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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 7456/1/22 REV 1, ST 12165/1/22 REV 1 and 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 Italy

Delegations will find attached comments by Italy on the articles discussed in previous Working Party meetings on the TEN-T proposal, as well as an amendment proposal on Art. 58.

Brussels, 12 September 2022
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WORKING DOCUMENT

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), **provided that the same requirement are also met by corresponding multimodal freight terminals, ports and airports.**

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.

Commented [A1]: Italy welcomes Presidency proposal which can be considered a good compromise both for the deletion of the requirement of the profile for semi-trailers and rolling highway for the Comprehensive lines both for the possibility of selecting, with the aim of adaptation to train length and mass axial, specific set of lines where there is actually freight traffic or there is interest in freight traffic, within 3 years from the entry into force of the regulation

Commented [A2]: The access routes/last miles are often managed by third parties (ports, private terminals, etc.). Therefore, the axle load and the 740 m train length should not be made mandatory in those cases where the connected terminals are not compliant with the same parameters and this condition cannot be solved by the exemptions. This additional elements are crucial in order to reach the requirements along the whole logistic chain including the starting and ending points, avoiding to update part of the network without reaching the final goal of a real effective chain.

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 **on average** 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 on average** 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%~~ **75%** 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 **Lines with steep gradient or affected by topographical constraints are excluded from the respect of this requirements.**
 - (iv) provides a standard of at least P400, **to be applied to a predefined list of international rail freight routes of the TEN-T core network identified according to market needs and based on the consultation of the rail freight sector**, in accordance with item 1.1.1.1.3.5 of Table 1 in the Annex to Commission

⁴ See footnote 5) below:

Commented [A3]: The revised provision for the **train length parameter** creates a strict obligation in terms of a minimum level for freight capacity offer (a basic offer of 48 trains paths for trains 740 m long per day and per direction on double track and 12 trains paths per day and per direction on single tracks) that could not be in line with the capacity model of the new international timetable process (Redesign of the international Timetabling Process (TTR)). In some cases this provision could jeopardize the efforts of the IMs in optimizing the use of capacity between the different transport services and could even lead to unnecessary additional infrastructure investments to increase capacity even when the line is not congested.

Commented [A4]: We suggest the alignment of the length percentage for both freight and passenger minimum line speed

Commented [A5]: Design speed is very critical and too challenging to be ensured. Line speed is preferred because it is the real parameter of the line depending also on the category of trains in operation on the lines. The design speed is just a theoretical parameter that might never be achieved under line operation conditions.

Commented [A6]: The implementation of the **loading gauge parameter P400** will be very challenging having regard that Italy is by far the first country in Europe for number of rail tunnels and flyovers (2.400 km, 9% of the entire network). P/C 400 requirement should not be applied to the entire core network but only to a predefined list of international rail freight routes of the TEN-T network based on the current and expected market demand patterns. We believe that IMs should have flexibility in how to allow operation of P/C 400 trains, thereby optimising costs and minimising line closures due to construction works.

Implementing Regulation (EU) 2019/777, without any additional requirement for special permission to operate services.

- (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), provided that the same requirement are also met by corresponding multimodal freight terminals, ports and airports.

(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. Special lines' features as a result of topographical, relief or town-planning constraints, on which the speed must be adapted, are duly taken into account.

Commented [A7]: Design speed is very critical and too challenging to be ensured. Line speed is preferred because it is the real parameter of the line depending also on the category of trains in operation on the lines. The design speed is just a theoretical parameter that might never be achieved under line operation conditions.

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 :

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."

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

- (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) provided that the same requirements are also met by corresponding multimodal freight terminals, ports and airports;
- (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 3 4 do not apply to isolated networks.

5. deleted.

Article 16a

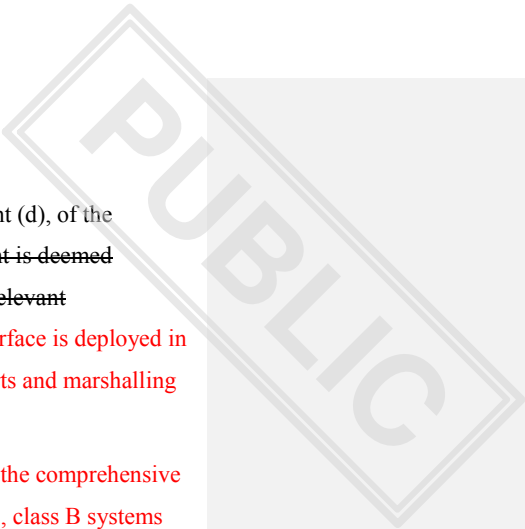
Exemptions from transport infrastructure requirements

- (1) Without prejudice to Article 15(3) and Article 16(4 ~~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~~ including 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~~ the related interface is deployed in the concerned multimodal freight terminals, inland and maritime ports and marshalling yards.
- on the railway infrastructure of the core, extended core network and the comprehensive network, including connections referred to in Article 14(1), point (d), class B systems are decommissioned by 31 December 2040.

(a) deleted.

(b) ~~deleted.~~ ⁶

2. Member States shall ensure that by 31 December 2030:

- the railway infrastructure of the core network ~~except~~ including 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.~~ the related interface is deployed in the concerned multimodal freight terminals, inland and maritime ports and marshalling yards.

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.

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."

Commented [A8]: The proposal completely eliminates the obligation to decommission the class B system and states in recital 44 that decommissioning should be carried out only after the full deployment of the ERTMS. Nevertheless the national ERTMS accelerated plan arranges otherwise, as already previously underlined in July. Moreover it is worth mentioning that the 2020 study on "Deployment of ERTMS on Core and Comprehensive Networks: On-Board and Infrastructure deployment strategies." of DG MOVE reiterates the importance of a dual on-board ERTMS strategy and ground-based ERTMS implementation with relative decommissioning of class B systems: <https://op.europa.eu/en/publication-detail/-/publication/7537f87f-56df-11eb-b59f-01aa75ed71a1>

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 ~~2025~~ 2030, in case of construction of a new line, radio-based ERTMS is being deployed.
- 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 ~~the related interoperable interface is deployed in the concerned multimodal freight terminals, inland and maritime ports, airports and marshalling yards 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 ~~2025~~ 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

Commented [A9]: The displacement of operational obligations in the section of rail freight corridors seems not to be critical. Nevertheless it would be appropriate to check the PSY proposal on the text of the article.

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.

Commented [A10]: We would like to clarify why the last mile connection has been deleted. In our view, it is important to keep it as in other part of the text (art.41 for urban nodes for instance) because it has a consolidated definition in usual logistic language and represents the last ending section of a longer access route, crucial for the effective functioning of the whole logistic chain.

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.

(ah) 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;

Commented [A11]: We are still verifying the proposed requirements – scrutiny reservation

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 c) safe and secure parking areas **are developed in order to ensure their presence at least every 100 km** ~~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 at a distance which can be at service of the TEN-T road network users; or within 3 km driving distance from the nearest exit of a TEN-T road;~~

A common European ICT platform is created by the European Commission; Member States shall transmit static and dynamic data to the public European ICT platform on Safe and secure parking areas, aggregating, where possible, the information already provided to NAP under Reg. 883/2013, providing localization, rating, booking and prepayment services to end-users;

- (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 886/2013²¹.

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*).

Commented [A12]: We would propose a different wording following the suggestions already provided in the CEF call for proposal 2021 and according to the more general adaptive logic in relation to the typology of area, urbanization (etc). In principle, it should be said that it will be necessary to explain (and convince) that the parking area is functional in that specific point

Italy points out that providing a precise and specific distance does not take into account the specificities of local road infrastructures and urban territorial planning, heavily constraining the potential development of these areas and the possibility of applying European funding. For example, for the development of areas in Southern Italy, on the Tyrrhenian axis from Basilicata to the southern part of Calabria we have a very high incidence of road infrastructure on the viaduct which would in any case require parking areas and that could not necessarily fall within the proposed 3 km by the motorway entrances / exits. Moreover, in the CEF calls in the case of areas not lying on the core network it is required to provide for the justification that the area is "functional to and at the service of the traffic of the TEN-T core network", without fixing a specific geographical constraint.

Commented [A13]: Moreover, it should be also useful to propose to include the creation of a common European platform: where Member States should transmit static and dynamic information on all SSTPAs aiming at ensuring visibility to existing SSTPAs and providing localization, rating, booking and prepayment services to end-users, as underlined in the 2019 SSTPA Study of the European Commission.

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.

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~~ 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.

