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LIMITE

**TRANS
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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 Germany on Sections 3, 6 and 7 of Chapter III

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

Legislative proposal for the TEN- T revision;

Discussion in the Intermodal Council Working Party on 08.09.2022:

Comments by the German delegation

DE has generally a budget reservation and a scrutiny reservation for the entire legislative proposal. All comments on the legislative proposal and the compromise texts are of a preliminary manner. Further comments are reserved.

DE comments in this document refer to **ST 7456/1/22 REV 1**.

DE comments are formatted:

- green, if the PRES compromise proposal could be accepted or supported;
- yellow, if there is a general reservation or a scrutiny reservation to the PRES compromise;
- red, if the PRES compromise is not supported;
- blue, if DE has additional comments or reservations on the original legal proposal.

By DE proposed changes of the legal text are formatted italic and

- underlined for new text and
- strikethrough for deleted text.

Brussels, 31 August 2022
(OR. en)

Interinstitutional File:
2021/0420(COD)

7456/1/22
REV 1

LIMITE

TRANS 169
CODEC 346

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	15109/21 6840/22
No. Cion 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 Chapter III

Delegations will find attached a revised Presidency compromise on the articles of Sections 3, 6, and 7 of Chapter III 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 8 September.

Changes compared to the previous version of the document (ST 7456/22 INIT) are highlighted in **bold and underlined** for additions and in ~~strike through~~ for deletions.

CHAPTER III

SPECIFIC PROVISIONS

SECTION 3

MARITIME TRANSPORT INFRASTRUCTURE AND THE EUROPEAN MARITIME SPACE

Article 24

Infrastructure components

1. The European Maritime Space¹ 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;

Commented [A1]: DE: Amended Rec. 27 in the context of Art. 24(1) is acceptable.

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;

Commented [A2]: DE: Amended Art. 24(2,b) is acceptable

(c) the promotion of sustainable and resilient short-sea shipping links², 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.~~

Commented [A3]: DE: Amended Rec. 47 as well as merging Art. 24(2,c) and Art. 24(2,d) is acceptable and takes our previous scrutiny reservation sufficiently into account.

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;

Commented [A4]: DE: Amended Art. 24(3,b) is acceptable

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 overarching concept of ~~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 VTMISS;

- (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;

Commented [A5]: DE: Scrutiny reservation:

(1) It is not fully clear what is meant here by “digital infrastructure”;
 (2) The term “digital infrastructure” would make new legal provisions or technical requirements in the future possible. Are there plans to do so? What is the background for this terminology?

(3) We kindly ask for more information on “digital infrastructure” in this context – also regarding other modes of transport without such terminology in Chapter III – so that we can assess this point.

Commented [A6]: DE: Scrutiny reservation on amended Art. 24(3.i) with negative tendency:

(1) we prefer the previous link to AFIR ...
 (2) ... to ensure that any alternative fuels infrastructure on TEN-T maritime ports is interoperable und fulfils minimum standards as outlined in AFIR.

- (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 Council³;
- (c) VTMS 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 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 [A8]: DE Amended Art. 25(3) is supported and welcomed as it sufficiently addresses our comments.

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.~~

Commented [A9]: DE Amended Art. 26(3) is supported and welcomed as it sufficiently addresses our comments.

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 [A10]: DE: Amended Art. 27(c) is acceptable.

Commented [A11]: DE: Amended Art. 27(d) is acceptable as the deleted examples would not be excluded in general.

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- (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).

Commented [A12]: DE: Amended Art. 27(h) is acceptable in conjunction with merging Art. 24(2,c) and Art. 24(2,d).



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.

Commented [A13]: DE: Scrutiny reservations on Art. 35:

(1) We take note of the Commission’s explanatory note (WK 11623 2022 INIT) with an approach by location rather than by MS’ selection to decide on which (widely privately operated/owned) freight terminals belong to the network.

