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From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013 - Presidency compromise proposals related to multimodal freight terminals (Chapter III).

In view of the meeting of the Working Party on Transport - Intermodal Questions and Networks on 24 November 2023, delegations will find attached a working document with Presidency compromise proposals on multimodal freight terminals (Chapter III).

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 (Text with EEA relevance)
2021/0420(COD)

Commission Proposal	Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
CHAPTER III				
252	CHAPTER III SPECIFIC PROVISIONS		CHAPTER III SPECIFIC PROVISIONS	

Commission Proposal	Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
SECTION 6				
516	SECTION 6 Infrastructure for multimodal freight terminals		SECTION 6 Infrastructure for multimodal freight terminals	
Article 35				
517	Article 35 Identification of the		Article 35 Identification of the	

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	multimodal freight terminals			multimodal freight terminals	
Article 35(1)					
518	1. The multimodal freight terminals of the trans-European transport network are terminals that are:			1. The multimodal freight terminals of the trans-European transport network are terminals that are open to all operators and users in a non-discriminatory way and are:	B C PRES suggests keeping GA. Linked to line 542
Article 35(1), point (a)					
519	(a) located in the maritime ports of the trans-European transport network, as listed in Annex II;			(a) located in or adjacent to the maritime ports of the trans-European transport network, as listed in Annex II;	B PRES suggests keeping GA.
Article 35(1), point (b)					
520	(b) located in the inland ports of the trans-European transport network, as listed in Annex II;			(b) located in or adjacent to the inland ports of the trans-European transport network, as listed in Annex II;	B PRES suggests keeping GA.
Article 35(1), point (ba)					

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520a			(ba) located in the airports of the trans-European transport network, as listed in Annex II; or	B PRES suggests keeping GA.
Article 35(1), point (c)				
521	(c) located within or in the vicinity of an urban node;		(c) located within or in the vicinity of an urban node;	C PRES suggests keeping GA.
Article 35(1), point (d)				
522	(d) classified as rail road terminals of the trans-European transport network, as listed in Annex II.		(d) classified as rail road terminals or terminals along the inland waterways of the trans-European transport network, as listed in Annex II.	B PRES suggests keeping GA.
Article 35(2)				
523	2. Member States shall ensure that there is sufficient multimodal freight terminal capacity serving the trans-European transport network, meeting current and future		2. Member States shall make all possible efforts to ensure that there is sufficient multimodal freight terminal capacity serving the trans-European	C PRES suggests keeping GA.

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traffic flows, in particular flows serving urban nodes, industrial centres, ports and logistics hubs.			transport network, meetingtaking into account current and future traffic flows, in particular flows serving urban nodes, industrial centres, ports and logistics hubs.	
Article 35(3), first subparagraph				
524 3. Within two years after the entry into force of this Regulation, Member States shall conduct a market and prospective analysis on multimodal freight terminals on their territory. This analysis shall at least:		3. Within two yearsBy .../ one year after the entry into force of this Regulation/, Member States shall conduct a market and prospective analysis on multimodal freight terminals on their territory. This analysis shall at least:	3. Within twothree years after the entry into force of this Regulation, Member States shall conduct a market and prospective analysis on multimodal freight terminals on their territory. This analysis shall at least:	C New PRES compromise proposal: 3. Within threetwo years after the entry into force of this Regulation, Member States shall conduct a market and prospective analysis on multimodal freight terminals on their territory. This analysis shall at least:
Article 35(3), first subparagraph, point (a)				
525 (a) examine the current and the future traffic flows of freight, including traffic flows of freight transported by road;		(a) examine the current and the future traffic flows of freight, including traffic flows of freight transported by road, rail, air and water;	(a) examine the current and the future traffic flows of freight, including traffic flows of freight transported by road;	In order to have a transversal knowledge of the traffic flows and harmonize with EP proposal, PRES proposes the following:

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					a) examine the current and the future traffic flows of freight, per mode of transport;
Article 35(3), first subparagraph, point (b)					
526	(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;			(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;	
Article 35(3), first subparagraph, point (c)					
527	(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.			(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.	

