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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
N° prev. doc.:	ST 12250/22
Subject:	Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013 - Comments by Finland on sections 4 and 6 of Chapter III

Delegations will find attached comments by Finland on sections 4 and 6 of Chapter III of the above proposal as presented in ST 12250/22.

Written comments from Finland to Chapter III, sections 4 and 5 – especially to articles 29, 30 and 33.

Proposed changes compared to the Presidency compromise **in red**.

CHAPTER III
SPECIFIC PROVISIONS

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 Council¹;

¹ 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 Council²;
- (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 Council³ and with Commission Implementing Regulation C/2019/9080⁴ and Commission Delegated Regulation C/2019/8369⁵;
- (f) where applicable, the tolls or user charges are levied in accordance with Directive 1999/62/EC of the European Parliament and of the Council⁶;

² 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).

³ 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).

⁴ 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).

⁵ 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).

⁶ 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 Directive⁷;
- (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 road⁸ 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;

⁷ 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 [...]).

⁸ ~~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 561/2006⁹;

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.

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 886/2013¹⁰.
4. **Sections where the traffic density does not exceed 10,000 vehicles per day in both directions are exempted from the requirements under paragraph 2. Member States shall notify the Commission of sections falling under this exemption.**

⁹ 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*).

¹⁰ 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*).

Commented [A1]: should be deleted or changed so that the obligation for MS is to promote the availability of safe and secure parking areas

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 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.

Commented [A2]: Time frame would be important addition

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. **Sections where the traffic density does not exceed 10,000 vehicles per day in both directions are exempted from the requirements under paragraph 1a and 2. Member States shall notify the Commission of sections falling under this exemption.**
5. 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.

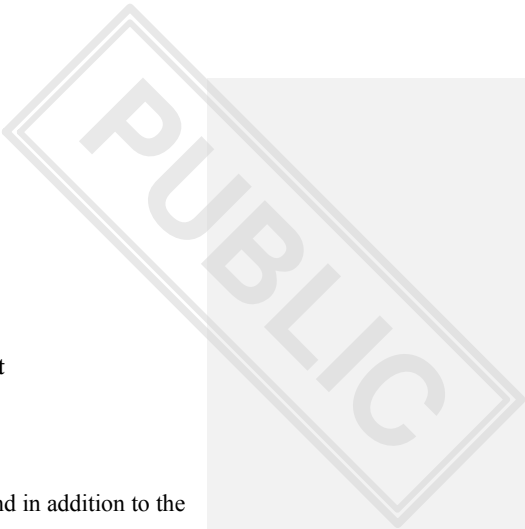
The request for exemptions shall be coordinated and agreed with the neighbouring Member State(s) where applicable. A Member State may request the granting of several exemptions in a single request.

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

Commented [A3]: Time frame would be important addition

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.~~



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 ~~5G~~ 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 Council¹¹, 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) **at the airports of the core network with a total annual passenger traffic volume of more than four million passengers**, the air transport infrastructure provides for pre-conditioned air supply to stationary aircraft at aircraft contact stands used for commercial transport operations.¹² **50 % of the the aircraft contact stands should comply with this requirement by 31 December 2040 and the rest by 31 December 2050.**

¹¹ 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).

¹² 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 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.

Commented [A4]: Time frame would be important addition

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.**
-