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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. prev. doc.:	8211/20
Subject:	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 - Analysis of the final compromise text with a view to agreement

1. On 17 May 2018, the Commission presented the abovementioned proposal to the European Parliament and the Council, as part of the third 'Europe on the Move' package, which is designed to make European mobility safer, cleaner, more efficient and more accessible.
2. The proposal's main objective is to simplify permit-granting rules with the aim of facilitating the completion of the Trans-European Transport Network (TEN-T). It also aims to bring greater clarity to the processes which project promoters need to follow, in particular as regards permit granting, public procurement and other procedures.
3. Following discussions at the Working Party on Transport - Intermodal Questions and Networks between June 2018 and December 2019, the Council reached a general approach on the proposal at its meeting on 2 December 2019¹.

¹ 14401/19.

4. Subsequently, three informal trilogues were held on 3 February, 18 May and 8 June resulting in the provisional agreement set out in the Annex to this note.
5. At the third and last trilogue on 8 June, the Parliament accepted the large majority of the compromise proposals put forward by the Council in its mandate approved by Coreper on 3 June 2020 (cf. ST 8211/20), including the change of the legal form of the proposal.
6. The following amendments to the articles were provisionally agreed at the last trilogue, in addition to changes to recitals 4, 13 and 15:
 - Article 1 (scope): the threshold applicable to other projects on the core network corridors, as identified pursuant to Article 44, paragraph 1, of Regulation (EU) No. 1315/2013 has been agreed to be the total cost exceeding EUR 300 million;
 - Article 5(4) (Designated authority): the following sentence has been added to the paragraph: "Where the designated authority is not empowered to take the decision, Member States shall take the necessary measures to ensure that the project promoter is notified of the adoption of the authorising decision.";
 - Article 6(5) (Duration of the permit-granting process): the paragraph has been reformulated as follows: "Member States shall not be held responsible in case the four-year period referred to in paragraph 1, as extended in accordance with paragraph 4, is not complied with in case the delay incurred is due to the project promoter.";
 - Article 7(1) (Coordination of cross-border permit-granting procedure): it has been agreed to revert back to the wording of the previous mandate;
 - Article 11(1) and (2) (Reporting): the first report by the Member States on the implementation of the Directive shall be submitted within five years following the entry into force of the Directive and by the Commission within five and a half years.
7. Following the provisional agreement reached with the Parliament, technical adjustments were made to recitals 5, 6, 9, 13, 20 and Article 1(2).

8. In view of the above, the Permanent Representatives Committee is invited to analyse the final compromise text with a view to agreement, as set out in the Annex to the present note.
9. In light of the above and with a view to enabling an early second reading agreement between the Council and the European Parliament on this legislative proposal, the Permanent Representatives Committee is invited to analyse the final compromise text, as set out in the Annex to the present note, and confirm the compromise agreement.

2018/00138(COD)

Proposal for a Directive 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 procedure⁴,

- (1) Regulation (EU) No 1315/2013 of the European Parliament and of the Council⁵ sets out a common framework for the creation of state-of-the-art, interoperable networks in the Union, at the service of the citizens, for the social, economic and territorial cohesion of the Union and for the development of the internal market by contributing to the single European transport and mobility area. 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 comprehensive network which are of the highest strategic importance for the Union.

² Opinion of 17 October 2018 (not yet published in the Official Journal).

³ Opinion of 7 February 2019 (not yet published in the Official Journal).

⁴ Position of the European Parliament of 13 February 2019 (not yet published in the Official Journal).

⁵ 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).

That Regulation defines binding completion targets for implementation, with the core network to be completed by 2030 and the comprehensive network by 2050, in particular by prioritising cross-border connections, by improving interoperability, and by contributing to the multimodal integration of Union transport infrastructure.