Commented [A14]: We would like to ask clarifications regarding the removal of the term spaceports. Italy, as well as other Member States, are implementing activities and supporting investments instrumental to enable space activities in the context of continental Europe - It is desirable that the TEN-T regulation takes this activity into consideration also due to the time horizon of the Regulation. Moreover we provides the WP presented by Italy on the issue of access to space in view of the ICAO General Assembly

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 (**People Mover system**) 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 [A15]: The wording can be shared and we would like to add a reference to the People Mover system

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, including those aiming at ensuring full integration of new air vehicles, manned and unmanned;
- (c) improvement of digitalisation and automation processes, in particular in view of an increased safety and security;

Commented [A16]: In this way the reference to UTM (unmanned traffic management) activities would be more direct and suborbital vehicles could also be included in the category. In this regard, it should be noted that the verticals are shown in the list of Infrastructure components pursuant to art. 32 (b) and, therefore, the proposed modification would be consistent with the rest of the text.

- (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.**

Brussels, 31 August 2022
(OR. en)

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LIMITE

**TRANS 169
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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;
 - (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

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.

activities ensuring year-round navigability (icebreaking), ~~or~~ facilitating the transition towards sustainable maritime transport, **improving the synergies between transport and energy by fostering the role of ports as energy hubs and helping the energy transition, and** ICT systems for transport and hydrographic surveys;

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

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;
- (e) port approaches, fairways and locks;
- (f) breakwaters;

Commented [A1]: IT proposes to match the points (a) and (b) , like in art. 20 par. 1 point (g) for inland waterways infrastructure; IT suggests as well to include “ the transport operations outside the port area “ at point (a), like in art. 20 par. 1 point (g) for inland ports

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.

- (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;
- (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) VTMISS 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;
 - (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;

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).

- (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 [A2]: IT thinks that if a Member State submits a request for an exemptions "**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**" it is redundant to specify that "**Any such request shall be substantiated with sufficient justification**" so this sentence could be deleted.

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 [A3]: IT thinks that if a Member State submits a request for an exemptions “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” it is redundant to specify that “Any such request shall be substantiated with sufficient evidence” so this sentence could be deleted.

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;~~
- (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, including the use of eco-incentives schemes;

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

Commented [A4]: IT suggests to add a reference to the use of eco-incentive schemes, in line with the position expressed by Italy on several occasions (Corridor Fora and in the context of the revision of the TEN-T Regulation)

SECTION 6

INFRASTRUCTURE FOR MULTIMODAL FREIGHT TERMINALS

Article 35

Identification of the multimodal freight terminals

1. The multimodal freight terminals of the trans-European transport network are terminals that are:
 - (a) located in the maritime ports of the trans-European transport network, as listed in Annex II;
 - (b) located in the inland ports of the trans-European transport network, as listed in Annex II;
 - (ba) located in the airports of the trans-European transport network, as listed in Annex II;
 - (c) located within or in the vicinity of an urban node, as listed in Annex II; or
 - (d) classified as rail road terminals of the trans-European transport network, as listed in Annex II.**
2. Member States shall make all possible efforts to ensure that there is sufficient multimodal freight terminal capacity serving the trans-European transport network, taking into account current and future traffic flows, in particular flows serving urban nodes, industrial centres, ports and logistics hubs.
3. Within three years after the entry into force of this Regulation, Member States shall conduct a market and prospective analysis⁴ on multimodal freight terminals on their territory. This analysis shall at least:

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

- (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.

~~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.~~

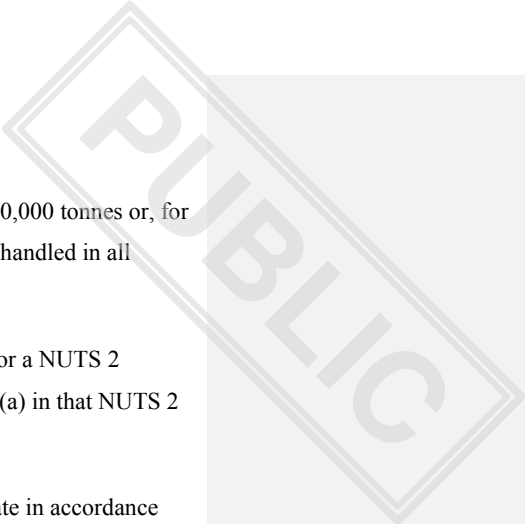
5. In order to be part of the trans-European transport network and to be listed in Annex II, a rail road terminal shall meet at least one of the following conditions:

development of a multimodal freight terminal network. In that respect they may refer to existing studies and plans.”

Commented [A5]: IT would like to ask clarifications on the reasons which brought to the substitution of the tool of the action plan with the policy framework. The policy framework, if intended as national law or programming/strategic document, in fact, appears more rigid and difficult to be updated at national level. In case of new multimodal freight terminal to be included in the TEN-T or in case of additional transshipment capacity in existing terminal an action plan seems to be more feasible and applicable.

Commented [A6]: IT would like to ask clarifications on the reasons which brought to the substitution of the tool of the action plan with the policy framework. The policy framework, if intended as national law or programming/strategic document, in fact, appears more rigid and difficult to be updated at national level. In case of new multimodal freight terminal to be included in the TEN-T or in case of additional transshipment capacity in existing terminal an action plan seems to be more feasible and applicable.

Commented [A7]: IT would like to ask clarifications on the reasons which brought to the substitution of the tool of the action plan with the policy framework. The policy framework, if intended as national law or programming/strategic document, in fact, appears more rigid and difficult to be updated at national level. In case of new multimodal freight terminal to be included in the TEN-T or in case of additional transshipment capacity in existing terminal an action plan seems to be more feasible and applicable.

- 
- (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;

- (e) infrastructure for alternative fuels.

Article 37

Transport infrastructure requirements

1. **By 31 December 2030**, Member States shall ~~make all possible efforts to ensure~~ in a fair and non-discriminatory manner that multimodal freight terminals referred to in Article 35(1):
 - (a) —are connected to the modes of transport which are available in the area, where feasible, unless not justified in socio-economic cost-benefit terms;
2. **By 31 December 2030, the multimodal freight terminal referred to in Article 35(1) shall be:**
 - (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~~
 - (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.**

Commented [A8]: IT has 3 comments which require clarifications:

1. In the text, the deadlines at 2030-2040 and 2050 are related to the technical characteristics of the terminals (intermodal operational capacity ecc) and not to the classification of Core and Comprehensive terminal: therefore we kindly ask to understand which is the reason to have two categories of RRT (Core and Comprehensive). It has also to be considered that funding allocated to Core network are usually more relevant than ones allocated to Comprehensive ones.
2. We kindly ask to clarify the technical difference between “accommodate” 740 long trains which has a deadline fixed at 2040 (point 3) and “handle” 740 long trains with the deadline at 2050 (point 4)

Commented [A9]: IT prefers the previous wording “make all possible efforts” which is less binding and more reasonable

Commented [A10]: IT prefers the previous wording “make all possible efforts” which is less binding and more reasonable

3. ~~By 31 December 2040, Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that the~~ multimodal freight terminals referred to in Article 35(1), ~~and which are connected to the rail network, by 31 December 2040, are~~ **shall be** able to accommodate 740 m long trains without manipulation, ~~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 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 [A11]: IT prefers the previous wording "make all possible efforts" which is less binding and more reasonable

Commented [A12]: IT would like to put a scrutiny reservation on this sentence that probably should be better to remove for two reasons:
- if this is not economically viable the exemption of point 5 is applicable;
- It seems that the measures listed (electrification of departure and arrival sidings, adjustments to signalling systems and improvements to the track configuration.) do not properly improve the accommodation of 740 m long trains and are not expected to have a significant impact on this ability.

Commented [A13]: IT prefers the previous wording "make all possible efforts" which is less binding and more reasonable

Commented [A14]: IT thinks that if a Member State submits a request for an exemptions "**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**" it is redundant to specify that "**Any such request shall be substantiated with sufficient justification**" so this sentence could be deleted.

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.

Commented [A15]: As already previously stated, IT takes note of the amendments to Article 39 concerning the components of urban nodes, in particular the ones referred to:

- Para (1) lett. c the phrase “first and last mile connections between and to these access points” has been deleted. In this way, the definition of urban node, first and last mile connections to TEN-T access points (railway stations, ports, interports, airports) **seems to be incomplete. The last mile connections in fact seems to be lacking in the definition**

We welcome the inclusion in the art.41 also as an additional priority but in this article it is relevant to keep it as a missing component of the urban node connection.

