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NOTE

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
N° prev. doc.:	ST 7456/1/22 REV 1
N° 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) 1315/2013 - Comments by Finland on Sections 3, 6 and 7 of Chapter III

Delegations will find attached comments by Finland on Sections 3, 6 and 7 of Chapter III as presented in ST 7456/1/22 REV 1.

Written comments from Finland to Chapter III sections 3, 6, and 7.

CHAPTER III

SPECIFIC PROVISIONS

SECTION 3

MARITIME TRANSPORT INFRASTRUCTURE AND THE EUROPEAN MARITIME SPACE

Article 24

Infrastructure components

1. The European Maritime Space[1] connects and integrates the maritime components described in paragraph 2 with the landside network through the creation or upgrading of short-sea shipping routes and through the development of maritime ports on the territory of Member States and their hinterland connections to provide an efficient, viable and sustainable integration with other modes of transport.

2. The European Maritime Space consists of:

   (a) the maritime transport infrastructure within the port area of the core and comprehensive network, including hinterland connectivity;

[1] **Recital 27 is amended as follows**:
The land-side infrastructure network, established through the core network, extended core network and comprehensive network, should integrate with the maritime dimension of the trans-European transport network. To this end, a truly sustainable, smart, seamless and resilient European Maritime Space should be created **which should replace the former "Motorways of the Sea"**. It should encompass all maritime infrastructure components of the trans-European transport network.

(b) wider benefit actions that are not linked to specific ports and that benefit the European Maritime Space and the maritime industry widely, such as support to activities ensuring year-round navigability (icebreaking), ~~or~~ facilitating the transition towards sustainable maritime transport, **improving the synergies between transport and energy by fostering the role of ports as energy hubs and helping the energy transition, and** ICT systems for transport and hydrographic surveys;

(c) the promotion of sustainable and resilient short-sea shipping links[2], in particular those that concentrate flows of freight in order to reduce emissions and congestion from road transport within the Union **and those that improve access to -outermost and other remote, insular and peripheral regions.**~~;~~

~~(d) improving access to islands and peripheral regions through the establishment or upgrading of sustainable, regular and frequent maritime services.~~

3. Maritime transport infrastructure referred to in point (a) of paragraph 2 shall comprise, in particular:

(a) maritime ports, including the infrastructure necessary for transport operations within the port area,;

(b) basic port infrastructure such as internal basins, quay walls, berths, **platforms,** jetties, docks, dykes, backfills and land reclamation**:**

(c) sea canals;

(d) navigational aids;

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[2] **Recital 47 is amended as follows:**
Short sea shipping can make a substantial contribution to the decarbonisation of transport by carrying more freight and passengers. **"Motorways of the Sea" projects funded by the Connecting Europe Facility have demonstrated very positive results in this regard. However, "Motorways of the Sea" projects have also shown the need to better integrate the maritime dimension of the trans-European transport network with the landside network and to put stronger emphasis on the entire transport and logistic chain, both to sea and hinterland. The newly created overaching concept of** ~~T~~the European Maritime Space should be promoted by creating or upgrading short-sea shipping routes and by developing maritime ports and their hinterland connections as to provide an efficient and sustainable integration with other modes of transport.

(e) port approaches, fairways and locks;

(f) breakwaters;

(g) the connections of the ports to the trans-European transport network;

(h) **digital infrastructure and** ICT systems for transport, including EMSWe and VTMIS;

(i) infrastructure related to alternative fuels ~~as defined in Regulation (EU) […] [on the deployment of alternative fuels infrastructure];~~

(j) associated equipment, which may include, in particular, equipment for traffic and cargo management, for the reduction of negative effects on the environment, including for zero waste operations and circular economy measures, for improving energy efficiency, for the reduction of noise, and for the use of alternative fuels, as well as equipment to ensure year-round navigability, including ice-breaking, hydrological surveys, and for capital dredging and protection of the port and port approaches;

(k) deleted.

4. In order to be part of the comprehensive network, a maritime port shall meet at least one of the following conditions:

(a) its total annual passenger traffic volume exceeds 0.1% of the total annual passenger traffic volume of all maritime ports of the Union. The reference amount for this total volume is the latest available three-year average, based on the statistics published by Eurostat;

(b) its total annual cargo volume – either for bulk or for non-bulk cargo handling – exceeds 0.1% of the corresponding total annual cargo volume handled in all maritime ports of the Union. The reference amount for this total volume is the latest available three-year average, based on the statistics published by Eurostat;

(c) it is located on an island and provides the sole point of access to a NUTS 3 region in the comprehensive network;

(d) it is located in an outermost region or a peripheral area, outside a radius of 200 km from the nearest other port in the comprehensive network.