- (2) Notwithstanding the necessity and binding timelines, experience has shown that many investments aiming to complete the TEN-T are confronted with multiple, different and 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. Furthermore, uncertainty may arise for project promoters and potential private investors and could in certain cases even lead to projects being not realised as initially planned. This Directive aims to address these issues and make synchronised and timely TEN-T completion possible through harmonised action at Union level. When drawing up their national plans and programmes, Member States should take into account the development of the trans-European transport network, in line with paragraph 2 of Article 49 of Regulation (EU) No 1315/2013.
- (3) This Directive should cover project related procedures, including those related to the environmental impact assessment. However, this Directive should be without prejudice to urban or land use planning and the steps undertaken at strategic level and which are not project-related, such as strategic environmental assessment, public budgetary planning as well as national or regional transport plans. In order to increase the efficiency of permit granting procedures and ensure high quality project documentation, project promoters should carry out the preparatory work such as preliminary studies and reports before the start of the permit-granting procedure. This Directive should not be applicable to procedures before an administrative appeal authority, a court or a tribunal.

- (4) This Directive should apply to projects that are part of pre-identified sections of TEN-T core network as listed in the Annex ⁶ and to other projects on the core network corridors with a total cost exceeding EUR 300 million. In this respect, projects exceeding such an amount are frequently of strategic importance with respect to the achievement of the Union strategy for smart, sustainable and inclusive growth and contribute to the achievement of the objectives of Regulation No (EU) 1315/2013. The core network corridors are identified through the alignment contained in Regulation (EU) No. 1316/2013 of the European Parliament and the Council⁷ and the maps of the core network contained in Regulation (EU) No. 1315/2013. The technical basis of those maps is provided by the interactive geographical and technical information system for the trans-European transport network (TENtec), which contains a higher level of detail concerning the trans-European transport infrastructure.
- (5) Projects exclusively related to telematics applications, new technology and innovation should be excluded from the scope of this Directive as their deployment is not limited to the TEN-T core network.
- (6) Member States may however apply this Directive to other projects on the core and comprehensive TEN-T network, including projects exclusively related to telematics applications, new technology and innovation, in order to enable a harmonized approach for transport infrastructure projects. The publication by national authorities of lists of individual projects that fall under this Directive could increase transparency for project promoters regarding ongoing as well as future works along the trans-European transport network.

⁶ The Annex will be added to this Directive and shall be the list of cross-border links and missing links in Section 1 "Core Network Corridors and indicative list of pre-identified cross-border links and missing links" of Part III of the Annex of the draft Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014, as set out in the partial Common Understanding, doc. 7207/1/19 REV 1, once adopted.

⁷ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010.

- (7) Priority treatment should be given to projects covered by this Directive, where relevant. Such treatment may include shorter timelines, simultaneous procedures or limited timeframes for appeals while ensuring that the objectives of other horizontal policies, such as environmental policies aiming to avoid, prevent, reduce or offset adverse effects on the environment are also reached in accordance with national and Union law. In the legal frameworks of many Member States, priority treatment is given to certain project categories based on their strategic importance for the economy. When such a framework exists within a national legal framework, it should automatically apply to projects falling within the scope of this Directive. Nevertheless, Member States should be allowed to test specific permit granting procedures for a limited number of projects in order to evaluate their potential extension to other projects. During this testing period, the Member State concerned should not be obliged to apply such testing procedures to other projects falling within the scope of this Directive.
- (8) Given the different environmental assessments arising from various European Directives and national rules, which are necessary for granting permits to projects in the TEN-T core network, Member States should put in place, where feasible and appropriate, a simplified procedure which fulfills the requirements of those Directives and national rules in order to help achieve the objectives set out in this Directive aimed at increasing the streamlining of measures.
- (9) Projects on the core network corridors should be supported by efficient permit-granting procedures to make clear management of the overall procedure possible and to provide a point of contact for project promoters. To that end, Member States should designate one or more authorities in accordance with their national legal frameworks and administrative set-ups and type of project. Where a Member State designates several authorities, it should ensure that only one authority is designated for a given project and a given permit granting procedure.