Article 40

Urban nodes requirements

- 1.** When developing the trans-European transport network in urban nodes, in order to ensure the effective functioning of the entire network without bottlenecks, Member States shall ensure:
- (a) availability of alternative fuels recharging and refuelling infrastructure, in **accordance to full compliance with the requirements of Regulation (EU) [...]** [on the deployment of alternative fuels infrastructure];

(b) by 31 December 2027⁶:

- (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, promotion of efficient low-noise and low-carbon urban freight delivery;
- (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 [A16]: In Italy the SUMPs are considered an indispensable tool and therefore they are mandatory for municipalities with more than 100,000 inhabitants from January 2023 and they will become mandatory for cities with more than 50,000 inhabitants from January 2025. The preparation time for this tool is approximately around an average time of 2 years. Moving the obligation later than 2025 therefore does not have a significant impact on Italian urban nodes therefore we have not contrary position on shifting the deadline to 2027 but as a general comment it could have an inverse effect, decreasing the role and importance of the tool in achieving the objectives of the 2030 Agenda.

Commented [A17]: IT confirms the need for the indicators and for their monitoring on a regular basis. IT suggested every two years but there are no objections for a longer period (three years) IT is in favor for the time shift to 2027 for starting the collection, leaving a period of experimentation with the new indicators in order to allow the cities to refine and adapt their data acquisition processes.

Commented [A18]: IT thinks that it would be appropriate a reference to the services of urban freight delivery, as proposed in the text

⁵

Add in a recital:

“Sustainable urban mobility plans (SUMPs) may be included in existing plans and/or in broader plans that also integrate land use plans for instance given the interlinkages between land use and mobility. Several SUMPs should be allowed in the cases of highly populated urban nodes.”

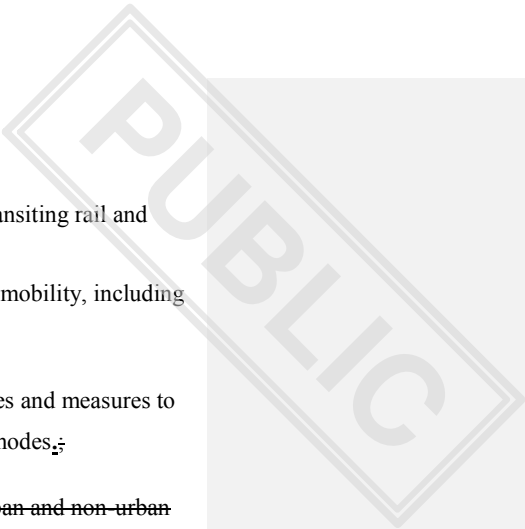
- (d) by 31 December 2040: the development, where economically viable, of at least one multimodal freight terminal allowing for sufficient transshipment capacity within or in the vicinity of the urban node. One multimodal freight terminal may serve several urban nodes and be located in the urban node itself or in its vicinity.
2. The Commission shall adopt, no later than one year after the entry into force of this Regulation an implementing act defining, in a limited number, the indicators related to transport sustainability and safety referred to under paragraph 1(b). When setting up the detailed set of indicators, the availability and accessibility of data at local level shall be taken into consideration. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).
3. The Commission shall also establish, no later than one year after the entry into force of this Regulation, an internet interface allowing the relevant authorities to submit the SUMPs and the indicators referred to in paragraph 1(b), and allowing the Member States to ensure that the SUMPs and the indicators have been submitted.

Article 41

Additional priorities for urban nodes

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

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

- 
- (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.~~
-

Brussels, 7 September 2022
(OR. en)

12165/22

LIMITE

TRANS 556
CODEC 1257

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 7750/22 ST 7919/22
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 Chapters IV, V and VI

Delegations will find attached a revised Presidency compromise on the articles of Chapters IV, V and VI 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 13 September.

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

¹ ST 7750/22 (Chapters IV and V) and ST 7919/22 (Chapter VI).

CHAPTER IV

PROVISIONS FOR SMART AND RESILIENT TRANSPORT*Article 42***ICT systems for transport**

1. ICT systems for transport shall be such as to enable capacity and traffic management and the exchange of information where economically and technically feasible, within and between transport modes for multimodal transport operations and value-added transport-related services, improvements in resilience, safety, security, congestion and operational and environmental performance, and simplified administrative procedures. ICT systems for transport shall also facilitate seamless connection between infrastructure and mobile assets.
2. The following ICT systems for transport shall be deployed in accordance with and within the limits of specific provisions laid down in Union law, across the Union, in order to ensure the presence of a set of interoperable basic capabilities in all Member States:
 - (a) for railways: ERTMS, telematics applications for freight and passenger services as referred to in the Technical Specification for Interoperability, in particular outputs from Shift2Rail and Europe's Rail Joint Undertaking;
 - (b) for inland waterways: RIS;
 - (c) for road transport and its interfaces with other modes of transport: ITS;
 - (d) for maritime transport: for vessel traffic management VTMIS services and for information exchange the European Maritime Single Window environment (EMSWe);
 - (e) for air transport: ATM/ANS systems, in particular those resulting from the SESAR project;

Commented [A1]: IT believes that enabling the exchange of information within and between transport modes for multimodal transport operations, could have potential significant impact on Infrastructure managers' (IMs') ICT (Information and Communication Technology) processes and tools therefore it is important to underline that only when there is a demonstrated need and when it is supported by a strong and evident EU added value, technically feasible, it could be provided.

(f) for multimodal transport: eFTI.

3. deleted.

Article 43

Sustainable freight transport services

1. Member States shall **make all possible efforts to** promote projects of common interest which both provide efficient freight transport services that use the infrastructure of the trans-European transport network and contribute to reducing GHG emissions and other negative environmental impacts, and which aim to:
 - (a) improve sustainable use of transport infrastructure, including its efficient management;
 - (b) promote the deployment of innovative transport services, including short-sea shipping links in the framework of the European Maritime Space, ICT systems for transport and the development of the ancillary infrastructure necessary to achieve mainly environmental and safety-related goals of those services;
 - (c) facilitate multimodal transport service operations, including the necessary accompanying information flows, and improve cooperation of the participants of the logistic chain, including shippers, operators, service providers and their customers;
 - (d) stimulate resource efficiency and zero- and low-emission operation, in particular in the fields of technologies, operations, vehicle traction, driving/steaming, systems and operations planning; or
 - (e) improve links to the most vulnerable and isolated parts of the Union, in particular the outermost regions, and other remote, insular, peripheral and mountainous regions as well as sparsely populated areas.

Commented [A2]: It seems too strong the obligation for MS to promote projects of common interest that provide efficient freight transport services using the infrastructure of the trans-European comprehensive transport network and contribute to reducing carbon dioxide emissions and other negative environmental impacts; the wording proposed is preferred

2. **deleted.**

Commented [A3]: IT would ask a clarification on the reason underlying the deletion of this paragraph

Article 44

New technologies and innovation

In order for the trans-European transport network to keep up with innovative technological developments and deployments, the aim shall be in particular to:

- (a) support and promote the decarbonisation of transport through transition to zero- and low-emission vehicles, vessels and aircrafts and other innovative and sustainable transport and network technologies. The adoption/implementation of new transport technologies by Member States shall take place in a coordinated and harmonized way with neighbouring Member State(s) where applicable;
- (b) enhance the decarbonisation of all transport modes by stimulating energy efficiency, introduce zero and low emission solutions, including hydrogen and electricity supply systems, as well as other new solutions such as sustainable fuels, and provide corresponding infrastructure, where possible through synergies with the TEN-E. Such infrastructure may include grid access and other facilities necessary for the energy supply, may take account of the infrastructure-vehicle interface and may encompass ICT systems for transport. Transport infrastructure may serve as energy hub to serve different transport modes;
- (c) support the take-up and deployment of new digital technologies, in particular promote data exchange and connectivity infrastructure with uninterrupted coverage across the network ~~European Transport Corridors~~ to ensure the highest level and performance of digital infrastructure and reach higher levels of automation;
- (d) improve the safety and sustainability of the movement of persons and of the transport of goods;
- (e) improve the operation, management, accessibility, interoperability, multimodality and efficiency of the network, including through the development of multimodal digital mobility services;
- (f) promote efficient ways to provide accessible and comprehensible information to all users and providers of transport services regarding interconnections, interoperability and multimodality;

Commented [A4]: In order to allow seamless transport and enhance interoperability all over Europe, where applicable, Member states shall support the coordinated and integrated development and deployment of innovative digitalised solutions, as it is also set in the art. 50 paragraph 2 letter d).

