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From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
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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 Denmark on sections 1, 2, 4 and 5 of Chapter III

Delegations will find attached comments by Denmark on sections 1, 2, 4 and 5 of Chapter III of the above proposal as presented in ST 12250/22.

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 10657/22 ST 11019/22
No. Cion doc.:	ST 15109/22 - 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 - Revised Presidency compromise on Sections 1, 2, 4 and 5 of Chapter III

Delegations will find attached a revised Presidency compromise on the articles of Sections 1, 2, 4 and 5 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 16 September.

Changes compared to the previous version¹ of the Presidency compromise are highlighted in **bold and underlined** for additions and in ~~strike through~~ for deletions.

¹ ST 10657/22 (Sections 2 and 4 of Chapter III) and ST 11019/22 (Sections 1 and 5 of Chapter III).

CHAPTER III
SPECIFIC PROVISIONS
SECTION 1

RAILWAY TRANSPORT INFRASTRUCTURE

Article 14

Infrastructure components

1. Railway transport infrastructure shall comprise, in particular:
 - (a) railway lines, including:
 - (i) tracks;
 - (ii) points;
 - (iii) level crossings;
 - (iv) sidings;
 - (v) tunnels;
 - (vi) bridges;
 - (vii) infrastructure mitigating impact on environment;
 - (b) stations along the lines indicated in Annex I for the transfer of passengers within the rail mode and between rail and other transport modes;
 - (c) rail service facilities **along the lines indicated in Annex I** other than passenger stations as defined in Article 3(11) of Directive 2012/34/EU of the European Parliament and of the Council², in particular marshalling yards, train formation facilities, shunting facilities, storage sidings, maintenance facilities, other technical facilities like cleaning and washing facilities, relief facilities and refuelling facilities; it also includes automatic gauge-changing facilities for rail;

² Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343 14.12.2012, p. 32).

- (d) the rail access routes connections up to multimodal freight terminals connected by rail, including the rail access routes up to multimodal freight terminals in inland and maritime ports and airports, and the rail access routes up to marshalling yards as defined by the Annex II, point 2(c) of Directive 2012/34/EU;
 - (e) trackside control-command signalling;
 - (f) trackside energy infrastructure;
 - (g) associated equipment;
 - (h) ICT systems for transport.
2. The technical equipment associated with railway lines may include electrification systems, equipment for the boarding and alighting of passengers and the loading and unloading of cargo in stations and terminals, as well as innovative technologies in their deployment phase.

Article 15

Transport infrastructure requirements for the comprehensive network

1. Member States shall ensure that the railway infrastructure of the comprehensive network:
- (a) complies with Directive (EU) 2016/797 of the European Parliament and of the Council³ and its implementing measures in order to achieve the interoperability of the comprehensive network;
 - (b) complies with the requirements of the technical specifications for interoperability (TSIs) adopted pursuant to Articles 4 and 5 of Directive (EU) 2016/797, under the procedure provided for in Article 7(1), points (b), (c), (d) and (e) of that Directive;
 - (c) deleted.

³ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

2. Member States shall ensure that, by 31 December 2050, the railway infrastructure of the comprehensive network, except connections referred to in Article 14(1), point (d),
- (a) is fully electrified as regards line tracks and, to the extent necessary for electric train operations, as regards sidings;
 - ~~[(b) provides for a nominal track gauge for new railway lines of 1435 mm, except where the new line is an extension on a network the track gauge of which is different and detached from the main rail lines in the Union;]~~
 - (c) enables, without special permission, an axle load of at least 22.5 tons;
 - (d) enables, without special permission, the operation of freight trains with a train length of at least 740 m (including the locomotive(s)). This requirement is met if, on double track lines, at least one train paths per hour and direction on average, can be allocated to freight trains with a length of at least 740 m.
 - (e) deleted.

The requirements set out in points (c) and (d) shall apply only on those lines of the comprehensive network which:

- **are connected to a multimodal freight terminal or a maritime or inland port, or**
- **constitute a re-routing line of a freight line of the core or extended core network, or**
- **operate more than ten freight trains per day in both directions based on the data for the previous year prior to the notification.**

Member States shall, at the latest three years after the entry into force of this Regulation, notify the Commission of the lines concerned. For cross-border lines, such notification shall be made in agreement with the other Member States concerned.

- 2a Member States shall ensure that, by 31 December 2050, the railway infrastructure of the comprehensive network on the connections referred to in Article 14(1), point (d) meets the requirements set out in paragraph (2), points (c) and (d).
3. ~~(a)~~ The requirements set out in paragraph 2, points (a), (c) and, (d) **and paragraph 2a** do not apply to isolated networks.
- (b) deleted.