- (10) The designation of an authority acting as the point of contact for the project promoter 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 real cooperation between project promoters and the designated authority.
- (11) The designated authority may also be entrusted with tasks related to the coordination and the authorisation, in compliance with Union and national legislation, of specific projects 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.
- (12) The procedure set out by this Directive should be without prejudice to the fulfilment of the requirements defined in international and Union law, including requirements to protect the environment and human health. This Directive should not lead to lower standards envisaged to avoid, prevent, reduce or offset adverse effects on the environment.
- (13) Given the urgency to complete the TEN-T core network, the simplification of permit granting procedures should be accompanied by a time-limit for procedures aiming at the adoption of an authorising decision to build the transport infrastructure. 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. It should be possible to extend the time-limit for the permit granting procedures in duly justified cases, including when unforeseeable circumstances arise or where necessary for environmental protection. The deadline of the prolongation may for instance be set as a date, period of time or other certain and future event. The time-limit, as extended, should not include in particular the time necessary to undertake administrative or judicial appeal procedures. Member States should not be held responsible in case that time-limit is not complied with in case the delay incurred is due to the project promoter, for example in case the project promoter has not complied with the time-limits set out in national law or the indicative time-limits set by the designated authority or where the project promoter has acted with undue delay.

- (14) Member States should endeavour to ensure that appeals challenging the substantive or procedural legality of an authorising decision are handled in the most efficient way possible.
- (15) TEN-T infrastructure projects that concern two or more Member States face particular challenges as regards the coordination of permit-granting procedures. Therefore, the designated authorities of the Member States concerned should cooperate in order to coordinate their timetables and to agree on a joint schedule concerning the permit-granting procedure, to the extent that such a coordination and the establishment of such a joint schedule are possible and appropriate given the state of preparedness or of maturity of the project, which depends mainly on the project promoter, in particular, the date on which the project promoter has notified the project to the designated authority of each of those Member States.
- (16) The European Coordinators referred to in Article 45 of Regulation (EU) No 1315/2013 should be informed about these procedures in order to facilitate their synchronisation and completion in view of the timely implementation of the TEN-T core network by 2030.
- (17) Where the TEN-T network is extended to third countries, in line with the indicative maps contained in Regulation (EU) No 1315/2013, these third countries should be invited to apply, where relevant, similar rules as the ones set out in this Directive.

- (18) Public procurement in cross-border projects should be conducted in accordance with the Treaty and, where relevant, Directive 2014/25/EU⁸ or Directive 2014/24/EU⁹ of the European Parliament and of the Council. In order to ensure the efficient completion of the cross-border core network projects, public procurement carried out by a joint entity should be subject to the national law of one Member State. By way of derogation from the Union law on public procurement, 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. For a public procurement conducted by a subsidiary of a joint entity, that subsidiary should apply the national law of one of the Member States concerned, which could be the national law applicable to the joint entity. For reasons of legal certainty, current procurement strategies should remain applicable to a joint entity set up before ... [date of entry into force of this Directive].
- (19) 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 and ensure certainty for project promoters. In some cases State aid approval might be required. Without prejudice to the deadlines set out in this Directive and in line with the Best Practice Code for the conduct of State aid control procedures, Member States should be able to ask the Commission to deal with projects 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.

⁸ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 094 28.3.2014, p. 243).

⁹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

- (20) 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 Commission's Communication of 27 April 2017 entitled Action Plan for nature, people and the economy¹⁰, presented by the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 27 April 2017, provides guidance and brings more clarity on how to comply with Directive 2009/147/EC and Directive 92/43/EEC. Direct support related to public procurement should be made available for projects to ensure the best value for public money¹¹.
- (21) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, 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 Directive does not go beyond what is necessary in order to achieve those objectives.
- (22) For reasons of legal certainty, the permit-granting procedures which started prior to the transposition of this Directive should not be subject to Directive.

HAVE ADOPTED THIS DIRECTIVE:

¹⁰ COM(2017)198 final

¹¹ COM(2017)573 final

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Directive shall apply to the permit-granting procedures required in order to authorise the implementation of:
 - projects that are part of pre-identified sections of TEN-T core network as listed in the Annex¹²;
 - other projects on the core network corridors, as identified pursuant to Article 44, paragraph 1, of Regulation (EU) No. 1315/2013, with a total cost exceeding EUR 300 million,

with the exception of projects exclusively related to telematic applications, new technology and innovation as defined in Articles 31 and 33 of Regulation (EU) No. 1315/2013.

This Directive shall also apply to public procurements in cross-border projects falling within the scope of this Directive.

2. Member States may decide to apply this Directive to other projects on the core and comprehensive network of the trans-European transport network including projects exclusively related to telematic applications, new technology and innovation referred to in paragraph 1. Member States shall notify their decision to the Commission.