- (g) promote efficient ways to provide accessible and comprehensive information to all users and providers of transport services regarding the environmental impacts of their transport choices;
- (h) promote measures to reduce externalities, such as congestion, damage to health and pollution of any kind including noise and emissions;
- (i) introduce security technology ~~and compatible identification standards on the networks~~;
- (j) improve transport infrastructure resilience against disruptions and climate change through infrastructure upgrades and design and digital, cyber secure solutions aimed at the protection of the network in the context of natural and human-made disasters;
- (k) further advance the development and deployment of ICT systems and new technologies for transport within and between modes of transport.

~~Article 45~~

~~[Safe and secure infrastructure]~~

~~[Member States shall give due consideration to ensuring ensure that the trans European transport infrastructure provides for safe and secure passenger and freight movements.]~~

Article 46

Resilience of infrastructure

1. Member States shall make all possible efforts to ensure that when projects of common interest are planned and implemented, the security and resilience of ~~such projects the~~ transport infrastructure to climate change, natural hazards, human-made disasters, accidents and operational interruptions as well as intentional disruptions affecting the functioning of the Union transport system, which such projects are addressed to, are taken into account. In particular, due consideration shall be given to:
- (a) interdependencies, linkages and cascading effects with other networks such as telecommunication and electricity network;

Commented [A5]: IT asks the reasoning of the entire deletion of this article and where this relevant provision have been transferred. IT would request to re-instate the previous prescription according to which Member States “shall ensure that the trans-European transport infrastructure provides for safe and secure passenger and freight movements” as we find that the previous wording “give due consideration to ensuring” weakens the State’s responsibilities on this matter. We find this position to be in line with art. 13 of EU Regulation 549/2004 related to the activities of the Member States who are entitled to apply measures “needed to safeguard essential security or defence policy interests”, ICAO Annex 17 related to Safeguarding International Civil Aviation Against Acts of Unlawful Interference and the directive on the resilience of critical entities (COM(2020) 829)

Commented [A6]: IT proposes this wording because the resilience and the security should be referred to infrastructure and not to project

- (b) safety, security and performance in the presence of multiple hazards;
- (c) structural infrastructure quality during its whole lifecycle, with particular attention to the future projected climate conditions;
- (d) civil protection needs to react to disruptions;
- (e) cyber-security and resilience of infrastructure, with particular attention to cross-border infrastructure.

2. Projects of common interest for which an environmental impact assessment must be carried out in compliance with Directive 2011/92/UE shall be subject to climate proofing. The climate proofing shall be undertaken taking into account the latest available best practice and guidance to ensure that transport infrastructures are resilient to the adverse impacts of climate change, through a climate vulnerability and risk assessment, including through relevant adaptation measures, and through integration of the costs of greenhouse gas emissions in the cost-benefit analysis. Such requirement does not apply to projects for which the procurement process of the environmental impact assessment has been ~~commissioned~~ initiated before entry into force of this Regulation.

Article 47

Risks to security or public order

1. **Without prejudice to each Member State having sole responsibility for its national security, as provided for in Article 4(2) TEU, and to the right of each Member State to protect its essential security interests in accordance with Article 346 TFEU,**
Member States shall notify the Commission of any project of common interest in their territory with the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country with a view to allow assessment of its impact on security or public order in the Union. This obligation shall not apply to:
 - (a) foreign direct investments notified to the Commission and other Member States pursuant to Article 6(1) of Regulation (EU) 2019/452;

Commented [A7]: IT expresses a scrutiny reservation on the new formulation of the article. As already states, it is not clear the need to introduce this article into this Regulation in view of the full discussion of the subject in Regulation (EU) 2019/452: Article 5 of the Regulation provides for an annual report by the Member States and Article 8 of the Rules of Procedure; Article 9 information requirements and Article 11 the establishment of a contact point. Everything is therefore already provided for in the reference Regulation and in the spirit of simplifying better regulation could avoid duplication of communications and administrative burdens. We therefore express favor for the removal of the whole article or to keep a mere reference to the obligations under Regulation (EU) 2019/452 for project of common interest. A clarification note on this matter should be helpful.

- (b) the participation or contribution of a natural person performing for remuneration work the nature of which is not determined by himself for and under the control of another;**
- (c) the participation or contribution in a project of common interest in a Member State which does not exceed an amount of EUR 5 000 000 or a value equivalent to that amount, provided that the cumulated participation or contribution of the natural person or undertaking in projects in that Member State does not exceed EUR 25 000 000 over a period of three years.**

2. ~~Member States shall ensure that the information notified pursuant to paragraph 1 is made available at least twelve months before the final decision on the implementation of the project of common interest.~~

The information shall in particular include:

- (a) the ownership structure of the undertaking of a third country and where applicable of the undertaking in which the participation or contribution is planned, including information on the ultimate beneficial owner and participation in the capital;
- (b) the approximate value of the participation or contribution by a natural person of a third country or an undertaking of a third country in the project of common interest and the description of the form and conditions of such participation or contribution;
- (c) the products, services and business operations of the natural person of a third country or an undertaking of a third country and where applicable of the undertaking in which the participation or contribution is planned affecting the trans-European network;
- (d) the Member States in which the natural person of a third country or an undertaking of a third country and where applicable the undertaking in which the participation or contribution is planned conduct relevant business operations affecting the trans-European transport network;
- (e) the funding of the contribution or participation and its source, on the basis of the best information available to the Member State;

- (f) the date when the participation is planned to take effect or the contribution is planned to be completed.

In addition, Member States shall endeavour to provide any information, if available, relevant for the assessment undertaken by the Commission pursuant to points (a), (b) and (c) of the second subparagraph of paragraph 5.

Member States shall ensure that the information notified pursuant to paragraph 1 is made available at least

- two months after the deadline for receipt of tenders in the public procurement as set out in Directive 2014/24 or Directive 2014/25, where applicable, or**
- in the absence of public procurement four months before the date referred to in point (f) of the first subparagraph.**

3. No later than thirty calendar days following the receipt of information pursuant to paragraph 1, the Commission may request additional information from the Member State where the project of common interest is planned. Any request for additional information shall be duly justified, limited to information necessary to carry out the assessment pursuant to paragraph 5, proportionate to the purpose of the request and not unduly burdensome for the Member State where the project of common interest is planned.

The Member State where the project of common interest is planned shall ensure that the additional information requested by the Commission is made available to the Commission without undue delay.

The Member State where the project of common interest is planned may request the natural person of a third country or an undertaking of a third country to provide the information referred to in paragraph 2 and 3. The natural person of a third country or an undertaking of a third country concerned shall provide the information requested without undue delay.

4. Where the Commission considers that the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country is likely to affect ~~critical~~ infrastructure on the trans-European transport network on grounds of security or public order, or has relevant information in relation to that participation or contribution, or

the project of common interest concerned, it may issue an opinion addressed to the Member State where the project of common interest is planned.

~~Critical infrastructure thereby means an asset, system or part thereof used for transport purposes and located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions.~~

5. In determining whether the participation of a natural person of a third country or an undertaking of a third country is likely to affect ~~critical~~ infrastructure on grounds of security or public order, the Commission may consider its potential effects on, inter alia on:
- ~~(a) — critical infrastructure and facilities critical for the operation of such infrastructure, as well as land and real estate crucial for the use of such infrastructure;~~
 - ~~(b) — technologies and dual use items as defined in point 1 of Article 2 of Regulation (EU) 2021/821² essential for the functioning of critical infrastructure;~~
 - ~~(ae)~~ supply of inputs essential for the building, operation and maintenance of ~~critical~~ the infrastructure;
 - ~~(bd)~~ access to sensitive information, including personal data, or the ability to control such information in conjunction with the building, operation and maintenance of ~~critical~~ the infrastructure.

