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WORKING PAPER

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
N° prev. doc.:	ST 11273/2/19 REV 2
Subject:	Proposal for a Regulation of the European Parliament and of the Council on streamlining measures for advancing the realisation of the trans-European transport network - Revised Presidency compromise = Comments by Member States

Delegations will find, attached, comments by **Germany** on the above-mentioned document.

**DE proposals concerning the
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on streamlining measures for advancing the realisation of the trans-
European transport network
(11273/2/19 REV 2)**

Changes are indicated in ~~bold double strikethrough~~ and **bold double underline**.

Recital 8

- (8) Given the urgency to complete the TEN-T core network, the simplification of permit-granting procedures should be accompanied by a time limit for procedures aiming at the adoption of an authorising decision to build the transport infrastructure. This time limit should stimulate a more efficient handling of procedures and should, under no circumstances, compromise the Union's high standards for environmental protection and public participation. **It should be possible to extend the time limit for the permit granting procedures in duly justified cases, including when unforeseeable circumstances arise or where necessary for environmental protection. The extended time limit should not include the time necessary to undertake administrative or judicial appeal procedures.**

Justification:

Clarification

Article 5 - Designated Authority

[...]

4. The designated authority shall:
- (a) be the main point of contact for information for the project promoter in the procedure leading to the Authorising decision for a given project;
 - (b) provide, where **foreseen by national legislation** appropriate, the Detailed Application Outline to the project promoter, including the indicative time-limits within the permit-granting procedures, in line with the time limit set out in accordance with Article 6;
 - (c) **provide guidance to** ~~advise~~ the project promoter in the submission of all relevant documents and information, **if requested. If Member States so foresee, the designated authority may also provide guidance to the project promoter what additional information and/or documents should be delivered in case a notification has been rejected.**

~~This paragraph is without prejudice to the competence of any other authorities involved in the permit-granting procedure.~~

5. The designated authority shall, if so requested, **provide guidance to** advise the project promoter with regard to **information and relevant documents including** ~~the verification~~ **verify that all the necessary permits, decisions and opinions which have to be provided and obtained** for the authorising decision, ~~have been obtained.~~ **Where the designated authority is empowered to issue the authorising decision, that authority shall verify that all the necessary permits, decisions and opinions for the authorising decision have been obtained.**

Paragraph 4 and 5 are without prejudice to the independence of the designated authority and to the competence of any other authorities involved in the permit-granting procedure.

Justification:

Moved to the end of this article because we think this applies to paragraph 4 and 5.
Furthermore it is important to underline the independency of the designated authority.

Article 6 - Duration of the permit-granting process

[...]

2. The four-year period referred to in paragraph 1 shall be without prejudice to obligations arising from Union and international legal acts, **as well as legal standards envisaged to avoid, prevent, reduce or offset adverse effects on the environment**, **and shall not include periods necessary to undertake and to follow-up upon** as well as administrative and judicial appeal procedures and judicial remedies before a court or tribunal.

Justification:

We intend to underline that the 4 year period shall not lead to a reduction of scope, quality and standards of the permit granting procedure.