



Council of the  
European Union

Brussels, 13 May 2022  
(OR. fr)

8784/22

LIMITE

TRANS 265  
CODEC 619

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Interinstitutional File:  
2021/0420(COD)

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## REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	ST 6840/1/22 REV 1 ST 7456/22 ST 7750/22 ST 7919/22
No. Cion doc.:	ST 15109/21
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) No 1315/2013 - Progress report - Exchange of views

## I. INTRODUCTION

1. On 14 December 2021, the Commission submitted a 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) No 1315/2013<sup>1</sup>. The proposal was presented as part of a package of four initiatives aiming to modernise the EU transport system and support the transition to cleaner, greener and smarter mobility by improving some of its key components, such as the trans-European transport network (TEN-T), intelligent transport systems, cross-border and long-distance rail travel and urban mobility.

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<sup>1</sup> ST 15109/21.

2. The proposed revision of the TEN-T development policy aims to build a reliable, seamless and high-quality trans-European transport network which ensures sustainable connectivity throughout the European Union without physical gaps, bottlenecks or missing links by 2050. This network is intended to contribute to achieving the EU's sustainable mobility objectives, to the proper functioning of the internal market and to the EU's economic, social and territorial cohesion. It should be developed gradually, step by step, with proposed deadlines of 2030, 2040 and 2050.
3. The proposal has four main objectives:
  - (i) to make transport greener by providing the appropriate infrastructure basis to reduce congestion, greenhouse gas (GHG) emissions and – more broadly – the negative externalities of transport;
  - (ii) to facilitate seamless and efficient transport, encourage multimodality and interoperability between transport modes and better integrate urban nodes into the network;
  - (iii) to increase the resilience of the TEN-T network to the adverse effects of climate change and other natural hazards or man-made disasters;
  - (iv) to improve the effectiveness of TEN-T governance tools and streamline the instruments for reporting and monitoring the implementation of the TEN-T.

## **II. STATE OF PLAY IN OTHER INSTITUTIONS**

4. The European Parliament has designated the Committee on Transport and Tourism (TRAN) as the committee responsible for this proposal. Mr Dominique Riquet (Renew, France) and Ms Barbara Thaler (EPP, Austria) have been appointed co-rapporteurs.
5. The European Economic and Social Committee adopted an opinion on 23 March 2022. The Committee of the Regions is expected to adopt an opinion on the proposal in October 2022.

### III. STATE OF PLAY IN THE COUNCIL

6. The proposal and the impact assessment were presented to the Working Party on Transport - Intermodal Questions and Networks on 6 and 13 January 2022 and the articles were then discussed in detail between January and May 2022. Around 15 meetings of the Working Party have been devoted to examining this proposal during this semester. After a detailed review of each of the chapters in January and February, the Presidency prepared several notes containing questions to delegations on the most important aspects of the proposal and asked Member States to provide guidance on the topics addressed in order to facilitate the individual and collective understanding of the issues at stake.
7. Subsequently, the Presidency drafted several compromise proposals<sup>2</sup> covering significant aspects of the proposal, endeavouring to take account of most of the comments made by Member States.

### IV. MAIN ISSUES AND PROGRESS ACHIEVED

#### **General comments**

8. Delegations generally welcomed the revision of the Regulation as an opportunity to contribute to the development of a sustainable, efficient and resilient Single European Transport Area. Similarly, the proposal to develop or modernise that network in three phases (2030, 2040 and 2050 for the core, extended core and comprehensive networks respectively) was also supported.
9. The proposal to align the Rail Freight Corridors with the Core Network Corridors to create the European Transport Corridors was also welcomed.

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<sup>2</sup> ST 6840/1/22 REV 1  
ST 7456/22  
ST 7750/22  
ST 7919/22