(2) We have reservations on the consequence that all multimodal terminals (even small ones) would become automatically part of TEN-T, as long as they are situated in an urban node or in its (not further defined) “vicinity” or in TEN-T ports / airports and that they would need to fulfil each of them individually all technical requirements.

(3) If most of the terminals would need exemptions, we would counteract any exceptional character.

Commented [A14]: DE: Still reservation on Art. 35(1,ba), as freight terminals at airports would generally not need all the foreseen requirements for multimodal freight terminals when it comes to air cargo. See DE comment in WK 5405/2022 INIT.

Commented [A15]: DE: Reintroduction of the category “Rail-Road-Terminal” in Art. 35(1,d) as in the current TEN-T-Regulation is supported and reflects a DE comment.

3. Within three years after the entry into force of this Regulation, Member States shall conduct a market and prospective analysis⁴ on multimodal freight terminals on their territory. This analysis shall at least:
- (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 transshipment capacity in existing terminals;
 - (c) analyse how to ensure adequate distribution of multimodal freight terminals with adequate transshipment 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 transshipment capacity in existing terminals, Member States shall elaborate ~~an 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.

⁴ Add in a recital:

“Member States should conduct a market and prospective analysis on multimodal freight terminals on their territory and elaborate ~~an action plan~~ policy framework for the development of a multimodal freight terminal network. In that respect they may refer to existing studies and plans.”

Commented [A16]: DE: Art. 35(3) could be in conjunction with the amended new recital (with reference to existing studies and plans and to a policy framework rather than an action plan) a basis for compromise.

Commented [A17]: DE: Elaborating a policy framework according to Art. 35(4) – rather than an action plan – reflecting identified needs with a regional breakdown could be a base for compromise. However, we have a reservation on identifying distinct locations (even for existing terminals) by the MS as improving terminal capacities within regions needs decisions by private investors on their preferred investment locations. We are not supportive for a planned economy approach regarding multimodal freight terminals and their locations. See also DE comments in WK 5405/2022 INIT.

Commented [A18]: DE: If a MS agrees to add RRT to the TEN-T according to Art. 35(4) this would be in line with Art. 172 TFEU and a notification is therefore acceptable.

Commented [A19]: DE: Reservation on amended Art. 35(4), because including rail road terminals in Annex I would make the maps less readable. We think, adding to Annex II would be sufficient, especially as location for terminals (and the requested terminal identification) can be handled better in tables than maps. Furthermore, it is not clear, why this provision refers to rail road terminals only and not to other multimodal freight terminals.

~~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.~~

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 transshipment 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 Annexes 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 transshipment 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, transshipment 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 transshipment;

Commented [A20]: DE: Reservation on Art. 35(5,a) because there are so far no official statistics that could verify the annual cargo turnover of a distinct freight terminal and such data is usually considered as confidential, see DE comment in WK 5405/2022 INIT. This could be verified only if terminal operators were obliged to report their annual cargo turnover to the MS and this would need an explicit provision in the TEN-T Regulation. Statistics are available only for whole ports or for regional statistical units.

Commented [A21]: DE: In conjunction with the wording in Art.35(5) we interpret a designation in Art. 35(5,b) as optional and not as obligation for MS. We would opt against a mandatory designation, as this would be an interference in the market and there is no legal base for doing so. As we understood from the CWP meeting, the Commission shares this interpretation.

Commented [A22]: DE: Reservation on amended Art. 35(5,c), because including multimodal freight terminals in Annex I would make the maps less readable. We think, adding to Annex II would be sufficient, especially as location for terminals (and the requested terminal identification) can be handled better in tables than maps.

(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 terminals referred to in Article 35(1) shall be~~
- (ba) ~~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;~~
- (be) ~~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 transshipment 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 transshipment, by 31 December 2030, are~~

Commented [A23]: DE: General strong reservation on whole Art. 37. We want to avoid legally binding obligations for (widely privately operated/owned) freight terminals which interfere with the competition among them. Furthermore, we want to avoid a MS responsibility which would interfere with competence and disposition of private investors. See also DE comment in WK 5405/2022 INIT.

