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**NOTE**

|               |                                                                                                                                                                                                     |
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| From:         | General Secretariat of the Council                                                                                                                                                                  |
| To:           | Working Party on Transport - Intermodal Questions and Networks                                                                                                                                      |
| N° Cion doc.: | 9075/18 + ADD 1 - ADD 3                                                                                                                                                                             |
| Subject:      | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on streamlining measures for advancing the realisation of the trans-European transport network<br>- Comments by delegations |

Delegations will find attached written comments by Slovenia on the above proposal.

## **Proposal for a Regulation on streamlining measures for advancing the realisation of the TEN-T – SI comments**

First of all, we would like to point out that the Slovenian translation of the draft regulation requires some corrections, which will be forwarded when the draft regulation is submitted for legal and linguistic revision.

The new legislation in the field of spatial planning and building construction entered into force in Slovenia as of 1 June 2018, which should optimise this field. Until we get feedback about how the new legislation works in practice, we would not like to implement additional changes (if at all they will be needed in the future).

As regards the content of the draft regulation, Slovenia would need further explanation as to which procedures are included in the process for obtaining permits in the framework of a single competent authority. While we understand that these procedures include procedures for acquiring a building permit and an environmental impact assessment (EIA) as well as other necessary administrative acts, the question remains as to whether this also applies to the spatial planning procedures and the related strategic environmental assessment (SEA). Namely, the draft regulation in this respect is not clear. Article 2 (a) refers to decisions that we understand as administrative acts or administrative procedures. The same applies to Article 4 (1), which refers to all *administrative procedures*. Although the concept itself refers to permits, Article 2(b) however appears to refer to procedures or steps to be taken before the actual physical implementation of the project that could also include spatial planning procedures (and the related assessment under the SEA Directive), which are not administrative procedures and are not completed with an administrative act.

We also need further clarification as to what constitutes a complete application file of the project promoter to initiate the procedure – Article 6.

We propose that the scope of the application should also include projects referred to in CEF 2 Regulation (Proposal for a Regulation establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014)

With respect to Article 6, we would point out that the deadlines for carrying out procedures are extremely short, considering all the steps to be taken in the procedure. Setting the deadlines shall depend on the answer to the question of which procedures are included in the process for obtaining permits in the framework of a single body.

We support the proposed regulation in the area of cross-border projects – Chapter III – as Slovenia's participation in cross-border projects has already been based on similar solutions. We would only request a comment or additional clarification regarding somewhat unclear wording of the first sentence of Article 8 (2) of the draft regulation, particularly in connection with the first paragraph thereof, which reads: "...by way of derogation from these Directives, those provisions shall be the provisions determined in accordance with point (a) of Article 57(5) of Directive 2014/25/EU of the European Parliament and of the Council or point (a) of Article

39(5) of Directive 2014/24/EU of the European Parliament and of the Council...". Said provision therefore explicitly refers to a deviation from the directives regarding public procurement, while in the same sentence suggesting the use of particular articles of the very same directives, which is contradictory. Therefore, the phrase "by way of derogation" in this context seems to be superfluous.