Article 25

Transport infrastructure requirements for the comprehensive network

1. Member States shall ensure that:

(a) alternative fuels infrastructure is deployed in maritime ports of the comprehensive network in **accordance** ~~full compliance~~ with the ~~requirements of~~ Regulation (EU) […] [on the deployment of alternative fuels infrastructure];

(b) maritime ports of the comprehensive network are equipped with the necessary infrastructure to improve the environmental performance of ships in ports, among others reception facilities for the delivery of waste from ships in accordance with Directive (EU) 2019/883 of the European Parliament and of the Council[3];

(c) VTMIS and SafeSeaNet are implemented in accordance with Directive 2002/59/EC;

(d) maritime national single windows are implemented in accordance with Regulation (EU) 2019/1239.

2. Member States shall ensure that, by 31 December 2050:

(a) maritime ports of the comprehensive network are connected with the rail and road infrastructure and, where possible, inland waterways;

(b) any maritime port of the comprehensive network that serves freight traffic offers at least one multimodal freight terminal which is open to all operators and users in a non-discriminatory way and which applies transparent and non-discriminatory charges;

3 Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116).

(c) sea canals, port fairways and estuaries connect two seas, or provide access from the sea to maritime ports and correspond at least to inland waterways that meet the requirements of Article 22;

(d) maritime ports of the comprehensive network connected to inland waterways are equipped with dedicated handling capacity for inland waterway vessels.

The obligation to ensure the connection referred to in point (a) of the first subparagraph shall not apply where specific geographic or significant physical constraints prevent such connection.

3. At the request of a Member State, in duly justified cases exemptions from the minimum requirements referred to in the first subparagraph of paragraph (2), **shall** ~~may~~ be granted by the Commission by means of implementing acts ~~on~~ **on the ground of specific geographical or significant physical constraints or negative socio-economic cost-benefit analysis or potential negative impacts on environment or biodiversity. Any such request shall be substantiated with sufficient evidence. A Member State may request the granting of several exemptions in a single request.** ~~adopted in accordance with the examination procedure as referred to in Article 59(3).~~ **The Commission shall inform other Member States of the exemptions granted pursuant to this paragraph.** ~~Any request for exemption shall be based on a socio-economic cost-benefit analysis, the assessment of specific geographic or significant physical constraints and/or of potential negative impacts on environment and biodiversity.~~

Commented [A1]: important amendment!

Article 26

Transport infrastructure requirements for the core network

1. Member States shall ensure that the maritime transport infrastructure of the core network complies with Article 25(1).

2. Member States shall ensure that the maritime transport infrastructure of the core network meets the requirements set out in Article 25(2) by 31 December 2030.

3. At the request of a Member State, in duly justified cases, exemptions from the minimum requirements referred to in paragraph (2), **shall** ~~may~~ be granted by the Commission by means of implementing acts **on the ground of specific geographical or significant physical constraints or negative socio-economic cost-benefit analysis or potential negative impacts on environment or biodiversity. Any such request shall be substantiated with sufficient evidence. A Member State may request the granting of several exemptions in a single request.** ~~adopted in accordance with the examination procedure as referred to in Article 59(3).~~ **The Commission shall inform other Member States of the exemptions granted pursuant to this paragraph.** ~~Any request for exemption shall be based on a socio-economic cost-benefit analysis, the assessment of specific geographic or significant physical constraints and/or of potential negative impacts on environment and biodiversity.~~

Article 27

Additional priorities for maritime infrastructure development and the European Maritime Space

In the promotion of projects of common interest related to maritime infrastructure and the European Maritime Space, and in addition to the priorities set out in Articles 12 and 13, attention shall be given to the following:

(a) upgrading maritime access, such as breakwaters, sea channels, fairways, locks, capital dredging and navigational aids;

(b) construction or upgrading basic port infrastructure, such as internal basins, quay walls, berths, jetties, docks, dykes, backfills and land reclamation;

(c) improvement of digitalisation and automation processes, in particular in view of an increased safety, security**, efficiency** and sustainability;