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(3), second subparagraph					
528	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 consult shippers, transport and logistics operators which operate on their territory, <i>as well as relevant entities</i> . They shall take into account the results of the consultation in their analysis.	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.	In order to harmonize with EP proposal, PRES proposes the following: Member States shall consult shippers, transport, logistics operators, as well as other relevant stakeholders which operate on their territory. They shall take into account the results of the consultation in their analysis.
Article 35(3), third subparagraph					
528a				Member States shall notify the results of the analysis to the Commission without delay.	B PRES suggests keeping GA.
Article 35(4)					
529	4. On the basis of the analysis under paragraph 3, Member States shall elaborate an action plan for the development of a multimodal freight terminal		4. On the basis of the analysis under paragraph 3, Member States shall elaborate an action plan for the development of a multimodal freight terminal	4. On the basis of the analysis under paragraph 3, Member States shall elaborate an action plan for the development of a In case	C PRES suggests keeping GA.

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network. The results of the analysis and the action plan shall be submitted to the Commission no later than six months after finalising the analysis, together with a list of rail road terminals which the Member State proposes to add in Annexes I and II.		network <i>and designate the responsible entity for the deployment</i>. The results of the analysis and the action plan shall be submitted to the Commission no later than six months after finalising the analysis, together with a list of rail road terminals which the Member State proposes to add in Annexes I and II.	identifies the need for new multimodal freight terminal network. The results of the analysis and the action plan terminals or additional transshipment capacity in existing terminals, Member States shall be submitted to the Commission no later than six months after finalising the analysis, together with a list of rail road terminals which the Member State proposes to add in Annexes I and II. Elaborate an action plan for the development of a multimodal freight terminal network, including locations where such needs have been identified.	
Article 35(4a)				
529a			4a. The action plan shall be notified to the Commission no later than twelve months after finalising the analysis under paragraph 3.	C PRES suggests keeping GA.

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Article 35(4b)					
529b				4b. On the basis of this action plan, Member States shall notify to the Commission a list of rail road terminals and terminals along inland waterways which they propose to add to Annexes I and II.	C PRES suggests keeping GA.
Article 35(5)					
530	5. A rail road terminal shall be part of the trans-European transport network and listed in Annexes I and II where at least one of the following conditions is met:			5. A rail road terminal shall In order to be part of the trans-European transport network and to be listed in Annexes I and II where Annex II , a rail road terminal or a terminal along inland waterways shall meet at least one of the following conditions is met :	B PRES suggests keeping GA.
Article 35(5), point (a)					
531	(a) its annual transshipment of freight exceeds, for non-			(a) its annual transshipment of freight exceeds, for non-	

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	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;			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;	
Article 35(5), point (b)					
532	(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,			(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;	
Article 35(5), point (c)					
533	(c) it is proposed by the Member State in accordance with paragraph 4.			(c) it is proposed to be added in Annexes I and II by the Member State in accordance with paragraph 4.	B PRES suggests keeping GA.
Article 36					
534	Article 36 Infrastructure components			Article 36 Infrastructure components	
Article 36, first paragraph					

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535	Multimodal freight terminals shall comprise, in particular:			Multimodal freight terminals shall comprise, in particular:	
Article 36, first paragraph, point (a)					
536	(a) infrastructure interconnecting the different modes of transport within a terminal area and its vicinity;			(a) infrastructure interconnecting the different modes of transport within a terminal area and its vicinity;	
Article 36, first paragraph, point (b)					
537	(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;			(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;	
Article 36, first paragraph, point (c)					
538	(c) dedicated areas such as gate area, intermediate buffer and waiting area, transshipment area and driving or loading lanes;			(c) dedicated areas such as gate area, intermediate buffer and waiting area, transshipment area and driving or loading lanes;	

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Article 36, first paragraph, point (d)					
539	(d) ICT systems relevant for efficient terminal operations such as those that facilitate infrastructure capacity planning, transport operations, connections between the modes, and transshipment;			(d) ICT systems relevant for efficient terminal operations such as those that facilitate infrastructure capacity planning, transport operations, connections between the modes, and transshipment;	
Article 36, first paragraph, point (e)					
540	(e) infrastructure related to facilities for alternative fuels.			(e) infrastructure related to facilities for alternative fuels.	A PRES suggests keeping GA
Article 37					
541	Article 37 Transport infrastructure requirements			Article 37 Transport infrastructure requirements	
Article 37(1)					
542	1. Member States shall ensure in a fair and non-discriminatory manner that multimodal freight terminals referred to in Article 35(1):			1. Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that all multimodal freight	C PRES suggests keeping GA.