In determining whether a foreign participation or contribution is likely to affect security or public order, the Commission may also take into account, in particular:

- (a) whether the third undertaking is directly or indirectly controlled by the government, including state bodies or armed forces, of a third country, including through ownership structure or significant funding;

² ~~Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual use items (recast) (OJ L 206, 11.6.2021, p. 1).~~

- (b) whether the natural person of a third country or the third undertaking have already been involved in activities affecting security or public order in a Member State; or
- (c) whether there is a serious risk that the natural person of a third country or the third undertaking engage in illegal or criminal activities.
6. The Commission may provide an opinion pursuant to paragraph 4 no later than ~~three~~ **two** months following the receipt of information pursuant to paragraph 3. The opinion of the Commission shall be addressed to the Member State where the project of common interest is planned and it shall be sent to the other Member States. In case the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country is a foreign direct investment as defined in point 1 of Article 2 of Regulation (EU) 2019/452 not undergoing screening by the Member State where the foreign direct investment is planned or completed, the Commission shall issue such opinion, where justified, pursuant to Article 8 of Regulation (EU) 2019/452.
7. The Member State in which the project of common interest is planned to be implemented by, or with the participation of or contribution of any kind by a natural person of a third country or an undertaking of a third country shall take utmost account of the Commission's opinion and provide an explanation to the Commission if its opinion is not followed, no later than **two** ~~three~~ months following the issuance of the opinion.
8. ~~Each Member State and the Commission shall establish a~~ **The** contact points **established pursuant to Article 11(1) of Regulation (EU) 2019/452 shall be involved on all issues relating for to** the implementation of this Article. ~~Member States and the Commission shall involve those contact points on all issues relating to the implementation of this Article.~~
9. ~~A~~ **The** secure and encrypted system **established pursuant to Article 11(2) of Regulation (EU) 2019/452** shall be **used** ~~provided by the Commission~~ to support direct cooperation and exchange of information between the contact points.
10. Member States and the Commission shall ensure the protection of confidential information acquired in application of this article in accordance with Union and the respective national law.

11. Member States and the Commission shall ensure that classified information provided or exchanged under this article is not downgraded or declassified without the prior written consent of the originator.
12. Any processing of personal data pursuant to this Article shall be carried out in accordance with Regulation (EU) 2016/679³ and Regulation (EU) 2018/1725⁴ and only in so far as it is necessary for the screening of the participation in, or contribution to, the relevant project of common interest and for ensuring the effectiveness of the cooperation provided for in this Article. Personal data related to the implementation of this Article shall be kept only for the time necessary to achieve the purposes for which they were collected.

Article 48

Maintenance and project life cycle

Without prejudice to the competence of the Member States **and relevant IMs** regarding the planning, the management and the financing of the **maintenance** of infrastructure, and to the budgetary principle of annuality, where applicable, Member States shall make all possible efforts to ensure that:

- (a) the infrastructure of the trans-European transport network is maintained in a way that it provides, during its lifetime, a high level of service and safety adapted to the traffic flow, **thus guaranteeing its resilience**;
- (b) **long-medium term maintenance plans of trans-European transport infrastructure are set up three years following the date of entry into force of this Regulation**;

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁴ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Commented [A8]: On the side of rail transport, infrastructure managers are fully responsible for the network maintenance planning and management in accordance with the provisions of the Recast Directive.

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Commented [A9]: IT underlines the necessity to clarify if the concept of maintenance includes both ordinary (which is not considered an investment cost in terms of financial perspective but operational one) and heavy maintenance (fully investment cost).

Commented [A10]: Maintenance is also necessary to ensure the resilience of the infrastructure. In this sense, a reference to the concept of resilience is proposed (point a). Furthermore, although it is stated that maintenance costs must always be taken into account in the planning stages, it is manifest that CEF 2 does not show flexibility for their funding. Hence IT prefers the wording for lett. b) and for lett c) the proposed amendment.

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Commented [A11]: As said, on the side of rail transport, infrastructure managers are fully responsible for the network maintenance planning and management in accordance with the provisions of the Recast Directive. The rail maintenance plan, in some IMs, covers a period of 3 -5 years. Moreover, the reference to the business plan should be deleted (point d), since, according to the art. 8.3 of Directive 2012/34) it publicly reports the investments for the infrastructure developments without explicit reference to maintenance and renewal needs.

- (c) a preview of ~~preventive-estimated~~ maintenance/~~renewal~~ needs and ~~estimated~~-costs over the life-time of the trans-European transport infrastructure are taken into account in the planning phase of construction or upgrading;
- (d) in the case of railway infrastructure, consistency is ensured between the maintenance and renewal needs related to the development of the trans-European network for transport and reflected in the indicative rail infrastructure development strategy referred to in Article 8(1) of Directive 2012/34/EU, ~~the business plan referred to in Article 8(3) of Directive 2012/34/EU~~ and the contractual agreement referred to in Article 30 of Directive 2012/34/EU.

Article 49

Accessibility for all users

Trans-European transport infrastructure shall allow seamless mobility and accessibility for all users, in particular:

- people in situations of vulnerability including persons with disabilities or reduced mobility;
and
- people living in outermost regions and other remote, rural, insular, peripheral and mountainous regions as well as sparsely populated areas.

CHAPTER V

IMPLEMENTATION OF THE INSTRUMENTS OF EUROPEAN TRANSPORT CORRIDORS AND HORIZONTAL PRIORITIES

Article 50

The instrument of European Transport Corridors and horizontal priorities

1. European Transport Corridors are an instrument to facilitate the coordinated implementation of parts of the trans-European transport network and are intended, in particular, to improve cross-border links, to complete missing links and to remove bottlenecks within the Union.
2. In order to lead to resource-efficient multimodal transport and to contribute to cohesion through improved territorial cooperation, the European Transport Corridors shall be focused on:
 - (a) modal integration with a particular view to strengthen the most environmentally friendly transport modes, notably rail, inland waterways, civil aviation using SAF and short-sea shipping;
 - (b) interoperability;
 - (c) a coordinated development of infrastructure, in particular in cross-border sections, notably in view of developing ~~an highly~~ interoperable rail freight system as well as a performant long-distance rail passenger network, including at high speed, across the Union;
 - (d) supporting the coordinated and integrated development and deployment of innovative solutions for the digitalisation and interoperability of transport.
 - (e) promoting the deployment of alternative fuels infrastructure.**
3. European Transport Corridors shall enable Member States to achieve a coordinated and synchronised approach with regard to investment in infrastructure.

Commented [A12]: IT would request to add a reference to civil aviation in the event that aircraft use Sustainable Alternative Fuels (SAF). SAFs are set to become the main lever for decarbonising air transport in the coming years. Produced from non-fossil fuel sources, they reduce CO₂ emissions by 80% on average over the fuel's life cycle. It's a proven technology. Already nearly 300,000 flights have flown on a mixture of SAF and regular jet fuel. IATA believes that SAF is both a game-changer and the future of our industry because it can cut life-cycle emissions by about 80%. There are already very promising alternatives to fossil fuels – hydrogen and electric powered flight - but these solutions won't be available in a meaningful way until the middle of the 2030s at the earliest. It seems, therefore, a reference to be included in line with the decarbonising policies of all transport modes.

4. The ERTMS and the European Maritime Space are the two horizontal priorities for the implementation of the trans-European transport network. The instruments set up in accordance with this Chapter shall facilitate the timely deployment of ERTMS and the integration of maritime transport infrastructure and services into the trans-European transport network.

Article 51

Coordination of European Transport Corridors and horizontal priorities

1. In order to facilitate the coordinated implementation of the European Transport Corridors, of ERTMS and of the European Maritime Space, the Commission shall, in agreement with the Member States concerned, and after consulting the European Parliament and the Council, designate one European Coordinator for each Corridor and for each horizontal priority.
2. The European Coordinator shall be chosen, in particular, on the basis of his/her knowledge of matters relating to transport and/or to the financing and/or the socio-economic and environmental evaluation of major projects, as well as his/her experience with Union policy making. The European Coordinator shall be selected for a mandate of maximum of four years, renewable. The remit of the European Coordinator shall relate to the implementation of a single corridor or horizontal priority.
3. The Commission decision designating the European Coordinator shall specify how the tasks referred to in paragraphs 5, 6 and 7 are to be performed.
4. The European Coordinator shall act in the name and on behalf of the Commission, which shall provide the necessary secretarial assistance.
5. The European Coordinators shall:
 - (a) support the coordinated implementation of the European Transport Corridor or horizontal priority concerned;
 - (b) draw up a work plan together with the Member States concerned and monitor its implementation in accordance with Article 53;

- (c) consult with the Corridor Forum or the consultative forum for the horizontal priorities respectively in relation to that work plan and its implementation and regularly inform the Forum on the implementation of the work plan;
- (d) report to the Member States, to the Commission and, as appropriate, to all other entities directly involved in the development of the European Transport Corridor or horizontal priority on any difficulties encountered and, in particular when the development of a corridor or horizontal priority is being impeded, with a view to helping to find appropriate solutions;
- (e) submit an annual status report to the European Parliament, the Council, the Commission and the Member States concerned on the progress achieved in implementing the European Transport Corridors and horizontal priorities. This annual status report shall focus on the progress made on key priorities and investments, describe the nature of problems encountered in their implementation and may suggest potential solutions.