(d) introduction and promotion of new technologies, in particular zero-emission technologies, and innovation~~, notably in view of a significant increase in scale production of renewable and low-carbon fuels and propulsion systems;~~

Commented [A2]: Renewable and low carbon options should be mentioned as well somehow

(e) improvement of the resilience of the logistic chains and international maritime trade, including in relation to climate adaptation;

(f) noise reduction and energy efficiency measures;

(g) promoting zero and low emission vessels serving and operating short-sea shipping links, and developing measures to improve the environmental performance of maritime transport for port call or supply chain optimisation in accordance with the applicable requirements under Union law or relevant international agreements;

(h) actions referred to in points (b)~~,~~ **and** (c) ~~and (d)~~ of Article 24(2).

SECTION 6

INFRASTRUCTURE FOR MULTIMODAL FREIGHT TERMINALS

Article 35

Identification of the multimodal freight terminals

1. The multimodal freight terminals of the trans-European transport network are terminals that are:

   (a) located in the maritime ports of the trans-European transport network, as listed in Annex II;

   (b) located in the inland ports of the trans-European transport network, as listed in Annex II;

   (ba) located in the airports of the trans-European transport network, as listed in Annex II;

   (c) located within or in the vicinity of an urban node, as listed in Annex II; or

   (d) classified as rail road terminals of the trans-European transport network, as listed in Annex II.

2. Member States shall make all possible efforts to ensure that there is sufficient multimodal freight terminal capacity serving the trans-European transport network, taking into account current and future traffic flows, in particular flows serving urban nodes, industrial centres, ports and logistics hubs.

3. Within three years after the entry into force of this Regulation, Member States shall conduct a market and prospective analysis[4] on multimodal freight terminals on their territory. This analysis shall at least:

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[4] **Add in a recital**:
"Member States should conduct a market and prospective analysis on multimodal freight

(a) examine the current and the future traffic flows of freight, including traffic flows of freight transported by road;

(b) identify the existing multimodal freight terminals of the trans-European transport network on their territory, and assess the need for new multimodal freight terminals or additional transhipment capacity in existing terminals;

(c) analyse how to ensure adequate distribution of multimodal freight terminals with adequate transhipment capacity in order to meet the needs identified in point (b). This shall take into account the terminals located in border areas of neighbouring Member States.

Member States shall consult shippers, transport and logistics operators which operate on their territory. They shall take into account the results of the consultation in their analysis.

Member States shall notify the results of the analysis to the Commission without delay.

4. **In case** ~~On the basis of~~ the analysis under paragraph 3~~,~~ **identifies the need for new multimodal freight terminals or additional transhipment capacity in existing terminals,** Member States shall elaborate a~~n action plan~~ **policy framework** for the development of a multimodal freight terminal network**, including locations where such needs have been identified**.

The policy framework shall be notified to the Commission no later than twelve months after finalising the analysis under paragraph 3.

On the basis of this policy framework, Member States shall notify to the Commission a list of rail road terminals which they propose to add to Annexes I and II.

~~The results of the analysis and the action plan shall be notified to the Commission no later than six months after finalising the analysis together with a list of multimodal freight terminals which the Member State proposes to add in Annex II.~~

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terminals on their territory and elaborate a~~n action plan~~ **policy framework** for the development of a multimodal freight terminal network. In that respect they may refer to existing studies and plans."

5. In order to be part of the trans-European transport network and to be listed in Annex II, a rail road terminal shall meet at least one of the following conditions:

(a) its annual transhipment of freight exceeds, for non-bulk cargo, 800,000 tonnes or, for bulk cargo, 0.1% of the corresponding total annual cargo volume handled in all maritime ports of the Union;

(b) it is the main rail road terminal designated by the Member State for a NUTS 2 region, where there is no rail road terminal complying with point (a) in that NUTS 2 region,

(c) it is proposed to be added in Annex**es I and** II by the Member State in accordance with paragraph 4.

Article 36

Infrastructure components

Multimodal freight terminals shall comprise, in particular:

(a) infrastructure interconnecting the different modes of transport within a terminal area and its vicinity;

(b) equipment such as cranes, conveyors or other transhipment devices to move freight between different transport modes and for the positioning and storage of freight;

(c) dedicated areas such as gate area, intermediate buffer and waiting area, transhipment area and driving or loading lanes;

(d) ICT systems relevant for efficient terminal operations such as those that facilitate infrastructure capacity planning, transport operations, connections between the modes, and transhipment;

(e) infrastructure for alternative fuels.