The previous compromise of the French Presidency on Art. 37 ("MS shall make all possible efforts to ensure") reflected our considerations better while the new proposal seems to us not suitable to find an acceptable solution.

Commented [A24]: DE: Strong reservation on Art. 37(1):

(1) We clearly regret the reintroduction of "MS shall ensure" instead of "MS shall make all possible efforts to ensure" as previously proposed by the French Presidency. We strongly supported the previous compromise and want to keep it.

(2) In conjunction with the strict obligation (MS shall ensure) the new deadline is problematic.

(3) It remains unclear what is meant by "modes of transport which are available in the area" and to which extend this area should be regarded. For instance, in a large urban node with a maritime port not all RRT are established as trimodal terminals. We want to avoid a situation that a MS must proof for such an urban node that it would not be feasible to connect the bimodal RRT to EMS or IWW to make them trimodal.

(4) After all, the proposed compromise deepens our concerns.

Commented [A25]: DE: Strong reservation on Art. 37(2):

(1) We are against legally binding technical requirements and regret the new uncertainty that is linked to those requirements.

(2) Furthermore, the digital tools are not sufficiently described for verification.

(3) Additionally, digital tools would need other types of regulation (for instance interoperability if there are standards agreed upon or non-discriminatory access for third parties), see also DE comment in WK 5405/2022 INIT.

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

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 ensure** to accommodate 740 m long trains without manipulation, ~~or, if 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.~~

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 ensure** to handle any 740 m long train without manipulation.

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.~~

Commented [A26]: DE: Strong reservation on Art. 37(2,c):

(1) We are against legally binding technical requirements and regret the new uncertainty that is linked to those requirements.
(2) We do not support a provision that each freight terminal needs to handle each type of intermodal loading unit as this would interfere with specialisation of and competition between terminals.
(3) An obligation to carry out vertical transshipment cannot be accepted, as this would end the openness to technology with regard to alternative horizontal transshipment systems.

Commented [A27]: DE: Strong reservation on Art. 37(3):

(1) We are against legally binding technical requirements and regret the new uncertainty that is linked to those requirements.
(2) The alternative measures to 740m long train operations like electrification of departure and arrival sidings could need the cooperation of railway infrastructure managers.
(3) It should be at the disposal of the terminal operator to decide for 740m long trains or for instance for shorter but perhaps more frequent or clock-time-scheduled trains.

Commented [A28]: DE: Strong reservation on Art. 37(4):

(1) We are against legally binding technical requirements and regret the new uncertainty that is linked to those requirements.
(2) It should be at the disposal of the terminal operator to decide for 740m long trains or for instance for shorter but perhaps more frequent or clock-time-scheduled trains.
(3) We expect, that most freight terminals face space restrictions preventing an extension to 740m long tracks. We want to avoid that the majority of terminals need to file for exemptions as this would undermine the exceptional character as well as imply high administrative efforts for MS and the Commission services and high bureaucratic burdens for the terminal operators.

Commented [A29]: DE: Amended Art. 37(5) is supported and welcomed as it sufficiently addresses our comments.

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, or, where no such urban node exists in a NUTS 2 region, it shall be the main node of that NUTS 2 region.

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];

Commented [A30]: DE: In Art (40,1) we still have a reservation against the phrase “MS shall ensure”. We prefer “shall promote, by measures appropriate for them” to “ensure” as the national legal context in DE does not allow the federal government to bind municipalities in this way (subsidiarity).

Commented [A31]: DE Amended Art. 40(1,a) is supported and welcomed as it sufficiently addresses our comments.

