons~~ **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 a fully **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.

3. European Transport Corridors shall enable Member States to achieve a coordinated and synchronised approach with regard to investment in infrastructure.

4. The ~~European Rail Traffic Management System (ERTMS)~~ and the European Maritime Space are the **two** horizontal priorities for the implementation of the trans-European transport network. They ~~The instruments set up in accordance with this Chapter~~ shall ~~ensure~~ **facilitate** the timely deployment of ERTMS ~~on the entire network~~ and the integration of maritime links **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) ~~draw up~~ **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 ~~propose~~ **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 ~~and~~ ~~priorities~~ ~~esse~~ **and** investment needs for rail freight on the rail freight lines of the European Transport Corridors;

- (b) monitor ~~administrative, operational and interoperability aspects of freight traffic on the rail freight lines of the European Transport Corridors, including monitoring 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 ~~and~~ ~~priorities~~ **and** investment needs for the rail passenger lines of the European Transport Corridors;
- (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.]
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 priorityies”.

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 ~~ad-hoc working groups~~ **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 priorityies 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 national coordinator for ERTMS~~ **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 priorityies 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 infrastructure 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** ~~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 Coordinator for the European Maritime Space with the European Maritime Safety Agency.

Article 53

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 priorities. 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, with **that may contain** intermediate targets **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 ~~with intermediate targets related to rail freight~~, 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 -**

~~For the analysis of the investments and the preparation of the plan with intermediate targets related to multimodal freight terminals, the European Coordinator shall take into account the corridor relevant elements of the analysis, the action plans elaborated by the Member States pursuant to Article 35(4) and the list referred to in Article 19~~**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).~~

- (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 are relevant for the effective functioning of the corridor 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, ~~through the~~ **by helping to** identification of 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 ~~establishment~~ **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. ~~Based on 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.~~
2. **Without prejudice to Article 8(4a), and after approval by the Member States concerned,** ~~the~~ 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.
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.
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 ~~an annual~~ 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.**