Article 16

Transport infrastructure requirements for the core network and the extended core network

1. Member States shall ensure that the railway infrastructure of the core network and the extended core network complies with Article 15(1).
2. Member States shall ensure that, by 31 December 2040, the railway infrastructure of the extended core network, except connections referred to in Article 14(1), point (d):
 - (a) **for lines that are part of the network for freight transport** freight lines
 - (i) meets the requirements set out in Article 15(2), points (a) to (c);
 - (ii) enables, —without special permission, the operation of freight trains with a train length of at least 740 m (including the locomotive(s)). This requirement is met if at least the following conditions are complied with:
 - (a) on double track lines, at least one train path per hour and direction with a total of at least 48 train paths per day and direction, can be allocated to freight trains with a length of at least 740 m;
 - (b) on single track lines, at least one train path per two hours and direction can be allocated to freight trains with a length of at least 740 m on single track lines;
 - (iii) for rail sections linking **the multimodal freight terminals of** two urban nodes or **the multimodal freight terminal of** an urban node and a border point, allows, over 90% of the length of each rail section, **excluding rail access routes**, for a minimum ~~line~~ **design** speed of 100 km/h for freight trains on the freight lines of the extended core network;⁴
 - (iv) provides a standard of at least P400 in accordance with item 1.1.1.1.3.5 of Table 1 in the Annex to Commission Implementing Regulation (EU) 2019/777, without any additional requirement for special permission to operate services.

⁴ See footnote 5) below:

Commented [F1]: We would like to draw attention to the written Danish remarks sent to the Presidency on 25 August 2022 (WK 10730 2022 ADD 8).

Here we propose a number of amendments concerning the use of special permits. We ask for these amendments to be taken into consideration in the preparation of the next compromise proposal.

Ensuring a P400-standard on the core network will lead to very high economic costs for Denmark. Today, it is possible to transport goods with the P400 loading gauge on most of the Danish railway network. However, the P400 loading gauge is borderline of what the Danish railway is designed for.

Therefore, the goods are transported as 'unusual transport', which requires a special permit. This permit means, among other things, that the freight trains transporting goods with the P400 gauge must reduce its speed to 5 km/h at the locations where objects in the infrastructure collide with the profile of the gauge.

If we are required to handle freight transport with a P400 loading gauge without special permit on the Danish TEN-T railway network, the overall network must be rebuilt. This would be a very costly affair; hence, we cannot support the proposal as it is.

Therefore, we propose to revise the provision allowing for the use of special permits when transporting goods with the P400 loading gauge and at the same time select the most relevant transit routes on the core network where freight trains can operate without special permits.

- (b) on the connections referred to in Article 14(1), point (d): meets the requirements set out in Article 15(2), point (c) and in Article 16(2), point (a) (ii) and (iv).

(c) for lines that are part of the network for passenger transport ~~TEN-T network for passenger lines~~

(i) meets the requirements set out in Article 15(2), points (a) and (b), on the passenger lines of the extended core network;

(ii) for rail sections linking **the multimodal passenger hubs of** two urban nodes or **the multimodal passenger hub of** an urban node and a border point, allows, over 75 % of the length of each rail section, for a minimum ~~design~~**line** speed of 160 km/h for passenger trains on the passenger lines of the extended core network⁵.

3. Member States shall ensure that the railway infrastructure of the core network, except connections referred to in Article 14(1), point (d),

(a) by 31 December 2030 :

- (i) on the freight lines: meets the requirements set out in Article 16(2), point (a), (i) to (iii);

⁵ The Presidency suggests to amend recital 39 as follows, to reflect the changes made in Article 16(2), point a) (iii) and point b, (ii):

"To achieve transformation of the transport sector into a truly multimodal system of sustainable and smart mobility services, the Union should build a high quality transport network with rail services meeting minimum line speed of 100 km/h. Competitive passenger rail has a high potential for the decarbonisation of transport. There is the need to develop a coherent and interoperable European high speed rail network linking its capitals and major cities. Complementing existing high speed lines with passenger lines at a minimum line speed of 160 km/h should in return lead to network effects, a more coherent network and an increased number of passengers travelling by rail. **When upgrading the infrastructure, Member States are encouraged to examine possibilities of design for higher speed.** However, those requirements should be limited to a certain percentage of the rail sections concerned in order to take into account the need for flexibility on rail sections with special features as a result of topographical, relief or town-planning constraints, to which the speed must be adapted in each case, including inter alia includes interconnecting lines, lines through stations, accesses to terminals and service facilities or depots."

- (ii) on the connections referred to in Article 14(1), point (d): meets the requirements set out in Article 15(2), points (c) and in Article 16(2), point (a) (ii);
- (iii) on the passenger lines: meets the requirements set out in Article 15(2), points (a) and (b).

(b) by 31 December 2040:

- (i) on the freight lines: meets the requirement set out in Article 16(2), point a), (iv);
- (ii) on the connections referred to in Article 14(1), point (d): meets the requirements set out in Article 16(2), point (a) (iv);
- (iii) on the passenger lines: meets the requirement set out in Article 16(2), point (c), (ii).

~~4. When constructing or upgrading a passenger line of the extended core network, of the core network or of sections thereof, Member States shall perform a study to analyse the feasibility and economic relevance of higher speeds, and build or upgrade the line to such higher speed where its feasibility and economic relevance are demonstrated.~~

- 4. The requirements set out in paragraphs 2 to 4 do not apply to isolated networks.
- 5. deleted.