10. Several delegations pointed out that the TEN-T proposal included interactions with other proposals in the field of transport policy, in particular the AFIR Regulation and the ITS Directive, and underlined the importance of maintaining consistency with those proposals.
11. In general, delegations noted that the proposal significantly increases the level of requirements to be achieved for the network as a whole with the main objective of having a unified, highly efficient and fully interoperable infrastructure to contribute to decarbonisation and multimodality. In order to achieve that, the proposal provides in particular that most of the rail freight infrastructure requirements currently applicable to the core network should also be extended to the new extended core and comprehensive networks, including last-mile connections. In addition, the Commission proposes that the implementation of certain obligations should be brought forward in comparison to the current Regulation. Although Member States generally did not question the principle of more stringent requirements, many stressed that those requirements should remain proportionate and appropriate to the expected functionalities and traffic levels. In that context, particular concern was expressed regarding the increasing requirements in respect of the extended core and comprehensive networks.
12. In addition, several Member States noted that the further development of the TEN-T network, including the application of new requirements and the bringing forward of certain deadlines, would require significant investment by Member States. Those investments are estimated by the Commission at EUR 50 billion per annum under the current Regulation and an additional EUR 16 billion per annum as a result of the revision, until 2050. Several Member States therefore stressed the importance of adopting a realistic attitude, taking into account their financial capacities and the need for support in those efforts by ensuring appropriate financial resources beyond the current multiannual financial framework, including for projects relating to the extended core and comprehensive TEN-T network.

## **Comments on specific issues**

13. **General principles and general provisions** (Chapters I and II): The Presidency has prepared two compromise proposals which, while maintaining the general logic and ambition of the Commission proposal, endeavour to further specify and clarify certain aspects and to address the majority of concerns expressed by Member States, one of the most prominent being the reintroduction of the clause on project maturity, compliance with legal procedures and the availability of financial resources, without prejudice to Member States' financial commitments. The changes introduced in the latest compromise (ST 6840/1/22 REV 1) were quite broadly supported by delegations.
14. **Provisions concerning the requirements specific to each mode of transport** (Chapter III): The articles in Chapter III are essential to the proposal as they set out the specific requirements for each mode of transport, as well as for multimodal freight terminals and urban nodes.
- (i) **Railway transport infrastructure:** The crucial role played by rail transport in achieving the objectives of European sustainable transport policy has been widely recognised, in respect of both freight and passenger transport. At the same time, the addition of new requirements, such as the P400 loading gauge, the operation of freight trains with a train length of at least 740 m across the entire network, the minimum speed of 160 km/h for passenger lines of the core and extended core network, the acceleration of ERTMS deployment together with the decommissioning of Class B signalling systems across the network and the extension of the requirements to all last mile connections raised questions and concerns. The implementation of those requirements will require huge investments and significant interventions on existing and even recently completed railway lines. These provisions deserve further examination in the future.

- (ii) **Road transport infrastructure:** With a view to improving road safety, the proposal includes extending to the comprehensive network the obligation to provide separate carriageways without grade crossings or access to properties bordering on them. This provision raised questions among the Member States, with some stressing its disproportionate nature in certain circumstances, and recalling that infrastructure is only one of the factors ensuring progress in road safety.
- (iii) **Air transport infrastructure:** Member States generally shared the objective of improving airport connectivity with rail transport services. However, the objective of connecting all airports of the core network and the main airports of the comprehensive network to the long-distance rail network by 2030 and 2050 respectively appeared to be very ambitious and difficult to achieve for some. For this reason, several delegations asked for the exemptions to be extended and clarified, with some suggesting that clean collective transport services should be taken into account as a possible alternative to a rail connection directly at the airport.
- (iv) **Inland waterways transport infrastructure:** While the principle of boosting inland waterways transport was widely supported, the requirement for Member States to ensure, at least for certain periods of the year, a navigable channel depth of at least 2.5 m and a minimum height under non-openable bridges of 5.25 m at defined reference water levels gave rise to doubts as to its interpretation. Some delegations also considered that the implementing powers conferred on the Commission were too extensive and ought to be circumscribed. These provisions deserve further examination in the future.
- (v) **Maritime transport infrastructure:** In general, Member States warmly welcomed the concept of the European Maritime Space (EMS), as well as the inclusion of short-sea shipping routes between ports in the same Member State. Concerns were expressed by some Member States regarding the obligation to connect maritime ports of the comprehensive network to the rail infrastructure, as that could involve huge investments in some cases.

- (vi) **Multimodal freight terminals:** It was generally understood that multimodal terminals play a very important role in improving integration of transport modes and facilitating the transition to more efficient and sustainable transport. However, while there was general support for the principle of accompanying and supporting the deployment of such terminals, the obligation for Member States to ensure that each urban node had a multimodal freight terminal by 2040 was a concern for several delegations. Many pointed out that multimodal freight terminals have been developed and are operated mainly by private companies without any contractual or legal relationship with public authorities. Accordingly, they expressed doubts as to whether these strict obligations should fall on the Member States.
- (vii) **Urban nodes:** The objective of including urban nodes better in the network, mainly in order to improve ‘last mile’ connections, was generally supported, and the role of sustainable urban mobility plans (SUMP) in achieving sustainable urban development was recognised. At the same time, several Member States considered that the requirements on setting up SUMP and provision of data by 31 December 2025, as well as the requirement for the creation of multimodal freight terminals to serve urban nodes, were a major challenge. In addition, several Member States stressed that local authorities were in charge of urban mobility planning, which meant that the subsidiarity principle should apply.