(b) by 31 December 2027⁵;

- (i) adoption and monitoring of a SUMP⁵ 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**;

Commented [A32]: DE: Amended Art. 40(1,b) with deadline 31.12.2027 could be base for a compromise. We should consider, that municipalities need to prepare the process, hire expert knowledge (needing time for procurement procedures), organise a public participation process and coordinate with other urban planning. Four years from entry into force of the regulation should be a reasonable time frame to finalise a not yet started SUMI process.

Commented [A33]: DE: The proposed additional recital goes in the right direction, as it provides more flexibility to take into account local needs and circumstances. However, we wish to reflect a possibility in the new recital, that already existing plans may be developed further to meet the SUMP requirements (for instance like: "Already existing plans may be further developed to meet the requirements of SUMP.")

Commented [A34]: DE: Strong reservation on Art. 40(1,b,ii) as this would still imply high administrative burdens for municipalities while MS or their regions would not face obligations to collect and report such detailed data on mobility. See DE comment in WK 5405/2022 INIT.

Commented [A35]: DE: The deadline 31.12.2030 in Art. 40(1,c) should not mean a deadline for the full implementation of measures foreseen in individual SUMP, even if such measures address sustainable, seamless and safe interconnections between the several transport modes in urban nodes or connections with logistics platforms and facilities.

Commented [A36]: DE: clarification in Art. 40(1,c,iv) is acceptable.

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Add in a recital:

"Sustainable urban mobility plans (SUMP) 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 SUMP should be allowed in the cases of highly populated urban nodes. *Already existing plans may be further developed to meet the requirements of SUMP.*"

- (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 SUMP and the indicators referred to in paragraph 1(b), and allowing the Member States to ensure that the SUMP 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 or tramways;
- (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;

Commented [A37]: DE: Still reservations on Art. 40(1,d):

(1) In general, we want to avoid large multimodal freight terminals within urban nodes and prefer localisation outside the urban nodes.

(2) It remains still unclear, who will assess if an urban node may count as sufficiently served by a multimodal freight terminal in its vicinity, especially if such a terminal could serve several urban nodes.

(3) Art. 35 foresees an analysis and a policy framework in case of insufficient terminal capacity in a MS and its regions. An general obligation for the MS to ensure such terminals in each urban node – independent from the analysis and the policy framework – seems inconsistent.

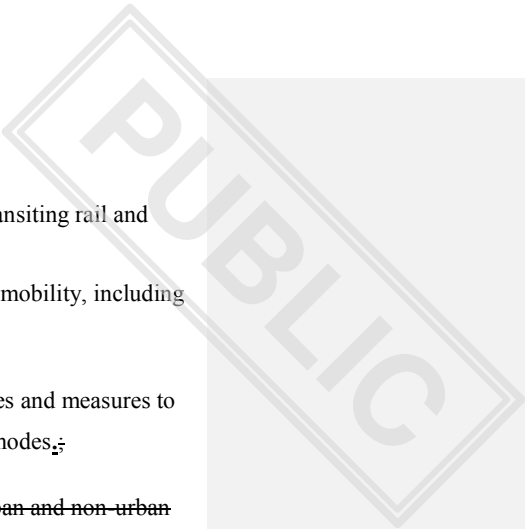
Commented [A38]: DE: Still reservations on Art. 40(2):

(1) Only municipalities of urban nodes, not the MS or their regions, would be obliged to collect and report data related to transport sustainability and safety. That seems imbalanced and it remains unclear how this selective approach could help for the further development of the TEN-T.

(2) We expect very high administrative costs for municipalities to collect and report on the indicators which could be overstraining especially for smaller cities.

(3) We still propose to discuss any indicators and related appropriate data gathering (including innovative methods to estimate them) in the expert group for urban nodes to avoid costly and far-reaching data-monitoring systems. We think that legally non-binding technical guidelines would be sufficient. See DE comment in WK 5405/2022 INIT.

Commented [A39]: DE: Reservation on Art. 41(a), as this would lead to a general inclusion of urban metros and tramways into TEN-T and to an overstretching of its approach.

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- (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.~~
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