Article 16a

Exemptions from transport infrastructure requirements

- (1) Without prejudice to Article 15(3) and Article 16(5), at the request of a Member State, in duly justified cases, exemptions ~~shall~~may be granted by the Commission by means of implementing acts in respect of requirements referred to in Articles 15 and 16 on the ground of specific geographical or significant physical constraints, ~~negative socio-economic cost-benefit analysis or potential negative impacts on environment or biodiversity.~~ Any such request shall be substantiated with sufficient ~~evidence~~elements. ~~The request~~ Request ~~for~~ed exemptions shall be coordinated and agreed with the neighbouring Member State(s) where applicable. A Member State may request the granting of several exemptions in a single request.
- (2) The Commission shall assess the request in view of the ~~evidence~~elements provided under paragraph 1 as well as in terms of its impact on interoperability of the railway network, where relevant.
- (3) The Commission shall inform other Member States of the exemptions granted pursuant to this Article.**

Article 17

The European Rail Traffic Management System

1. Member States shall ensure that by 31 December [2040]:
- on the railway infrastructure of the extended core network and the comprehensive network, except connections referred to in Article 14(1), point (d), ERTMS is equipped, while ensuring a synchronised and harmonised ERTMS deployment trackside and on board of trains;

- ERTMS is deployed on connections referred to in Article 14(1), point (d), of the extended core and the comprehensive network where such equipment is deemed necessary by the Member State concerned in coordination with the relevant stakeholders, in particular the infrastructure manager.
- (a) deleted.
- (b) deleted. ⁶
2. Member States shall ensure that by 31 December 2030:
- the railway infrastructure of the core network except connections referred to in Article 14(1), point (d), meets the requirements of paragraph 1.
 - ERTMS is deployed on connections referred to in Article 14(1), point (d), of the core network where such equipment is deemed necessary by the Member State concerned in coordination with the relevant stakeholders, in particular the infrastructure manager.
3. deleted.
4. Member States shall ensure that the railway infrastructure of the core network, the extended core network and the comprehensive network is equipped with radio-based ERTMS by 31 December 2050.
5. Member States shall ensure that on the railway infrastructure of the core network, the extended core network and the comprehensive network as of 31 December 2030, in case of construction of a new line, radio-based ERTMS is being deployed.

⁶ The Presidency suggests amending recital 44 as follows:
"In addition, Member States are encouraged to initiate progressively decommissioning of class B systems trackside as such decommissioning brings about significant maintenance savings for infrastructure managers considering the costs and the complexity of deploying ERTMS and keeping additional trackside systems for a prolonged period. However, at this stage, no obligation should be imposed on Member States in that regard: decommissioning should be preceded by the full deployment of ERTMS."

- 5a. Member States shall ensure that radio-based ERTMS is deployed by 31 December 2050 on connections referred to in Article 14(1), point (d), of the core network, the extended core network and the comprehensive network, where such equipment is deemed necessary by the Member State concerned in coordination with the relevant stakeholders, in particular the infrastructure manager. In case of construction of a new line, such deployment shall be ensured as of 31 December 2030.
6. At the request of a Member State, in duly justified cases, exemptions ~~may~~**shall** be granted by the Commission by means of implementing acts in respect of requirements referred to in paragraphs 1 to 5. Any request for exemption shall be based on a socio-economic cost-benefit analysis and an assessment of the impact on interoperability. **Any such request shall be substantiated with sufficient elements. The request for exemptions shall be coordinated and agreed with the neighbouring Member State(s) where applicable. A Member State may request the granting of several exemptions in a single request.** Requested exemptions shall comply with the requirements of Directive (EU) 2016/797 of the European Parliament and of the Council⁷, ~~be coordinated and agreed with the neighbouring Member State(s) where applicable.~~
- The Commission shall assess the request in view of the elements provided under the first subparagraph.**
- The Commission shall inform other Member States of the exemptions granted pursuant to this paragraph.**

⁷ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

Article 18

Operational requirements for the European Transport Corridors

This article will be moved to Art. 65

Article 19

Additional priorities for railway infrastructure development

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

- (a) mitigating the impact of noise and vibration caused by rail transport, in particular through measures for rolling stock and for infrastructure, including noise protection barriers;
- (b) improving the safety of level crossings;
- (c) where appropriate, connecting railway transport infrastructure with inland waterway port infrastructure;
- (d) subject to socio-economic costs and benefits analysis, developing of infrastructure for train length above 740 m and up to 1500 m and 25.0 t axle load when constructing and modernising railway lines relevant for freight traffic;
- (e) developing and deploying innovative technologies for railways, building in particular on the work of the Shift2Rail and Europe's Rail Joint Undertakings, notably automatic train operation, advanced traffic management, and digital connectivity for passengers based on ERTMS and digital automatic couplings as well as 5G connectivity;
- (f) when building or upgrading railway infrastructure, ensure the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport;

- (g) developing innovative alternative fuels technologies for railways, such as hydrogen for sections that are exempted from the electrification requirement and rail access routes.
- (h) for the development of comprehensive network, providing a standard of at least P400 in accordance with item 1.1.1.1.3.5 of Table 1 in the Annex to Commission Implementing Regulation (EU) 2019/777⁸, without any additional requirement for special permission to operate services.

⁸ Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312).