¹² The Annex will be added to this Directive and shall be the list of cross-border links and missing links in Section 1 "Core Network Corridors and indicative list of pre-identified cross-border links and missing links" of Part III of the Annex of the draft Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014, as set out in the partial Common Understanding, doc. 7207/1/19 REV 1, once adopted.

Article 2
Definitions

For the purposes of this Directive, the following definitions apply:

- (a) "authorising decision" means the decision or a set of decisions simultaneously or successively taken by a Member State authority or authorities, not including administrative appeal authorities, courts or tribunals, under national legal system and administrative law that determine whether or not a project promoter is entitled to implement the project on the geographical area concerned. The decision or a set of decisions may be of an administrative nature and shall be without prejudice to any decision taken in the context of an administrative or judicial appeal procedure;
- (b) "permit-granting procedure" means any procedure that has to be followed related to an individual project falling within the scope of this Directive in order to obtain the authorising decision as required by the authorities of a Member State, under Union or national law. It shall not include procedures related to urban or land use planning, for the award of public procurements, nor steps undertaken at strategic level, which do not refer to a specific project, such as strategic environmental assessment, public budgetary planning as well as national or regional transport plans.
- (c) "project" means the construction, adaptation or modification of a defined section in the transport infrastructure, which leads to improvement of capacity, safety and efficiency of the infrastructure and whose implementation requires an authorising decision;
- (d) "project promoter" means the applicant for authorisation of a project implementation or the public authority which initiates a project;
- (e) "designated authority" means the authority which is the point of contact for the project promoter and facilitates efficient and structured processing of permit-granting procedures in accordance with this Directive;
- (f) "Cross-border project" means a project covering a cross-border section between two or more Member States;

- (g) "Joint authority" means an authority which may be established by mutual agreement between two or more Member States to facilitate the permit-granting procedures related to cross-border projects. In that case, Member States may empower the designated authority to establish a joint authority.

CHAPTER II – PERMIT GRANTING

Article 3

Priority status

1. Member States shall endeavour to ensure that all authorities, including the designated authority, involved in the permit-granting procedure, excluding courts and tribunals, give priority to projects covered by this Directive.
2. Where specific permit-granting procedures for priority projects exists under national law, Member States shall, without prejudice to the objectives, requirements and time-limits of this Directive, ensure that projects covered by this Directive are handled under these procedures. This shall not prevent Member States from testing specific permit granting procedures for a limited number of projects, in order to evaluate their potential extension to other projects, without having to apply such procedures to projects falling under the scope of the Directive.
3. This Article shall be without prejudice to any budgetary decisions.

Article 4

[Deleted]

Article 5

Designated Authority

1. At the latest by [24 months after the entry of the force of this Directive], each Member State shall designate at the appropriate administrative level the authorities acting as the designated authority.
2. A Member State may, where relevant, designate different authorities as the designated authority depending on the project or category of projects, transport mode, or the geographical area. In such a case, the Member State shall ensure that there is only one designated authority for a given project and a given permit-granting procedure.
3. Member States shall take all the necessary measures to provide project promoters with easily available information about the identity of the designated authority in charge of a given project.
4. Member States may empower the designated authority to take the authorising decision. Where the designated authority is not empowered to take the decision, Member States shall take the necessary measures to ensure that the project promoter is notified of the adoption of the authorising decision.
5. Member States may empower the designated authority to establish indicative time-limits for different intermediary steps of the permit-granting procedure in accordance with Article 6(1), without prejudice to the 4-year time-limit set in accordance with that provision.

6. The designated authority shall:
- (a) be the point of contact for information for the project promoter and for other relevant authorities involved in the procedure leading to the authorising decision for a given project;
 - (b) provide, where foreseen by national legislation, the Detailed Application Outline referred to in Article 6a to the project promoter, including the indicative time-limits within the permit-granting procedures, in line with the time-limit set out in accordance with Article 6;
 - (c) oversee the timeframe of the permit granting procedure, in particular record any extension of the time-limit referred to in Article 6(4);
 - (d) when empowered to take the authorising decision in accordance with paragraph 4, notify the authorising decision to the project promoter;
 - (e) if requested, provide guidance to the project promoter in the submission of all relevant documents and information, including all the necessary permits, decisions and opinions which have to be provided and obtained for the authorising decision. Where the designated authority is empowered to take the authorising decision in accordance with paragraph 4, that authority shall verify that all the necessary permits, decisions and opinions for the authorising decision have been obtained. The designated authority may also provide guidance to the project promoter what additional information and/or documents should be delivered in case a notification has been rejected.