6. Without prejudice to the competences of the rail freight governance under Regulation (EU) 913/2010 and to the competence of the Member States with respect to management and financing of infrastructure, the European Coordinators of the European Transport Corridors shall:

- (a) cooperate closely with the rail freight governance and the Member States concerned to help identify priorities and investment needs for rail freight on the rail freight lines of the European Transport Corridors;
- (b) monitor the performance of rail freight services, in close cooperation with the rail freight governance and, if appropriate, identify potential barriers, such as technical and operational ones[, and make recommendations in this regard].

7. The European Coordinators of the European Transport Corridors shall:

- (a) cooperate closely with the Member States concerned in order to help identify priorities and investment needs for the rail passenger lines of the European Transport Corridors;

Commented [A13]: Lettr (a) should probably be kept

~~1(b) monitor administrative, operational and interoperability aspects of passenger traffic on the rail passenger lines of the European Transport Corridors, including monitoring the performance of rail passenger services.~~

8. Pursuant Article 14(4) of Regulation (EU) No 2021/1153, the Commission shall request the consultative opinion of the European Coordinator when examining applications for Union funding under the Connecting Europe Facility (CEF) for European Transport Corridors or horizontal priorities in the remit of the European Coordinator's mandate, in order to ensure the consistency and advancement of each corridor or horizontal priority. The European Coordinator shall verify whether projects proposed by the Member States for CEF co-funding are consistent with the priorities of the work plan.
9. If the European Coordinator is unable to carry out his or her mandate satisfactorily and in accordance with the requirements laid down in this Article, the Commission may at any time after consulting the Member States concerned terminate that mandate and designate a new European Coordinator in accordance with the procedure set out in paragraph 1.

Article 52

Governance of European Transport Corridors and horizontal priorities

1. For each European Transport Corridor and horizontal priority, the respective European Coordinator shall be assisted in the performance of his/her tasks concerning the work plan and its implementation by a secretariat and by a consultative forum, respectively the "Corridor Forum" and the "consultative Forum for the horizontal priority".
2. The "Corridor Forum" shall be formally established and chaired by the European Coordinator. The Member States concerned shall agree on the membership of the Corridor Forum for their part of the European Transport Corridor and ensure representation of the rail freight governance.
3. With the agreement of the Member States concerned, the European Coordinator may set up and chair corridor working groups which focus on:
 - (a) interoperability and deployment of new digital technologies and infrastructure;

- (b) the coordinated development and implementation of infrastructure projects in cross-border sections;
- (c) cross-border passenger rail services;
- (d) operational bottlenecks;
- (e) urban nodes;
- (f) cooperation with third countries;
- (g) other topics deemed necessary.

When relevant, the European Coordinator shall cooperate and coordinate with the rail freight governance on the activities of the working groups to avoid any duplication of work.

4. The consultative Forum for the horizontal priority~~ies~~ shall be established and chaired by the European Coordinator. The Member States concerned and ~~where appropriate and in agreement with Member States~~, representatives of the relevant sectors ~~where appropriate and in agreement with Member States~~, shall be able to participate. ~~Member States shall designate a representative to attend the consultative Forum for ERTMS.~~ The European Coordinator may also set up ad-hoc working groups.
5. The Member States concerned shall cooperate with the European Coordinator, participate in the Corridor Forum and the consultative forum for the horizontal priority and give the European Coordinator the information required in order to perform the tasks laid down in this Article, including information on the development of corridors in the relevant national plans and programmes contributing to the development of the Trans-European Transport network.
6. The European Coordinator may consult regional and local authorities, infrastructure managers, transport operators, in particular those which are members of the rail freight governance, the supply industry, transport users and relevant stakeholders in relation to the work plan and its implementation. In addition, the European Coordinator responsible for ERTMS shall closely cooperate with the European Union Agency for Railways and Europe's Rail Joint Undertaking and the European Coordinator for the European Maritime Space with the European Maritime Safety Agency.

Commented [A14]: IT is not in favor with the designation of a national coordinator for each MS for ERTMS
Indeed, the ERTMS system is under the competence of a specific Directorate-General of the Ministry which, with the support of the infrastructure manager, plans and manages the implementation of the ERTMS system at national level, planning investments, therefore there is no need to establish a specific institutional figure. Representatives of the manager regularly attend the meetings of the Corridor Forum. In this perspective, a representative to attend the Forum, also rolling, could be accepted.

Article 53

Work plan of the European Coordinator

1. Each European Coordinator of the European Transport Corridors and the two horizontal priorities shall draw up, at the latest two years after the entry into force of this Regulation and thereafter every four years, a work plan that provides a detailed analysis of the state of implementation of the corridor or horizontal priority under his/her competence and its compliance with the requirements of this Regulation as well as the priorities for its future development.
2. The work plan shall be prepared in close cooperation with the Member States concerned and in consultation of the Corridor Forum and rail freight governance, or consultative forum of the horizontal priority. The work plan of the European Transport Corridors shall be approved by the Member States concerned. The Commission shall submit the work plan to the European Parliament and the Council for information.

When drafting the work plan, the European Coordinator shall take into account the implementation plan as referred to in Article 9 of Regulation (EU) 913/2010.

3. The work plan for the European Transport Corridor shall provide a detailed analysis of the state of implementation of the corridor concerned, which includes in particular:
 - (a) a description of the characteristics of the corridor, in particular the cross border sections;
 - (b) an analysis of the state of compliance of the corridor with the transport infrastructure requirements of this Regulation and its related progress achieved;
 - (c) an identification of the missing links and bottlenecks hampering the development of the corridor;
 - (d) an analysis of the investments required, including the different financing and funding sources committed and/or envisaged for the implementation of the projects needed for the development and completion of the corridor;

- (e) a description of possible solutions to address the investment needs and bottlenecks, in particular for the passenger and freight lines and links of the corridor;
- (f) a plan, that may contain intermediate non-binding milestones, for the removal of physical, technical, digital, operational and administrative barriers between and within transport modes and for the enhancement of efficient multimodal transport with particular attention to cross-border sections and national missing links.

For the analysis of the investments and the preparation of the plan, the European Coordinator shall:

- cooperate with the executive board and the management board of the corridor referred to in Article 11 of Regulation (EU) No 913/2010 for the aspects related to rail freight; ~~and:~~
- ~~shall~~ take into account the corridor relevant elements of the analysis, the [action plans](#) ~~policy framework~~ ~~action plans~~ elaborated by the Member States pursuant to Article 35(4) and the list referred to in Article 18, point (b), of Regulation (EU) No 913/2010 for the aspects related to the multimodal freight terminals.

Commented [A15]: IT would like to ask clarifications on the reasons which brought to the substitution of the tool of the action plan with the policy framework. The policy framework, if intended as national law or programming/strategic document, in fact, appears more rigid and difficult to be updated at national level.

~~For the analysis of the investments and the preparation of the plan with intermediate targets related to passenger services, the European Coordinator shall~~

- take into account the results of the monitoring performed in accordance with article 51, paragraph 7, point (b) for the aspect related to passenger services.

- (g) the results of the performance monitoring of rail freight traffic undertaken by the rail freight governance in accordance with Article 19(2) of Regulation (EU) No 913/2010 and the list of corridor objectives, targets and measures defined in accordance to Article 9(1) of Regulation (EU) No 913/2010, as means to reach the operational requirements of Article 18 of this Regulation;
- [(h) an identification of measures in urban nodes which can contribute to which are relevant for the effective functioning of the freight and passenger transport on the corridor. Those measures shall be in compliance with relevant SUMPs, and achievement of the objectives of the trans-European transport network;]
- (i) an identification, established with the Member States concerned, of priorities for the development of the corridor;
- (j) an analysis of the possible impacts of climate change on the infrastructure and, where appropriate, proposed measures to enhance resilience to climate change;
- (k) measures to be taken in order to mitigate greenhouse gas emissions, noise and, as appropriate, other negative environmental impacts.

4. The European Coordinator shall support Member States in implementing the work plan, in particular as regards:

- (a) at the request of the Member States concerned, the priority setting in national planning, by helping to identify implementation problems and bottlenecks, including operational issues, on each corridor or for each horizontal priority;
- (b) at the request of the Member States concerned, the project and investment planning, the related costs and implementation timeline estimated to implement the European Transport Corridors or horizontal priority;
- (c) the work in the supervisory body of a single entity, where relevant, for the coordination, construction and/or management of cross-border infrastructure projects, in accordance with the provisions set out in Article 8(5).