SECTION 2

INLAND WATERWAYS TRANSPORT INFRASTRUCTURE

Article 20

Infrastructure components

1. Inland waterways infrastructure shall comprise, in particular:
 - (a) rivers;
 - (b) canals;
 - (c) lakes and lagoons;
 - (d) related infrastructure such as locks, elevators, bridges, reservoirs and associated flood and drought prevention and mitigation measures which may bring positive effects to inland waterway navigation;
 - (e) access waterways and last mile connections to multimodal freight terminals connected by inland waterways, in particular in inland and maritime ports;
 - (f) mooring and rest places;
 - (g) inland ports, including basic port infrastructure in the form of internal basins, quay walls, berths, jetties, docks, dykes, backfills, platforms, land reclamation and the infrastructure necessary for transport operations within the port area and outside the port area;
 - (h) associated equipment referred to in paragraph 2;
 - (i) ICT systems for transport, including RIS;
 - (j) the connections of the inland ports to the other modes in the trans-European transport network;

- (k) infrastructure related to facilities for alternative fuels;
 - (l) infrastructure necessary for zero waste operations and circular economy measures.
2. Equipment associated with inland waterways may include equipment for the loading and unloading of cargos and storage of goods in inland ports. Associated equipment may include, in particular, propulsion and operating systems which reduce pollution, such as water and air pollution, energy consumption and carbon intensity. It may also include waste reception facilities, shore-side electricity power supply and other alternative fuels infrastructure for supply and generation and used oil collection facilities, as well as equipment for ice-breaking, hydrological services and dredging of the fairway, port and port approaches to ensure year-round navigability.
3. **In order to**~~An inland port shall~~ be part of the comprehensive network, **an inland port shall meet** ~~where it meets~~ the following conditions:
- (a) it has an annual freight transshipment volume exceeding 500,000 tonnes. The total annual freight transshipment volume shall be based on the latest available three-year average, based on the statistics published by Eurostat;
 - (b) it is located on the inland waterway network of the trans-European transport network.

Article 21

Transport infrastructure requirements for the comprehensive network

1. Member States shall ensure that inland ports on the comprehensive network, by 31 December 2050:
- (a) will be connected with the road or rail infrastructure;

- (b) offer at least one multimodal freight terminal open to all operators and users in a non-discriminatory way and which shall apply transparent and non-discriminatory charges;
 - (c) are equipped with facilities to improve the environmental performance of vessels in ports, ~~such as including~~ reception facilities, degassing facilities, noise reduction measures, measures to reduce air and water pollution.
2. Member States shall ensure that alternative fuels infrastructure is deployed in inland ports in ~~compliance~~ **accordance** with the requirements of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure].

Article 22

Transport infrastructure requirements for the core network

1. Member States shall ensure that the inland ports of the core network meet the requirements set out in Article 21(1), points (a) and (b), by 31 December 2030 and in Article 21(1), points (c), by 31 December 2040.
2. Member States shall ensure that the inland waterway network, including connections referred to in Article 20(1), point (e), is maintained to enable efficient, reliable and safe navigation for users by ensuring minimum waterway requirements and by preventing the deterioration of these minimum requirements or any of its defined underlying criteria (Good Navigation Status).
3. Member States shall by 31 December 2030 in particular ensure that:
 - (a) Rivers, canals, lakes, lagoons, inland ports and their access routes provide a navigable channel depth of at least 2.5 m and a minimum height under non-openable bridges of at least 5.25 m at defined reference water levels, which are exceeded at a defined number of days per year on a statistical average.

The reference water levels shall be established on the basis of the number of days per year on which the actual water level exceeded the specified reference water level. Subject to the consulting approval of the Member States concerned in accordance with Article 172 TFEU, the Commission shall adopt implementing acts, to be elaborated in close cooperation with such Member States, specifying the reference water levels referred to in the previous subparagraph per ~~river basin~~ corridor, per waterway or per waterway section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

When specifying the reference water levels the Commission shall take into account the requirements which are set out in international conventions, ~~and in agreements concluded between Member States~~, including in the regulations adopted by the river navigation commissions set up by such conventions and agreements.

- (b) Member States shall publish on a website accessible to the public the number of days per year as referred to in the second subparagraph of this point during which the actual water level exceeds or does not achieve the specified reference water level for navigation channel depth as well as the average waiting times at each lock;
- (c) operators of locks shall ensure that locks are operated and maintained in such a way that waiting times are minimised;
- (d) rivers, canals, lakes and lagoons are equipped with RIS for all services according to Directive 2005/44/EC⁹, so as to guarantee real-time information to users across borders.

⁹ Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255, 30.9.2005, p.152).

4. At the request of a Member State, in duly justified cases, exemptions from the minimum requirements referred to in paragraph (3), point (a), ~~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, or on cultural heritage. Any such request shall be substantiated with sufficient elements. The request for exemptions shall be coordinated and agreed with the neighbouring Member State(s) where applicable. A Member State may request the granting of several exemptions in a single request.

The Commission shall assess the request in view of the elements provided under the first subparagraph.

The Commission shall inform other Member States of the exemptions granted pursuant to this paragraph. ~~Any request for exemption shall be coordinated and agreed with the neighbouring Member State(s) where applicable.~~

~~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.~~

Deterioration of the minimum requirements caused by direct human action or by lack of diligence in the maintenance of the inland waterway network shall not be considered as a case justifying the granting of an exemption.

