

Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks

(2002/C 75 E/20)

(Text with EEA relevance)

COM(2001) 545 final — 2001/0226(COD)

(Submitted by the Commission on 3 December 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first paragraph of Article 156 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) Traffic growth over the past decade — in particular heavy lorry traffic — has led to increased congestion and pollution throughout the territory of the Community. The current capacity of the road network as well as of the rail infrastructure is far from optimal and the weakest points are the cross-border sections. The major delays in implementation of the trans-European transport network relate to cross-border rail projects requiring the construction of infrastructure such as tunnels or bridges of significant length. Owing to these constraints, the financial viability of such projects is often extremely low.

(2) Provision should be made for an increased level of support of up to 20 % of total investment cost for projects concerning cross-border bottlenecks and projects at borders with candidate countries which contribute strongly to the improvement of the Trans-European network as established by Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network (¹).

(3) Since costly cross-border projects with candidate countries may prove difficult to implement due to financial constraints, additional funding should be made available for the most urgently needed improvements related to transport infrastructure at borders with candidate countries.

The potential economic viability of the projects should be assessed. The funds devoted to these specific projects should cover the whole financing period 2003-2006 irrespective of the date of accession of the new Member States.

- (4) The provisions of Council Regulation (EC) No 2236/95 of 18 September 1995 laying down general rules for the granting of Community financial aid in the field of trans-European networks (²) should be adapted to take account of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (³).
- (5) The financial framework for the implementation of Regulation (EC) No 2236/95 should be increased in order to fund the most urgently needed improvements related to transport infrastructure at borders with candidate countries.
- (6) Regulation (EC) No 2236/95 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2236/95 is amended as follows:

- 1. In Article 5, paragraph 3 is replaced by the following:

‘3. Regardless of the form of intervention chosen, the total amount of Community aid under this Regulation shall not exceed 10 % of the total investment cost.

However, the total amount of Community aid may, as from 1 January 2003, exceptionally reach 20 % of the total investment cost in the following cases:

- (a) projects which concern cross-border rail bottlenecks and/or missing links located in areas where natural barriers represent obstacles to the free circulation of goods and passengers and which strongly contribute to the reduction of imbalance between modes of transport and to the improvement of rail transport within the trans-European transport network as established by Decision No 1692/96/EC of the European Parliament and of the Council (⁴);

(¹) OJ L 228, 23.9.1996, p. 1; Decision as amended by Decision No 1346/2001/EC (OJ L 185, 6.7.2001, p. 1).

(²) OJ L 184, 17.7.1999, p. 23.

- (b) other projects which concern bottlenecks at borders with candidate countries where added value is particularly high in terms of safety improvement and congestion reduction; and
- (c) projects concerning satellite positioning and navigation systems as provided for in Article 17 of Decision No 1692/96/EC.

(*) OJ L 228, 9.9.1996, p. 1.'

2. Article 17 is replaced by the following:

Article 17

Committee

1. The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

2. Where reference is made to the procedure specified in this Article, the management procedure laid down in Article

4 of Council Decision 1999/468/EC (*) shall apply, in compliance with Article 7 and Article 8 thereof.

3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be two months.

(*) OJ L 184, 17.7.1999, p. 23.'

3. In Article 18, the first paragraph is replaced by the following:

'The financial framework for the implementation of this Regulation for the period 2000 to 2006 shall be EUR 4 700 million.'

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.