Commented [A16]: IT asks to clarify the concept of the supervisory body

Article 54

Implementing acts

1. **[Building based on the analysis of the first work plan of the European Coordinators, the Commission shall adopt an implementing act for each work plan of the European Transport Corridors and the two horizontal priorities. This implementing act shall set out the priorities for infrastructure and investment planning and for funding.] The implementing act shall ensure a coherent priority setting of infrastructure and investment planning by setting indicative milestones for the implementation of major missing links, bottlenecks and cross-border sections. It shall be elaborated in close collaboration and agreed with the concerned Member States⁵ and updated every four years or upon the request of Member States].**
2. Without prejudice to Article 8(4a), and after approval by the Member States concerned⁶, the Commission may adopt implementing acts for the implementation of specific sections of the European Transport Corridor, in particular for **the implementation of complex cross-border sections, or for specific transport infrastructure requirements of the European Transport Corridor or for the implementation** of the horizontal priorities.
3. The implementing acts referred to in paragraphs [1 and] 2 shall be adopted in accordance with the examination procedure referred to in Article 59(3). The Commission shall amend the implementing acts in accordance with the same procedure to take into account the progress made, delays encountered or updated national programmes.
4. Until full implementation of the measures provided for in the implementing act and unless provided otherwise in the implementing act, the Member States concerned shall communicate **every [two] years** to the Commission **according to the provisions established in the Implementing act,** a report on the progress achieved, indicating in particular the financial commitments made in the national budget plan. The report may refer to the information gathered in accordance with Article 55.

Commented [A17]: As Implementing act suggested by the Commission since now, the agreement of the MS concerned is a prerequisite for its adoption; in this specific case due to the fact that a coherent priority setting of infrastructure and investment planning is an obligation which is reflected directly on MSs and indicative milestones should be fulfilled by MSs and its IMs and stakeholders, therefore, the agreement is necessary. Moreover, the formulation is really binding and challenging for the whole corridor and its work plan and project list which cannot become a full commitment for the MSs involving national final planning decisions. We will think about an alternative formulation.

Commented [A18]: IT kindly ask a clarification due to the fact that the **implementing acts** have been suggested since now only at the level of cross-border projects and it is envisaged that these additional planning and control tools should be limited to cases of extreme complexity and necessity. Therefore, the extension to “specific sections” in paragraph 2 is not fully clear and sharable.

Commented [A19]: IT proposes the wording, referring directly to the provisions of the implementing act, which lays down the frequency of reporting and monitoring.

⁵ The part in grey highlight is under consideration by the Council Legal Service.

⁶ The part in grey highlight is under consideration by the Council Legal Service.



CHAPTER VI
COMMON PROVISIONS

Article 55

Reporting and monitoring

1. Member States shall inform the Commission on a regular, comprehensive and transparent basis about the progress made in completing development the trans-European transport network through the implementation of projects of common interest and the investments made for that purpose.

Commented [A20]: IT prefers the use of wording “developing the network” instead of “completing” as reported in several part of the relevant text concerning scope and priorities of the proposal (artt. 1,4, 5, 6, 7, 8, 10, 11, 12)

This information shall include ~~the [yearly] transmission of~~ yearly-biennial aggregated technical data related to the compliance of the network with the transport infrastructure requirements laid down in chapter III of this Regulation unless such information has already been gathered for the purposes of other Union applications or databases.

Commented [A21]: IT asks for a two-year and non-annual deadline to be set in view of the expected workload and the implementation characteristics of infrastructure projects for which the two-year period is significant. Moreover, the feasibility of automatic data exchange with the TEN-Tec portal needs to be further investigated.

~~This transmission~~ The requested information shall be ~~ensured provided in an automated way through the interactive~~ by feeding geographical and technical information system for the trans-European transport network (TENtec). ~~Until the once its~~ automated data exchange functionality in TENtec is fully operational, ~~this~~ transmission information shall be ensured transmitted every two years.

Commented [A22]: IT already expressed concerns and technical issues on the automatic exchange of data between TENtec and national systems; moreover IT asks clarifications on the definition of “aggregated technical data”: what does it means aggregate data and in which way they will be aggregated? It could be useful to specify the aggregation rational: on the basis of the network layer (core, extended, comprehensive) and /or of transport mode involved (railway, inland waterways, maritime transport, road transport, air transport).

As regards investments, Member States shall transmit financial data every two years in the form of yearly-aggregated data per transport mode and per network (core, extended core and comprehensive).

~~The Commission shall specify by means of implementing acts adopted in accordance with the examination procedure referred to in Article 59(3), the list of technical data to be transmitted pursuant to the first subparagraph.~~

Commented [A23]: It seems to rigid and complicated to adopt an implementing act for the list of technical data to be transmitted

Commented [A24]: It seems too rigid and complicated to adopt an implementing act for the list of technical data to be transmitted

2. The Commission shall ensure that TENtec is publicly and easily accessible, allowing for an automated data exchange with national systems and other relevant Union applications and data sources. TENtec shall contain project-specific and updated information on the forms and amounts of Union co-funding as well as on the progress of each project.

The Commission shall also ensure that TENtec does not make publicly available any information which is ~~commercially~~ confidential or which could prejudice or unduly influence any process of public procurement in a Member State.

3. ~~The Commission and the~~ Member States shall make all possible efforts to ensure the quality, completeness and consistency of the data in the TENtec information system. ~~They Commission and the Member States~~ shall cooperate in view of allowing an automated data exchange between national systems and data sources and TENtec.

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Article 56

Updating of the network

1. Subject to the second paragraph of Article 172 TFEU, the Commission is empowered to adopt delegated acts in accordance with Article 60 to amend Annexes I and II, in order to:
- (a) take account of possible changes resulting from the quantitative thresholds laid down in Articles 20(3)(a), 24(4) and 32(2). In that respect, the Commission shall:
- (i) include inland ports, maritime ports and airports in the comprehensive network, if it is demonstrated that the latest three-year average of their traffic volume exceeds the relevant threshold;
 - (ii) exclude maritime ports and airports from the comprehensive network, if it is demonstrated that the average of their traffic volume over the last six years is below 85% of the relevant threshold or at the request of the Member State concerned;
- (b) include urban nodes in the trans-European transport network, if it is demonstrated that they meet the requirements set out in Article 39(2) or exclude urban nodes from the trans-European transport network at the request of the Member State concerned;
- (c) include in the trans-European transport network ~~multimodal freight~~ rail road terminals identified by the Member State according to Article 35(4) or exclude

Commented [A25]: IT would prefer the previous wording; some clarifications of the reasons for its deletion are welcomed

Commented [A26]: Art.39(2) does not include any requirements but the components and the reference of Annex2 which contains urban nodes already in the network. Requirement are listed in Art. 40. We need clarifications on this compromise text

Commented [A27]: Conditions to be part of TEN-T network are included in art.35(5). Please clarify the only reference to art. 35(4)

~~multimodal freight~~ **rail road** terminals from the trans-European transport network at the request of the Member State concerned;

- (d) adjust, on the basis of the information provided by the Member States concerned in accordance with Article 55(1), the maps for road, railway and inland waterway infrastructure in a strictly limited way so as to reflect progress made in completing the network. In adjusting those maps, the Commission shall not admit any adjustment in route alignment beyond that which is allowed by the relevant project authorising decision **as defined in Article 2, point 1, of Directive (EU) 2021/1187**⁷.

The adaptations referred to in points (a) and (b) of the first subparagraph shall be based on the latest available statistics published by Eurostat or, if those statistics are not available, by the national statistics offices of the Member States.

2. A project of common interest concerning infrastructure which is newly included through a delegated act adopted pursuant to paragraph 1 in the trans-European transport network shall be eligible for Union financial assistance under the instruments available for the trans-European transport network as from the date of entry into force of that delegated acts.

Projects of common interest concerning infrastructure which have been excluded from the trans-European transport network shall cease to be eligible as from the date of entry into force of the delegated acts adopted pursuant to paragraph 1 of this Article. The cessation of eligibility shall not affect financing or grant decisions taken by the Commission before that date.

3. Subject to Article 172(2) TFEU, the Commission is empowered to adopt delegated acts in accordance with Article 60 to amend Annex IV in order to include or adapt indicative maps of transport infrastructure networks of neighbouring countries. Such delegated acts shall be based on high-level agreements on transport infrastructure networks between the Union and the neighbouring countries concerned.