This paragraph is without prejudice to the competence of any other authorities involved in the permit-granting procedure and to the possibility for the project promoter to contact individual authorities for specific permits, decisions or opinions which are part of the authorising decision.

Article 6

Duration of the permit-granting process

1. The Member States shall provide for a permit-granting procedure and set deadlines for the permit-granting procedure not exceeding 4 years from the start of the permit-granting procedure. The Member States may adopt the necessary measures in order to break down the available period in different steps and according to Union and national law.
2. The four-year period referred to in paragraph 1 shall be without prejudice to obligations arising from Union and international legal acts and shall not include periods necessary to undertake and to follow-up upon administrative and judicial appeal procedures and judicial remedies before a court or tribunal.
3. The four-year period referred to in paragraph 1 shall be without prejudice to the adoption of a specific act of national legislation finalising the permit granting procedure. Where the permit granting procedure is finalised through a national legislative act, the preparatory work, on the basis of which the national legislative act is adopted, shall be concluded within the deadline referred to in paragraph 1. The preparatory work shall be considered to end when the specific act of national legislation is introduced to the national parliament.
4. Member States shall adopt the necessary measures to ensure that, in duly justified cases, an appropriate extension to the four-year period referred to in this Article may be granted. The duration of the extension shall be determined on a case-by-case basis, shall be duly justified and limited to the purpose of completing the permit-granting procedure and delivering the authorising decision. When such an extension has been granted, the project promoter shall be informed of the reasons thereof. A further extension may be granted once, under the same conditions.
5. Member States shall not be held responsible in case the four-year period referred to in paragraph 1, as extended in accordance with paragraph 4, is not complied with in case the delay incurred is due to the project promoter.

Article 6a

Organisation of the permit-granting procedure

1. The project promoter shall notify the project to the designated authority or, where appropriate, to the joint authority. The notification of the project by the project promoter shall serve as the start of the permit-granting procedure.
2. In order to assess the maturity of the project, Member States may define the level of detail of information and the relevant documents to be provided by the project promoter when notifying a project. If the project is not mature enough, the notification shall be rejected not later than four months after the notification and the decision shall be justified.
3. Member States shall take the necessary measures to ensure that project promoters receive general information as guidelines for notification, where relevant according to the mode of transport, about the necessary permits, decisions and opinions that may be required for implementing a project.

That information shall, with regard to the different permits, decisions and opinions include the following:

- general information about the material scope and level of detail of information to be submitted by the project promoter,
- applicable time-limits or, if there are no such time-limits, indicative time-limits, as well as,
- the authorities and stakeholders normally involved in consultations linked to the different permits, decisions and opinions.

That information shall be easily accessible to all relevant project promoters, in particular through information portals (electronic or physical).

4. In order to ensure a successful notification, the Member States may provide that the designated authority shall establish, upon request by the project promoter, a detailed application outline comprising the following information customised for the individual project:
 - (a) The individual stages of the procedure and their indicative time-limits;
 - (b) The material scope and level of detail of information to be submitted by the project promoter;
 - (c) A list of necessary permits, decisions and opinions to be obtained by the project promoter during the permit-granting procedure, in accordance with Union and national law;
 - (d) Authorities and stakeholders to be involved in relationship with the respective obligations, including during the formal phase of the public consultation.
5. The detailed application outline shall remain valid during the permit-granting procedure. Any amendment to the detailed application outline shall be duly justified.
6. The designated authority may provide information to the project promoter supplementing the elements referred to in paragraph 4 upon request.
7. When the project promoter has submitted the complete project application file, the authorising decision shall be adopted within the time-limit set out in Article 6.
8. Authorities involved in the permit-granting procedure shall notify the designated authority that the relevant required permits, decisions, opinions or the authorising decision have been issued.