4a. ~~Member States may be granted an exemption in case of force majeure. In case of force majeure,~~ Member States shall rehabilitate the navigability conditions to the previous status as soon as the situation allows for it.

~~Any request for exemption shall be coordinated and agreed with the neighbouring Member State(s) where applicable.~~

5. The Commission may adopt guidelines ensuring a coherent approach on the application of the good navigation status in the Union. These guidelines may cover in particular: ~~shall adopt implementing acts setting out requirements complementing the minimum requirements established in accordance with paragraph (3), point (a), second subparagraph, per river basin. These requirements may be related in particular to:~~
- ~~(a) complementary parameters for waterways specific for free flowing rivers;~~
 - ~~(b) specifications for inland waterway infrastructure;~~
 - ~~(c) specifications for infrastructure of inland ports;~~
 - ~~(d) appropriate mooring places and services for commercial users;~~
 - (e) deployment of alternative energy infrastructure to ensure corridor-wide access to alternative fuels;
 - (f) requirements use of for digital applications of the network and automation processes;
 - (g) resilience of the infrastructure to climate change, natural hazards and human-made disasters or intentional disruptions;
 - (h) introduction and promotion of new technologies and innovation for zero-carbon energy fuels and propulsion systems.¹⁰

~~The implementing act referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 59(3) and shall take into account specific characteristics of each river basin.~~

6. ~~The Commission shall ensure a coherent approach on the application of the good navigation status in the Union and may adopt guidelines thereto. When establishing minimum requirements for paragraphs (e) and (f), the Commission shall ensure that the interoperability between river basins is not compromised.~~

¹⁰ The question raised in document WK 10180/2022 ADD 10 concerning Article 22(5) is still under consideration by the Council Legal Service.

Article 23

Additional priorities for inland waterway infrastructure development

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

- (a) where appropriate, achieving higher standards for modernising existing waterways and for creating new waterways, in order to meet market demands;
- (b) prevention and mitigation measures against flooding and droughts;
- (c) improvement of digitalisation and automation processes, in particular in view of an increased safety, security and sustainability in inland waterway transport, including within urban nodes;
- (d) modernisation and expansion of the capacity of the infrastructure necessary for multimodal transport operations within as well as outside the port area;
- (e) promoting and developing measures to improve the environmental performance of inland waterway transport and transport infrastructure, including zero and low emission vessels and measures to mitigate impacts on water bodies and water-dependent biodiversity, in accordance with the applicable requirements under Union law or relevant international agreements.

(f) development and use of shallow- draught inland waterway vessels suited for low water levels.



CHAPTER I

GENERAL PRINCIPLES

Article 3

Definitions

For the purpose of this Regulation, the following definitions apply:

- (ao) — ‘motorway’ means a motorway as defined in Article 2(1a) ~~point (a) and (b)~~ of Directive 2008/96/EC¹¹
- (ap) — ‘primary road’ means a road outside urban areas that connects major cities or regions, or both, belonging to the highest category of road below the category “motorway” in the national road classification that is in place on 26 November 2019 and fulfils the following criteria:
- a) — prohibits stopping and parking on the running carriageway; and
 - b) — does not cross at grade with any railway or tramway track, bicycle path or footpath.

¹¹ Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59–67).

CHAPTER III

SECTION 4

ROAD TRANSPORT INFRASTRUCTURE

Article 28

Infrastructure components

1. Road transport infrastructure shall comprise, in particular:
 - (a) roads including:
 - (i) bridges;
 - (ii) tunnels;
 - (iii) junctions;
 - (iv) crossings;
 - (v) interchanges;
 - (vi) hard shoulders;
 - (vii) parking and rest areas, including safe and secure parking areas for commercial vehicles;
 - ~~(viii) weigh in motion systems;~~
 - ~~(ix) infrastructure related to facilities for alternative fuels;~~
 - (x) infrastructure mitigating impact on environment;
 - (b) associated equipment, **including, weigh in motion systems;**

- (c) digital infrastructure and ICT systems for transport;
- (d) access routes ~~and last mile connection~~ to multimodal freight terminals;
- (e) connections of the freight terminals and logistic platforms to the other modes in the trans-European transport network;
- (f) bus terminals;
- (g)** infrastructure related to facilities for alternative fuels.

2. The roads referred to in point (a) of paragraph 1 **and indicated in Annex I** are those which play an important role in long-distance freight and passenger traffic, integrate the main urban and economic centres and interconnect with other transport modes.
3. Equipment associated with roads may include, in particular, equipment for traffic management, information and route guidance, for the levying of tolls or user charges, for safety, for reducing negative environmental effects, for refuelling or recharging of vehicles with alternative propulsion, and for safe and secure parking areas for commercial vehicles.

Article 29

Transport infrastructure requirements for the comprehensive network

1. Member States shall ensure that:
- (a) the safety of road transport infrastructure is ensured, monitored and, when necessary, improved in accordance with Directive 2008/96/EC of the European Parliament and of the Council¹²;

¹² Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).