⁷ **Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021 on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T) (OJ L 258, 20.7.2021, p. 1–13).**

Article 57

Engagement with public and private stakeholders

National procedures regarding the involvement and consultation of regional and local authorities and civil society concerned by a project of common interest shall be complied with, where appropriate, in the planning and construction phase of a project. The Commission shall promote the exchange of good practice in this regard, notably as regards the consultation and inclusion of people in situations of vulnerability.

Article 58

Alignment of national plans with Union transport policy

1. Member States shall ensure that national plans and programmes contributing to the development of the trans-European transport network are coherent with Union transport policy, with the priorities and deadlines set out in this Regulation and with the priorities set out in the work plans for the relevant corridors and horizontal priorities for the concerned Member States [and with the implementing acts adopted in accordance with Article 54(1)].
2. ~~[National investment plans and programmes contributing to the development of the trans-European transport network shall include all projects of common interest and related investments needed for the timely completion of the network.]~~
3. Member States shall ~~notify~~ provide to the Commission ~~the~~ with draft national plans and programmes contributing to the development of the trans-European transport network or abstracts, and any significant modification of those, ~~during the consultation phase where applicable possible, before their adoption and in any case before their adoption, informing~~ - Member States shall inform the Commission about the indicative timeline for their adoption. The Commission may issue, if possible before their adoption, a ~~non-binding~~ opinion on the coherence of the draft national plans and programmes with the priorities set out in this Regulation and with the priorities set out in the work plans for the relevant corridor and of the horizontal priorities [and in the implementing acts adopted in accordance with Article 54(1)]. ~~The Member States shall notify to the Commission the final national plans and programmes once adopted. Once they have been adopted, Member~~

Commented [A28]: The obligation to align national plans with priorities, EU deadlines and priorities of the Work Plans (established by the European Coordinator together with the MS) seems particularly binding. National plans are aligned with European policies but are not articulated with the same priorities and deadlines as the Regulation, although they contain measures that take them into account in order to achieve them; moreover, they do not contain hundreds of interventions such as corridor project lists and will not do so in the future. They focus on high-level policies and strategies and can nevertheless ensure consistency with projects of common interest and won't include all of them. It seems too stringent to include all projects of common interest in the national plans, coherence with policies would be sufficient. *it appears a too binding approach for mandatory inclusion of PCI and related investments in national plans, a coherence with EU policies could be sufficient.*

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States shall send the final national plans and programmes to the Commission for information.

Commented [A30]: IT expresses favor for the efforts of the PSY spent for the new wording; nevertheless the text can be further improved in the preferred direction, similarly to the wording of Article 49.2 of the current Regulation.

Article 59

Committee procedure

- 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
- 2. For the purpose of Article 22(3) and (5) the Commission shall be assisted by the Committee established pursuant to Article 7 of Council Directive 91/672/EEC⁸.
- 3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third paragraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

8 Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway (OJ L 373, 31.12.1991, p. 29).

Article 60

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 11(3), 56(1) and (3) shall be conferred on the Commission for a period of five years from [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of powers referred to in Article 11(3), 56(1) and (3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
- 3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 11(3), 56(1) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of the notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 61

Review

1. By 31 December 2033, the Commission, having consulted with Member States as appropriate and with the assistance of the European Coordinators, shall carry out an assessment of the implementation of the core network, evaluating in particular its compliance with the requirements of this Regulation.

The assessment shall take into account the annual status report and the work plans drawn up by the European Coordinators pursuant to Article 51(5), point (e) and Article 53(1) respectively.

2. By 31 December 2033, the Commission, having consulted with Member States as appropriate and with the assistance of the European Coordinators, shall carry out a review of the implementation of the extended core and the comprehensive network, evaluating:

- (a) compliance with this Regulation;
- (b) progress in the implementation of this Regulation;
- (c) changes in passenger and freight transport flows;
- (d) developments in national transport infrastructure investment;
- (e) the need for amendments to this Regulation.

The evaluation shall also consider the impact of evolving traffic patterns and relevant developments in infrastructure investment plans.

3. When carrying out that review, the Commission shall evaluate whether the extended core and the comprehensive network as provided for in this Regulation is likely to comply with the provisions of Chapters II, III and IV by the deadlines of 31 December 2040 and 31 December 2050, as applicable, while taking into account the economic and budgetary situation in the Union and in individual Member States. The Commission shall also evaluate, in consultation with the Member States, whether the extended core network and the comprehensive network should be modified to take into account developments in transport flows and national investment planning.

Article 62

Delay in completion of the core network, the extended core network and the comprehensive network

1. ~~4.~~ In the event of significant delay in starting or completing work on the core network, extended core network and on the comprehensive network compared to the **indicative initial** timeline set in implementing acts in accordance with Article 54 ~~for defined in national transport and investment plans or other relevant project documentation~~, the Commission may ask the Member State or Member States concerned to provide the reasons for the delay. Such reasons shall be provided by the Member State or Member States within three months of the request. On the basis of the reply given, the Commission shall consult the Member State or Member States concerned in order to resolve the problem that has caused the delay.
2. In case the delayed section concerns a European Transport Corridor, the European Coordinator shall be involved in view of **supporting Member States in** resolving the problem.
3. ~~Without prejudice to the procedure laid down in Article 258 TFEU and to Article 8(4a), the Commission may, after considering the reasons provided by the Member State or Member States concerned pursuant to the first paragraph, in case the significant delay in starting or completing the work on the core network, extended core network or on the comprehensive network is attributable to the Member State or Member States without an objective justification, issue an opinion together with recommendations for the Member State or Member States concerned, where relevant, to adopt within 6 months measures in view of eliminating that delay.~~
- ~~4.~~ In case the delayed section concerns a project supported with Union funds under direct management, a reduction of the amount of the grant and/or an amendment or termination of the grant agreement may be initiated in accordance with the applicable rules.]

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Commented [A31]: the role of the Commission should be limited to the implementing acts.

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Commented [A32]: IT proposes the current wording of Article 56 to which paragraph 2 can be added with a proposal to involve the Coordinator **to support** MS in solving problems.

Commented [A33]: Paragraph 3 should therefore be deleted except for the last part.
Par 4 should be maintained

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Article 63

Exemptions

The provisions relating to railways, and in particular any requirement to connect airports and ports to railways as well as the provisions related to safe and secure parking and multimodal freight terminals shall not apply to Cyprus, Malta and outermost regions for as long as no railway system is established within their territory.

Article 64

Amendments to Regulation (EU) 2021/1153

Annex to Regulation (EU) 2021/1153 is amended in accordance with Annex VI to this Regulation.

Article 58

Alignment of national plans with Union transport policy

1. Member States shall ensure that national plans and programmes contributing to the development of the trans-European transport network are coherent with Union transport policy, with the priorities and deadlines set out in this Regulation and with the priorities set out in the work plans for the relevant corridors and horizontal priorities for the concerned Member States [and with the implementing acts adopted in accordance with Article 54(1)].

- ~~2. [National investment plans and programmes contributing to the development of the trans-European transport network shall include all projects of common interest and related investments needed for the timely completion of the network.]~~

In accordance with the objective pursued under the Article 53§3(f), Member States shall provide to the European Coordinator with an annual report providing indication of the allocation of the financial resources needed for the timely completion of the network and required to ensure that the objectives of the main projects of common interest, namely the European Transport Corridor Cross -border and Missing links (in line with the amended Part III of the Annex to Regulation (EU) 2021/1153), are met by the fixed deadline.

3. Member States shall provide the Commission with draft national plans and programmes contributing to the development of the trans-European transport network or abstracts, and any significant modification of those, where possible, before their adoption, informing about the indicative timeline for their adoption. The Commission may issue, if possible before their adoption, a non-binding opinion on the coherence of the draft national plans and programmes with the priorities set out in this Regulation and with the priorities set out in the work plans for the relevant corridor and of the horizontal priorities [and in the implementing acts adopted in accordance with Article 54(1)]. Once they have been adopted, Member States shall send the final national plans and programmes to the Commission for information.

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it appears a too binding approach for mandatory inclusion of PCI and related investments in national plans, a coherence with EU policies could be sufficient.

Commented [SA2]: In order to reach the timely completion of the main relevant projects of the Corridors, it is important that not only technical information but also investment plans and, above all, allocated resources able to ensure the consistent realization of them are provided, on a regular annual basis, to the Coordinator.

Commented [A3]:

Commented [A4]: IT expresses favor for the efforts of the PSY spent for the new wording; nevertheless the text can be further improved in the preferred direction, similarly to the wording of Article 49.2 of the current Regulation.