Article 37

Transport infrastructure requirements

1. **By 31 December 2030,** Member States shall ~~make all possible efforts to~~ ensure in a fair and non-discriminatory manner that multimodal freight terminals referred to in Article 35(1)~~:~~

~~(a) are connected to the modes of transport which are available in the area, where feasible, unless not justified in socio-economic cost-benefit terms;~~

2. By 31 December 2030, the multimodal freight terminal referred to in Article 35(1) shall be:

(~~b~~**a**) ~~are~~ equipped with at least one recharging station as defined in Article 2, point (43), of Regulation (EU) […] [on the deployment of alternative fuels infrastructure] dedicated to serve heavy-duty vehicles~~, by 31 December 2030~~;

(**b**~~e~~) ~~are~~ equipped with digital tools to facilitate ~~by 31 December 2030~~:

(i) efficient terminal operations such as, where relevant, photogates, terminal operation system, driver digital check-in/check-out, cameras or other sensors on transhipment equipment as well as railside camera systems;

(ii) the provision of information flows within a terminal and between the transport modes along the logistic chain and the terminal**:**~~;~~

~~2. [Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that, by 31 December 2030, multimodal freight terminals referred to in Article 35(1) which are connected to the rail network and which carry out vertical transhipment, by 31 December 2030, are~~

(c) able to handle **the following** ~~all~~ types of intermodal loading units**: container, swap body or semi-trailer/goods road motor vehicle suitable for intermodal transport**

Commented [A3]: Make all possible efforts was better format in this article throughout. Market based approach is important.

Commented [A4]: Make all possible efforts

Commented [A5]: inside the terminal or in the **immediate vicinity of the terminal**

in case the multimodal freight terminal is connected to rail network and carries out vertical transhipment.

3. **By 31 December 2040,** ~~Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that~~ **the** multimodal freight terminals referred to in Article 35(1)**,** ~~and~~ which are connected to the rail network, ~~by 31 December 2040, are~~ **shall be** able to accommodate 740 m long trains without manipulation **where relavant**~~, or,~~ ~~i~~**I**f this is not economically viable, ~~that~~ adequate measures **shall be** ~~are~~ taken to improve the operational efficiency of accommodating 740 m long trains, such as extension and electrification of departure and arrival sidings, adjustments to signalling systems and improvements to the track configuration.

Commented [A6]: This is an exemption for isolated networks

4. **By 31 December 2050,** ~~Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that all~~ **the** multimodal freight terminals referred to in Article 35(1)**,** ~~and~~ which are connected to the rail network, ~~by 31 December 2050 are~~ **shall be** able to handle any 740 m long train without manipulation **where relevant**.

5. **At the request of a Member State, in duly justified cases, exemptions from the obligations under paragraphs 1 to 4 shall be granted by the Commission by means of implementing acts on the ground of specific geographical or significant physical constraints, in particular when the terminal is located in spatially restricted area, or negative socio-economic cost-benefit analysis or potential negative impacts on environment or biodiversity. Any such request shall be substantiated with sufficient evidence. A Member State may request the granting of several exemptions in a single request. The Commission shall inform other Member States of the exemptions granted pursuant to this paragraph.** ~~At the request of a Member State, in duly justified cases, exemptions from the obligations under paragraphs 1 to 4 may be granted by the Commission by means of implementing acts where investment in infrastructure cannot be justified in socio-economic cost-benefit terms, in particular when the terminal is located in a spatially restricted area.~~

Article 38

Additional priorities for multimodal transport infrastructure development

In the promotion of projects of common interest related to multimodal transport infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:

(a) facilitating interconnections between different transport modes;

(b) removing the main technical and administrative barriers to multimodal transport, including by the implementation of eFTI;

(c) developing a smooth flow of information enabling transport services across the trans-European transport system;

(d) facilitating the interoperability for data sharing, access to data and data re-use within and between the transport modes;

(e) promoting, where appropriate, that private sidings on the trans-European transport network allow for the handling of 740 m trains without manipulation.