- (b) the roads are designed, built or upgraded and maintained with ~~the highest~~ level of safety of traffic through, in particular, the implementation of the latest **proven** technologies;
- (c) the roads are designed, built or upgraded and maintained with ~~the highest~~ level of environmental protection, including as appropriate through ~~low noise~~ **reduction measures** ~~road surfaces~~ and the collection, treatment and release of water run-off;
- (d) road tunnels over 500 m in length comply with Directive 2004/54/EC of the European Parliament and of the Council¹³;
- (e) where applicable, the interoperability of toll collection systems is ensured in accordance with Directive (EU) 2019/520 of the European Parliament and of the Council¹⁴ and with Commission Implementing Regulation C/2019/9080¹⁵ and Commission Delegated Regulation C/2019/8369¹⁶;
- (f) where applicable, the tolls or user charges are levied in accordance with Directive 1999/62/EC of the European Parliament and of the Council¹⁷;

- ¹³ Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.4.2004, p. 39).
- ¹⁴ Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45).
- ¹⁵ Commission Implementing Regulation (EU) 2020/204 of 28 November 2019 on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC (OJ L 43, 17.2.2020, p. 49).
- ¹⁶ Commission Delegated Regulation (EU) 2020/203 of 28 November 2019 on classification of vehicles, obligations of European Electronic Toll Service users, requirements for interoperability constituents and minimum eligibility criteria for notified bodies (OJ L 43, 17.2.2020, p. 41).
1. ¹⁷ Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).

- (g) any intelligent transport system on road transport infrastructure complies with Directive (EU) [...] on the framework for the deployment of Intelligent Transport Systems and is deployed in a manner consistent with delegated acts adopted under that Directive¹⁸;
- (h) alternative fuels infrastructure is deployed on the road network in ~~full compliance with the requirements of~~ **accordance with** Regulation (EU) [...] [on the deployment of alternative fuels infrastructure].

2. Member States shall ensure that by 31 December 2050 the roads ~~infrastructure~~ **as referred in Article 28. 1(a)**, of the comprehensive network:

is designed, built or upgraded as motorway or primary road¹⁹ and

(a) meets the following requirements:

- (i) they prohibit stopping and parking on the running carriageway; and**
- (ii) they do not cross at grade with any railway or tramway track.**

(ab) rest areas are available at a maximum distance of 60 km from each other, providing sufficient parking space, ~~safety and security equipment~~, and appropriate facilities, including sanitary facilities, that meet the needs of a diverse workforce;

¹⁸ Directive 2021/... revising Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport] (OJ L [...]).

¹⁹ ~~Following sentence should be added at the end of recital 48: „In particular, road infrastructure of the comprehensive network, should be designed, built or upgraded as motorways or as primary roads and roads of the core and extended core networks as motorways. In order to ensure the application of the highest safety standards, for those roads on the comprehensive network, Member States should strive to ensure that new infrastructure or existing ones are built or upgraded as motorways.“~~

- (b) safe and secure parking areas are available at a maximum distance of 100 km from each other, providing a sufficient parking space for commercial vehicles and complying with the requirements set out in Article 8a(1) of Regulation (EC) No 561/2006²⁰;

The safe and secure parking areas shall be located on the TEN-T network or within 3 km driving distance from the nearest exit of a TEN-T road;

- (ed) weigh in motion systems are installed ~~at a maximum distance of every~~ 300 km on average on the network of a Member State. When deploying those systems Member States may focus on road sections with high intensity of freight traffic from each other. Weigh in motion systems shall allow the identification of vehicles and vehicle combinations that are likely to have exceeded the maximum authorised weights set out in Directive 96/53/EC.

Commented [F2]: We can still not support the requirements concerning the establishment of safe and secure parking areas at a maximum distance at 100 km on the TEN-T road network.

As previously mentioned in both working group sessions and through the Danish written remarks, Denmark does not consider it a Member State obligation to provide safe and secure parking areas for truck drivers. Instead, the market must itself ensure that the necessary capacity is available for truck drivers to hold their longer rests above 25 hours.

Furthermore, we also find that there is an uncertainty as to whether such safe and secure parking areas will be used by truck drivers for their longer rests, since road transport operators will most likely have to pay a fee in order for their truck drivers to park at a safe and secure parking area.

In certain Danish cases such a fee has led to truck drivers not choosing to use the safe and secure parking areas.

Considering the economic burdens placed on the Member States when establishing safe and secure parking areas, we urge the Member States and the Commission to consider the principle of proportionality when setting out requirements for safe and secure parking areas.

In this case, we find that the economic costs placed on Member States surpasses the potential EU-added value that such safe and secure parking areas can ensure. In particular due to the uncertainty as to whether these safe and secure parking areas will be used.

Therefore, Denmark proposes that the articles concerning safe and secure parking are removed from the proposal. This applies to the requirements on both the core, extended core and comprehensive network.

If a majority of Member States are in favor of keeping the requirements on safe and secure parking, Denmark proposes to increase the maximum distance considerably on the TEN-T network between the safe and secure parking areas in order to provide more flexibility and reduce the economic burdens placed on the Member States.

3. Member States shall ensure, by 31 December 2030, the deployment or use of the means to detect safety-related events or conditions, and collection of the relevant road traffic data, for the purpose of providing road safety-related minimum universal traffic information as defined in Commission Delegated Regulation 886/2013²¹.