15. **Provisions for smart and resilient transport (chapter IV):** With regard to resilience of infrastructure, delegations agreed that it was important to take that objective fully into account, but recognised that the Member States could hardly be held solely responsible for doing so, given the variety of projects of common interest, some of which were being run by private developers or local authorities. Several delegations felt that the additional climate proofing requirements should be clarified to ensure the legal certainty of projects.

While most delegations recognised the crucial role of infrastructure maintenance in preserving a high level of service and safety for TEN-T infrastructure, they considered that the provisions imposed several new obligations on Member States which would have a significant impact on the planning and cost of infrastructure maintenance for which Member States have sole responsibility and are the sole funders.

The article on risks to security or public order was not discussed in detail at this stage.

16. **Implementation of instruments of European Transport Corridors and horizontal priorities - governance** (chapter V): The Member States generally supported the work of the European Coordinators, in particular their role as neutral facilitators for implementation of the TEN-T network. They were in favour of extending the scope of their work. However, several Member States considered that some of the proposed tasks went considerably beyond that role and could result in an excessive workload for coordinators. In particular, they felt that the coordinators should not be too involved in operational aspects and that the sharing of roles with the governance bodies of the Rail Freight Corridors should be made clear.
- In addition, a significant number of delegations expressed reservations about the provision empowering the Commission to adopt implementing acts for each European Transport Corridor work plan and for the two horizontal priorities, as they doubted its added value, feared that it would be cumbersome and questioned the arrangements for selecting binding intermediate milestones, since prioritisation and planning of infrastructure projects within a Member State, in accordance with the EU guidelines, fall within national competence.



17. **Common provisions** (chapter VI): While recognising the importance of reporting, several Member States expressed concerns about the growing number of obligations concerning the transmission of data and argued for avoiding an excessive increase in the administrative burden, for example by applying the ‘just tell us once’ principle.

As regards the obligation to align national plans with EU transport policy, delegations recognised the importance of the national plans being in line with the commitments made at Union level. They also stressed that these plans often needed to cover a broader scope, taking account of European, national and local issues. Several also stated that it would be difficult to meet the proposed notification deadlines for consulting the Commission on their proposed plans before the latter were adopted. Lastly, the article on amendments to Regulation (EU) No 913/2010 has still to be examined in detail.

### **Other matters**

18. **Exemptions:** The proposal specifies that exemptions from certain requirements may be sought in duly justified cases and under certain conditions, including a socio-economic analysis of each situation. Exemptions would be granted by the Commission by means of implementing acts.

While appreciating the fact that it is always possible to request derogations, Member States considered that the proposed procedure could be burdensome, particularly in view of the variety and size of the TEN-T network and the high level of requirements set. For reasons of efficiency and predictability and to reduce the administrative burden for both the Commission and the stakeholders, several Member States proposed establishing a broader and more general exemption regime that would apply to the relevant provisions in the proposal.

19. **Maps:** Several Member States sent written comments on the maps annexed to the proposal, which have not yet been discussed. The Presidency intends to discuss these with the Member States concerned in June, involving the next Presidency in order to ensure continuity of work.

## **V. CONCLUSION**

The Presidency considers that substantial progress has been made on the proposal and that the work achieved provides a solid basis for further work in the Council.

With a view to the TTE Council meeting on 2 June 2022, ministers are invited to note this progress report and to hold a discussion on the two questions set out in its Annex.

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As shown in the progress report, the technical discussions carried out in the Council have led to progress in the common understanding of the issues. With a view to making further progress towards a Council common position, the Presidency invites ministers to set out their views on the following points, speaking for a maximum of three minutes.

1. What main observations would you like to share regarding the five horizontal chapters (I, II, IV, V, VI) in the Commission proposal and on the direction of the work carried out so far on these five chapters?
  
2. Chapter III sets out specific requirements for each mode of transport, as well as for urban nodes and multimodal freight terminals. What is your analysis of the approach proposed by the Commission for this chapter?