Article 7

Coordination of cross-border permit-granting procedure

1. For projects that concern two or more Member States, the Member States shall ensure that the designated authorities of the Member States concerned cooperate in view of coordinating their timetables and agreeing on a joint schedule concerning the permit-granting procedure.
2. For cross-border projects, a joint authority, as defined in Article 2 paragraph (g), may be established.
3. Member States shall take the necessary measures to ensure that the European Coordinators referred to in Article 45 of Regulation (EU) No 1315/2013 receive information on the permit-granting procedures and that the European Coordinators may facilitate contacts between the designated authorities in the context of the permit-granting procedures for projects that concern two or more Member States.
4. Member States shall, if the time-limit set out in Article 6 is not observed, provide information upon request to the European Coordinators concerned about the measures taken or planned to be taken to conclude the permit-granting procedure with the least possible delay.

CHAPTER III - PUBLIC PROCUREMENT

Article 8

Public Procurement in cross-border projects

1. When the procurement procedures are conducted by a joint entity in a cross-border project, Member States shall take the necessary measures to ensure that the joint entity applies the national provisions of one Member State and, by way of derogation from Directives 2014/25/EU and 2014/24/EU, 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 Council¹³ or point (a) of Article 39(5) of Directive 2014/24/EU of the European Parliament and of the Council¹⁴, 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 for procurement procedures conducted by a joint entity.
2. For public procurement conducted by a subsidiary of a joint entity, the Member States concerned shall take the necessary measures to ensure that the subsidiary applies the national provisions of one of the Member States. In this respect, the Member States concerned may decide that the subsidiary applies the national law applicable to the joint entity.

¹³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 094 28.3.2014, p. 243).

¹⁴ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

CHAPTER IV - TECHNICAL ASSISTANCE

Article 9

[Deleted]

CHAPTER V - FINAL PROVISIONS

Article 10

Transitional provisions

1. This Directive shall not apply to projects for which the permit-granting procedures have started before ... [24 months after the date of entry into force of this Directive].
2. Article 8 shall only apply to such contracts for which the call for competition has been sent or, in cases where a call for competition is not foreseen, where the contracting authority or contracting entity has commenced the procurement procedure, after ... [24 months after the date of entry into force of this Directive].
3. Article 8 shall not apply to a joint entity set up before ... [date of entry into force of this Directive], provided that the procurement procedures of that entity continue to be governed by the legislation applicable to its procurements on that date.

Article 11

Reporting

1. The Commission shall regularly report to the European Parliament and to the Council on the implementation and the results of this Directive and for the first time by [five years and six months after the entry into force of this Directive].
2. The report shall be based on information to be provided by Member States every two years and for the first time by [five years after the entry into force of this Directive] concerning the number of permit-granting procedures under the scope of this Directive, the average length of the permit-granting procedure, the number of permit-granting procedures exceeding the time-limit and the establishment of any joint authority during the reporting period.

Article 12

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 months following the entry into force of this Directive. They shall immediately communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 13

Entry into force

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

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

The Annex will be added to this Directive and shall be the list of cross-border links and missing links in Section 1 "Core Network Corridors and indicative list of pre-identified cross-border links and missing links" of Part III of the Annex of draft Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014, as set out in the partial Common Understanding, doc. 7207/1/19 REV 1, once adopted.

For information, the list as provisionally set out in that document is the following:

Core network corridor "Atlantic"		
Cross-border links	Evora – Merida	Rail
	Vitoria-Gasteiz – San Sebastián – Bayonne – Bordeaux	
	Aveiro – Salamanca	
	Douro river (Via Navegável do Douro)	Inland waterways
Missing links	Non-UIC gauge interoperable lines on the Iberian Peninsula	Rail
Core network corridor "Baltic – Adriatic"		
Cross-border links	Katowice/Opole – Ostrava – Brno Katowice – Žilina Bratislava – Wien Graz – Maribor Venezia – Trieste – Divaca – Ljubljana	Rail
	Katowice – Žilina Brno – Wien	Road