²⁰ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (*OJ L 102, 11.4.2006, p. 1–14*).

²¹ Commission delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users (*OJ L 247, 18.9.2013, p. 6*).

4. At the request of a Member State, in duly justified cases, exemptions from the requirement set out in paragraph 2, ~~point (b), (a), may~~ **shall** be granted by the Commission by means of implementing acts **where the traffic density does not exceed 10,000 vehicles per day in both directions and/or 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 elements.** ~~Any request for exemption and 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 of the investments.**

The request for exemptions shall be coordinated and agreed with the neighbouring Member State(s) where applicable. 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.

Article 30

Transport infrastructure requirements for the core network and extended core network

1. Member States shall ensure that the road infrastructure of the core network and extended core network complies with Article 29(1).

1a. Member States shall ensure that the roads, as referred in Art 28. 1(a) infrastructure comply with the following requirements, by 31 December 2030 for the road infrastructure of the core network and extended core network is designed and by 31 December 2040 for the road infrastructure of the extended core network built or upgraded as motorway.

(i) they provide, except at special points or temporarily, separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;

(ii) they do not cross at grade with any road, railway or tramway track, bicycle path or footpath; and

(iii) they do not serve properties bordering on it.

2. Member States shall ensure that the road infrastructure of the core network and extended core network meets the requirements set out in Article 29(2), second indent, points, (b) and (c) **and (d)**, by 31 December 2040.

3. ~~Member States shall ensure that the road infrastructure of the core network and extended core network meets the requirements set out in Article 29(2), second indent, point (ba), by 31 December 2030.~~

4. Member States shall ensure that the road infrastructure ~~of the core network~~ meets the requirements set out in Article 29(3);

- by 31 December 2025 for those infrastructure of the core network;

- by 31 December 2030 for those infrastructure of the extended core network.

5. At the request of a Member State, in duly justified cases, exemptions from the requirement set out in paragraphs 1a and 2 shall be granted by the Commission by means of implementing acts where the traffic density does not exceed 10,000 vehicles per day in both directions and/or 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 elements.

The request for exemptions shall be coordinated and agreed with the neighbouring Member State(s) where applicable. 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.

- a) Member States may[, in duly justified cases,] exempt sections where the traffic density does not exceed 10,000 vehicles per day in both directions from the requirements set out in paragraph 1a2(a). They shall notify the Commission of the exemptions granted. Those exempted sections shall be designed, built or upgraded as primary roads by 31 December 2030.

- b) Without prejudice to point (a), at the request of a Member State, in duly justified cases, exemptions from the requirement set out in paragraph 2(a1a), may be granted by the Commission by means of implementing acts, in particular when there are specific geographic or significant physical constraints, as long as an appropriate level of safety is ensured.

- Any such 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 of the investments.

[6. New Recital regarding the use of European Modular Systems]

Commented [F3]: We have previously put forward a proposal regarding European Modular Vehicles – also known as EMS (WK 1066 2022 ADD 1).

Some Member States have expressed concerns about introducing EMS vehicles on the TEN-T network due to national infrastructure limitations.

We hope that you will re-consider our proposal since the purpose of it is not to introduce an EU-widely use of EMS. Instead, this proposal serves to identify needed infrastructure adjustments on the TEN-T core road network in case Member States, in the future, wishes to introduce EMS or similar vehicles.

Denmark stresses that it is important to consider each transport element and transport form in this proposal in order to improve the overall efficiency and environmental impact of the transport sector.

Article 31

Additional priorities for road infrastructure development

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

- (a) improvement and promotion of road safety, taking into account the needs of vulnerable users and road users in all their diversity, in particular persons with reduced mobility;
- (b) mitigation of congestion on existing roads, in particular through intelligent traffic management, including dynamic congestion charges or tolls varied based on the time of day, week or season;
- (c) improvement of digitalisation and automation processes, introduction of innovative technologies to improve the control of compliance with the Union road transport legal framework, including smart and automated enforcement tools and ~~SG~~ communication infrastructure;
- (d) when building or upgrading road infrastructure, ensure the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport.



SECTION 5
AIR TRANSPORT INFRASTRUCTURE

Article 32

Infrastructure components

1. Air transport infrastructure shall comprise, in particular:
- (a) air space, routes and airways;
 - (b) airports, including the infrastructure and equipment necessary for ground and transport operations within the airport area, and vertiports ~~and spaceports~~;
 - (c) the connections of the airports to the other modes in the trans-European transport network;
 - (d) ATM/ANS Systems and associated equipment, including space-based equipment;
 - (e) infrastructure related to alternative fuels, and electricity supply to stationary aircraft ~~as defined in Regulation (EU) [...] [on the deployment of alternative fuels infrastructure]~~;
 - (f) infrastructure for the on-site production of alternative fuels and improving energy efficiency and reducing climate, environmental and noise emissions of airports or of associated airport operations such as ground-handling services, aircraft operations and passenger ground transport;
 - (g) infrastructure used for separate waste collection, waste prevention and activities in the area of circular economy.