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				terminals, which are open to all operators and users in non-discriminatory way and apply transparent and non-discriminatory charges in maritime ports and inland ports as listed in Annex II and in all rail road terminals and terminals along inland waterways indicated in Annex I and listed in Annex II, meet the following requirements referred to in Article 35(1):	Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that all multimodal freight terminals, which are open to all operators and users in non-discriminatory way and apply transparent and non-discriminatory charges in maritime ports and inland ports as listed in Annex II and in all rail road terminals and terminals along inland waterways indicated in Annex I and listed in Annex II, meet the following requirements:
Article 37(1), point (a)					
543	(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;		(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;	(a) are connected to theat least two modes of transport which are available in the area, where feasible, unless not justified in socio-economic cost-benefit terms;	B PRES suggests keeping GA. (GA in line with definition in art 3.i)
Article 37(1), point (b)					
544	(b) are equipped with at least one recharging station as defined in Article 2, point		(b) are equipped with at least one recharging station and refuelling	(b) are equipped inside the terminal or within the 3 km distance from the	C

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	(43), of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure] dedicated to serve heavy-duty vehicles, by 31 December 2030;		<i>stations</i> as defined in Article 2, point (43), of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure], used for hydrogen , dedicated to serve heavy-duty vehicles, by 31 December 2030;	terminal 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;	PRES suggests keeping GA.
Article 37(1), point (c)					
545	(c) are equipped with digital tools to ensure by 31 December 2030:			(c) are equipped with digital tools to ensure facilitate by 31 December 2030:	B PRES suggests keeping GA.
Article 37(1), point (c)(i)					
546	(i) efficient terminal operations such as photogates, terminal operation system, driver digital check-in/check-out, cameras or other sensors on transshipment equipment as well as raiiside camera systems;			(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 raiiside camera systems;	B PRES compromise proposal: (i) efficient terminal operations which may include, photogates, terminal operation system, driver digital check-in/check-out, cameras or other sensors on transshipment equipment as

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
					well as raiiside camera systems;
Article 37(1), point (c)(ii)					
547	(ii) the provision of information flows within a terminal and between the transport modes along the logistic chain and the terminal.		(ii) the provision of interoperable information flows within a terminal and between the transport modes along the logistic chain and the terminal.	(ii) the provision of information flows within a terminal and between the transport modes along the logistic chain and the terminal able to exchange information with open and interoperable systems .	B PRES suggests keeping GA. (which includes EP proposal)
Article 37(2)					
548	2. Member States shall ensure in a fair and non-discriminatory manner that multimodal freight terminals referred to in Article 35(1) and which are connected to the rail network, by 31 December 2030, are able to handle all types of intermodal loading units if they are classified as intermodal terminals and if they carry out vertical transshipment.		2. Member States shall ensure in a fair and non-discriminatory manner that multimodal freight terminals referred to in Article 35(1) and which are connected to the rail network, by 31 December 2030, have enough transshipment capacity and are able to handle all types of intermodal loading units if they are classified as intermodal terminals and if they carry out vertical transshipment.	2. Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that, by 31 December 2030, those multimodal freight terminals referred to in Article 35(1) and 37(1) which are connected to the rail network, by 31 December 2030 and which carry out vertical transshipment , are able to handle all the the following types of craneable intermodal	C PRES compromise proposal: 2. Member States shall make all possible efforts to ensure in a fair and non-discriminatory manner that, by 31 December 2030, those multimodal freight terminals referred to in Article 35(1) which are connected to the rail network and which carry out vertical transshipment, are able to handle the following

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
				loading units: container, swap body or semi-trailer suitable for intermodal transport if they are classified as intermodal terminals and if they carry out vertical transshipment.	types of craneable intermodal loading units: container, swap body or semi-trailer.
Article 37(3), first subparagraph					
549	3. Member States shall ensure in a fair and non-discriminatory manner that multimodal freight terminals referred to in Article 35(1) and which are connected to the rail network, by 31 December 2040, are able to accommodate 740 m long trains without manipulation or, if this is not economically viable, that adequate measures 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.			3. 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) and 37(1), 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 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	C PRES suggests keeping GA.

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
				systems and improvements to the track configuration by 31 December 2040.	
Article 37(3), second subparagraph					
549a				This paragraph shall not apply to multimodal freight terminals which are only connected to isolated rail networks.	C PRES suggests keeping GA.
Article 37(4)					
550	4. Member States shall ensure in a fair and non-discriminatory manner that all multimodal freight terminals referred to in Article 35(1) and which are connected to the rail network, by 31 December 2050 are able to handle any 740 m long train without manipulation.			4. Member States shall ensure in a fair and non-discriminatory manner that all multimodal freight terminals referred to in Article 35(1) and which are connected to the rail network, by 31 December 2050 are able to handle any 740 m long train without manipulation.	C PRES suggests keeping GA.
Article 37(5), first subparagraph					
551	5. At the request of a Member State, in duly		5. At the request of a Member State, in duly	5. At the Upon request of a Member State, in duly	PRES compromise proposal:

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	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.		justified cases, exemptions from the obligations under paragraphs 1 2 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.	justified cases, exemptions from the obligations provisions under paragraphs 1 to 4 may shall be granted by the Commission by means of implementing acts where investment in infrastructure cannot be justified in socio-economic cost-benefit terms on the ground of specific geographical or significant physical constraints, in particular when the terminal is located in a spatially restricted area, or negative result of socio-economic cost-benefit analysis or potential negative impacts on environment or biodiversity. Any such request shall be substantiated with sufficient justification. A Member State may request the granting of several exemptions in a single request.	5. 5. Upon request of a Member State, in duly justified cases, exemptions from the provisions under paragraphs 1 to 3 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, negative result of socio-economic cost-benefit analysis, or potential significant significant negative impacts on environment or biodiversity. Any such request shall be substantiated with sufficient justification. A Member State may request the granting of several exemptions in a single request.
Article 37(5), second subparagraph					
551a					

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				The Commission shall assess the request in view of the justification provided under the first subparagraph.	C PRES suggests keeping GA.
Article 37(5), third subparagraph					
551b				The Commission may ask additional information to the Member State no later than thirty calendar days following the receipt of request pursuant to the first subparagraph. If the Commission considers that the information provided is insufficient, it may ask the Member State to supplement that information within thirty calendar days from the receipt of that information.	C PRES suggests keeping GA.
Article 37(5), fourth subparagraph					
551c				The Commission shall take a decision on the requested exemption no later than 6 months	C PRES suggests keeping GA.

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
				following the receipt of the request pursuant to in the first subparagraph or, in case further information has been provided by the Member States concerned pursuant to the third subparagraph, no later than 4 months following the latest receipt of such information, whichever is the latest date. In the absence of an explicit decision by the Commission within such time-limits, the exemption shall be deemed to be granted.	
Article 37(5d)					
551d				The Commission shall inform other Member States of the exemptions granted pursuant to this Article.	C PRES suggests keeping GA.
Article 38					
552	Article 38 Additional priorities for			Article 38 Additional priorities for	

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
	multimodal transport infrastructure development			multimodal transport infrastructure development	
Article 38, first paragraph					
553	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:			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:	
Article 38, first paragraph, point (a)					
554	(a) facilitating interconnections between different transport modes;			(a) facilitating interconnections between different transport modes;	
Article 38, first paragraph, point (b)					
555	(b) removing the main technical and administrative barriers to multimodal transport, including by the implementation of eFTI;			(b) removing the main technical and administrative barriers to multimodal transport, including by the implementation of eFTI;	
Article 38, first paragraph, point (c)					

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556	(c) developing a smooth flow of information enabling transport services across the trans-European transport system;			(c) developing a smooth flow of information enabling transport services across the trans-European transport system;	
Article 38, first paragraph, point (d)					
557	(d) facilitating the interoperability for data sharing, access to data and data re-use within and between the transport modes;			(d) facilitating the interoperability for data sharing, access to data and data re-use within and between the transport modes;	
Article 38, first paragraph, point (e)					
558	(e) promoting, where appropriate, that private sidings on the trans-European transport network allow for the handling of 740 m trains without manipulation.			(e) promoting, where appropriate, that private sidings sidings and multimodal freight terminals on the trans-European transport network allow for the handling of 740 m long trains without manipulation-;	B PRES suggests keeping GA.
Article 38, first paragraph, point (f)					
558a					

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
				(f) extension and electrification of departure and arrival sidings, adjustments to signalling systems and improvements to the track configuration;	B PRES suggests keeping GA.
Article 38, first paragraph, point (eb)					
558b			<i>(ea) enabling the digital enforcement of the relevant Union law;</i>		B Linked to SEDEA in chapter IV.
Article 38, first paragraph, point (g)					
558c				(g) promoting, where appropriate, that sidings are migrated to European nominal standard track gauge.	B PRES suggests keeping GA.
Article 38, first paragraph, point (ed)					
558d			<i>(eb) promoting multimodal transport infrastructure that facilitates an effective modal shift towards sustainable transport modes.</i>		B New PRES compromise proposal: <u>(eb) promoting multimodal</u>

Commission Proposal		Amended COM Proposal	EP Mandate	Council Mandate	Draft Agreement
					<u>transport infrastructure that facilitates an effective modal shift towards sustainable transport modes.</u>