Missing links	Gloggnitz – Mürzzuschlag: Semmering Base tunnel	Rail
	Graz – Klagenfurt: Koralm railway line and tunnel	
	Koper – Divača	
Core network corridor "Mediterranean"		
Cross-border links	Barcelona – Perpignan	Rail
	Lyon – Torino: base tunnel and access routes	
	Nice – Ventimiglia	
	Venezia – Trieste – Divača – Ljubljana	
	Ljubljana – Zagreb	
	Zagreb – Budapest	
	Budapest – Miskolc – UA border	
	Lendava – Letenye	Road
	Vásárosnamény – UA border	
Missing links	Almería – Murcia	Rail
	Non-UIC gauge interoperable lines on the Iberian Peninsula	
	Perpignan – Montpellier	
	Koper – Divača	
	Rijeka – Zagreb	
	Milano – Cremona – Mantova – Porto Levante/Venezia – Ravenna/Trieste	Inland Waterways

Core network corridor "North Sea – Baltic"		
Cross-border links	Tallinn – Rīga – Kaunas – Warszawa: Rail Baltic new UIC gauge fully interoperable line	Rail
	Świnoujście/Szczecin – Berlin	Rail/Inland Waterways
	Via Baltica Corridor EE-LV-LT-PL	Road
Missing links	Kaunas – Vilnius: part of Rail Baltic new UIC gauge fully interoperable line	Rail
	Warszawa/Idzikowice – Poznań/Wrocław, incl. connections to the planned Central Transport Hub	
	Kiel Kanal	Inland waterways
	Berlin – Magdeburg – Hannover; Mittellandkanal; western German canals	
	Rhine, Waal	
	Noordzeekanaal, IJssel, Twentekanaal	
Core network corridor "North Sea – Mediterranean"		
Cross-border links	Brussel/Bruxelles – Luxembourg – Strasbourg	Rail
	Terneuzen – Gent	Inland waterways
	Seine – Escaut Network and the related Seine, Escaut and Meuse river basins	
	Rhine-Scheldt corridor	
Missing links	Albertkanaal/ Canal Albert and Canal Bocholt-Herentals	Inland waterways

Core network corridor "Orient/East-Med"			
Cross-border links	Dresden – Praha/Kolín	Rail	
	Wien/Bratislava – Budapest		
	Békéscsaba – Arad – Timișoara		
	Craiova – Calafat – Vidin – Sofia – Thessaloniki		
	Sofia – RS border/ North Macedonia border		
	TR border – Alexandroupoli		
	North Macedonia border – Thessaloniki		
	Ioannina – Kakavia (AL border)	Road	
	Drobeta Turnu Severin/Craiova – Vidin – Montana		
	Sofia – RS border		
	Hamburg – Dresden – Praha – Pardubice	Inland waterways	
	Core network corridor "Rhine – Alpine"		
	Cross-border links	Zevenaar – Emmerich – Oberhausen	Rail
Karlsruhe – Basel			
Milano/Novara – CH border			
Basel – Antwerpen/Rotterdam – Amsterdam		Inland waterways	
Missing link	Genova – Tortona/Novi Ligure	Rail	
	Zeebrugge – Gent		
Core network corridor "Rhine – Danube"			
Cross-border links	München – Praha	Rail	
	Nürnberg – Plzen		
	München – Mühldorf – Freilassing - Salzburg		
	Strasbourg – Kehl Appenweier		

	Hranice – Žilina	
	Košice – UA border	
	Wien – Bratislava/Budapest	
	Bratislava – Budapest	
	Békéscsaba – Arad– Timișoara - RS border	
	București – Giurgiu - Rousse	
	Danube (Kehlheim - Constanța/Midia/Sulina) and the related Váh, Sava and Tisza river basins	Inland Waterways
	Zlín – Žilina	Road
	Timișoara - RS border	Road
Missing links	Stuttgart – Ulm	Rail
	Salzburg – Linz	
	Craiova – București	
	Arad - Sighișoara – Brasov - Predeal	
Core network corridor "Scandinavian – Mediterranean"		
Cross-border links	RU border – Helsinki	Rail
	København – Hamburg: Fehmarn belt fixed link access routes	
	München – Wörgl – Innsbruck – Fortezza – Bolzano – Trento – Verona: Brenner base tunnel and its access routes	
	Göteborg-Oslo	
	København – Hamburg: Fehmarn belt fixed link	Rail/Road