2. An airport shall be part of the comprehensive network, where it meets at least one of the following conditions:
- (a) for cargo airports, the total annual cargo volume is at least 0.2% of the total annual cargo volume of all airports of the Union;
 - (b) for passenger airports, the total annual passenger traffic is at least 0.1% of the total annual passenger volume of all airports of the Union, unless the airport in question is situated outside a radius of 100 km from the nearest airport in the comprehensive network or outside a radius of 200 km where there is a high-speed railway line in the region in which it is situated.

The total annual passenger volume and the total annual cargo volume are based on the latest available three-year average, based on the statistics published by Eurostat.

Article 33

Transport infrastructure requirements for the core and comprehensive network

1. Member States shall ensure that:
- (a) the airports of the core network with a total annual passenger traffic volume of more than twenty five million passengers are connected to the ~~TEN-T~~ railway network and to corresponding urban nodes, as set out in Annex II, and with allow for direct long-distance-railway connections from the airport to other urban nodes, including where relevant with the high-speed rail network, by 31 December ~~2040~~2030, except where specific geographic or significant physical constraints prevent such connections;
 - (aa) the airports of the core network with a total annual passenger traffic volume of more than four and less than twenty five million passengers are connected to the ~~TEN-T~~ railway network and to corresponding urban nodes, as set out in Annex II, by railway, metro, light rail or trams, by 31 December ~~2030~~2040, except where specific geographic or significant physical constraints prevent such connections;

- (b) the airports of the comprehensive network with a total annual passenger traffic volume of more than four million passengers are connected to the ~~TEN-T~~ network and to corresponding urban nodes, as set out in Annex II, by ~~with~~ the railway, metro, light rail or trams by 31 December 2050, except where specific geographic or significant physical constraints prevent such connections;
- (c) any airport located on their territory offers at least one terminal which is open to all operators and users in a non-discriminatory way and which shall apply transparent, and non-discriminatory charges;
- (d) common basic standards for safeguarding civil aviation against acts of unlawful interference, as adopted by the Union in accordance with Regulation (EC) No 300/2008 of the European Parliament and of the Council²², apply to the air transport infrastructure;
- (e) infrastructure for air traffic management is such as to permit the implementation of the Single European Sky, in accordance with Regulation (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EU) No 2018/1139, of air transport operations, in order to improve the performance and sustainability of the European aviation system, of implementing rules and of Union specifications;
- (f) alternative fuels infrastructure is deployed in airports in accordance ~~full compliance~~ with ~~the requirements as defined in~~ Regulation (EU) [...] [on the deployment of alternative fuels infrastructure];
- (g) air transport infrastructure provides for pre-conditioned air supply to stationary aircraft at aircraft contact stands used for commercial transport operations.²³

Commented [F4]: We recognize that the amendments made in the compromise proposal provide more flexibility in ensuring connections between airports on the comprehensive TEN-T network, the network in general and the urban nodes.

However, ensuring connections between airports on the comprehensive TEN-T network can be a costly affair dependent on the location of the airports and the infrastructure to and from the airport.

Therefore, we find that ensuring connections between any given airport on the comprehensive network and the relevant city centers is a task best dealt with at national level and not EU-level.

Following from this, we propose to remove article 33 (1)(b) from the regulation.

Alternatively, we propose that article 33(1)(b) is moved from article 33 to article 34. Thereby making the article a priority instead of a requirement for Member States.

Furthermore, we do acknowledge that it is possible to request an exemption from this requirement in duly justified cases, which we appreciate. If a majority of Member States wish for article 33(1)(b) to be kept in the proposal, Denmark can accept this as long as it is possible to be granted an exemption from the fulfilment of this requirement.

²² Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

²³ **New definition will be added to Art. 3 - 'aircraft contact stand' means a stand in a designated area of the airport apron equipped with a passenger boarding bridge;**

2. At the request of a Member State, the Commission ~~shall~~**may**, in duly justified cases, grant exemptions by means of implementing acts in respect of the requirements set out in paragraph 1, points (a), (aa), (b), (c) and (g) **on the ground of specific geographical or significant physical constraints, including the non-existence of a railway system on the territory or negative socio-economic cost-benefit analysis or potential negative impacts on environment or biodiversity.** ~~Any request for exemption shall be based on a socio-economic cost-benefit analysis or related to the specific geographic or significant physical constraints, including the non-existence of a railway system on the territory.~~ **Any such request shall be substantiated with sufficient elements.**

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.

Article 34

Additional priorities for air transport infrastructure development

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

- (a) increasing airport energy and operational efficiency;
- (b) supporting the implementation of the Single European Sky and of interoperable systems, in particular those developed by the SESAR project in accordance with the European ATM Master Plan;
- (c) improvement of digitalisation and automation processes, in particular in view of an increased safety and security;

- (d) improving multimodal interconnections between airports and infrastructure of other transport modes, and between airports and urban nodes where appropriate;
- (e) improving sustainability and mitigating climate, environmental and noise impacts, in particular by introducing new technologies and innovation, alternative fuels, zero- and low emission aircraft and zero and low carbon infrastructure.
- (f) connection of the airports with a total annual passenger traffic volume of less than four million passengers to the network and to corresponding urban nodes, as set out in Annex II, by the railway, metro, light rail or trams.**
-