SECTION 7

URBAN NODES

Article 39

Urban nodes components

1. An urban node shall comprise, in particular:

   (a) transport infrastructure in the urban node that is part of the trans-European transport network, including bypasses;

   (b) access points to the trans-European transport network, notably railway stations, multimodal freight terminals, ports or airports;

   (c) deleted

2. The cities at the centre of each urban nodes of the trans-European transport network are listed in Annex II. In order to be part of the trans-European transport network and to be listed in Annex II, an urban node shall have a population of 100.000 inhabitants or more **in the central city of an urban area**, or, where no such urban node exists in a NUTS 2 region, it shall be the main node of that NUTS 2 region.

Commented [A7]: it would be a clear definition and criteria. Urban areas are defined differently in the Member states.

Article 40

Urban nodes requirements

1. When developing the trans-European transport network in urban nodes, in order to ensure the effective functioning of the entire network without bottlenecks, Member States shall ensure:

   (a) availability of alternative fuels recharging and refuelling infrastructure, in **accordance to** ~~full compliance with the requirements of~~ Regulation (EU) […] [on the deployment of alternative fuels infrastructure];

(b) by 31 December 202~~7~~6:

(i) adoption and monitoring of a SUMP[5] for each urban node in line with Annex V that includes notably measures to integrate the different modes of transport and shift towards sustainable mobility, to promote efficient zero and low-emission mobility including urban logistics, to reduce air and noise pollution and that takes long-distance trans-European transport flows into consideration;

(ii) collection and submission to the Commission of urban mobility indicators, as defined in paragraph 2 of this Article, for each urban node. Thereafter these indicators shall be submitted every three years;

(c) by 31 December 2030:

(i) for passenger transport: sustainable, seamless and safe interconnection between rail, road, the active modes of transport and, as appropriate, inland waterway, air, and maritime infrastructure;

(ii) deleted;

(iii) for freight transport: sustainable, seamless and safe interconnection between rail, road, and, as appropriate, inland waterway, air and maritime infrastructure as well as appropriate connections with logistics platforms and facilities;

(iv) the development of multimodal passenger hubs to facilitate first and last mile connections which are equipped with at least one recharging station as defined in Article 2, point (43), of Regulation (EU) […] [on the deployment of alternative fuels infrastructure] dedicated to serve **buses and coaches** ~~heavy-duty vehicles~~;

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[5] **Add in a recital:**
"Sustainable urban mobility plans (SUMPs) may be included in existing plans and/or in broader plans that also integrate land use plans for instance given the interlinkages between land use and mobility. Several SUMPs should be allowed in the cases of highly populated urban nodes."

(d) by 31 December 2040: the development, where economically viable, of at least one multimodal freight terminal allowing for sufficient transhipment capacity within or in the vicinity of the urban node. One multimodal freight terminal may serve several urban nodes and be located in the urban node itself or in its vicinity.

2. The Commission shall adopt, no later than one year after the entry into force of this Regulation an implementing act defining, in a limited number, the indicators related to transport sustainability and safety referred to under paragraph 1(b). When setting up the detailed set of indicators, the availability and accessibility of data at local level shall be taken into consideration. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).

3. The Commission shall also establish, no later than one year after the entry into force of this Regulation, an internet interface allowing the relevant authorities to submit the SUMPs and the indicators referred to in paragraph 1(b), and allowing the Member States to ensure that the SUMPs and the indicators have been submitted.

Article 41

Additional priorities for urban nodes

In the promotion of projects of common interest related to urban nodes, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:

(a) first and last mile connections between and to the access points to the trans-European transport network referred to in Article 39(1)(b), in order to increase the performance of the trans-European transport network, such as metros, **buses** or tramways;

Commented [A8]: Buses added

(b) seamless interconnection between the infrastructure of the trans-European transport network and the infrastructure for regional and local sustainable transport. It may include, for passengers, the ability to access information, book, pay their journeys and retrieve their tickets through multimodal digital mobility services, and for freight, urban logistic facilities to enhance the consolidation of deliveries in urban areas, such as micro-hubs and cycle logistic hubs, in particular those connected with railway and waterborne transport infrastructure;

(c) mitigation of the exposure of urban areas to negative effects of transiting rail and road transport, which may include bypasses;

(d) promotion of efficient and low-noise zero emission transport and mobility, including greening urban fleets for passengers and freight;

(e) increase of the modal share of public transport and of active modes and measures to orientate primarily the mobility of passengers in favour of these modes.~~;~~

~~(f) [digital exchange of transport and traffic information between urban and non-urban traffic management centres and with entities providing information services, in line with ISO/CEN standards.]~~