

I

(Information)

COUNCIL

COMMON POSITION (EC) No 33/2000

adopted by the Council on 5 June 2000

with a view to adopting Decision 2000/.../EC of the European Parliament and of the Council of ... amending Decision No 1692/96/EC as regards seaports and inland ports as well as project No 8 in Annex III

(2000/C 228/01)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Having regard to the opinion of the Committee of the Regions⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽⁴⁾,

Whereas:

(1) 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⁽⁵⁾ constitutes a general reference framework covering the objectives, priorities and broad thrust of the measures contemplated as well as the projects of common interest in the area of the trans-European transport network.

⁽¹⁾ OJ C 120, 18.4.1998, p. 14.

⁽²⁾ OJ C 214, 10.7.1998, p. 40.

⁽³⁾ OJ C 373, 2.12.1998, p. 20.

⁽⁴⁾ Opinion of the European Parliament of 10 March 1999 (OJ C 175, 21.6.1999, p. 110). Council Common Position of 5 June 2000 and Decision of the European Parliament of ... (not yet published in the Official Journal).

⁽⁵⁾ OJ L 228, 9.9.1996, p. 1.

(2) Interconnection points including seaports and inland ports are preconditions for the integration of the different transport modes in multimodal network.

(3) In the trans-European seaport network, ports should be classified into categories on the basis of quantitative criteria or their location on islands not connected with the mainland by fixed links and only those ports in the highest category by volume of traffic should be shown, by way of indication, on maps. The specifications which a seaport project is to meet to be deemed of common interest should be set out.

(4) The criteria relating to inland ports should be supplemented by criteria concerning either the nature of their equipment or the volume of traffic and those ports should be shown, by way of indication, on maps.

(5) The European Council held in Dublin in 1996 agreed that project No 8 in the list from the Essen European Council of 1994 should become the Portugal/Spain multimodal link with the rest of Europe.

(6) Decision No 1692/96/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 1692/96/EC is hereby amended as follows:

1. Article 11 shall be amended as follows:

(a) paragraph 3 shall be replaced by the following:

‘3. Inland ports shall form part of the network, in particular as points of interconnection between the waterways referred to in paragraph 2 and Article 14 and other modes of transport.’

(b) the following paragraph shall be inserted:

‘3a. The network shall include inland ports:

- (a) open to commercial traffic;
 - (b) located on the network of inland waterways as shown in the outline in Annex I, Section 4;
 - (c) interconnected with other trans-European transport routes as shown in Annex I;
- and
- (d) equipped with transshipment facilities for combined transport or with an annual freight traffic volume of not less than 300 000 tonnes.’

2. Article 12 shall be replaced by the following:

‘Article 12

Characteristics

1. Seaports shall permit the development of sea transport and shall constitute shipping links for islands and the points of interconnection between sea transport and other modes of transport. They shall provide equipment and services to transport operators. Their infrastructure shall provide a range of services for passenger and goods transport, including ferry services and short- and long-distance shipping services, including coastal shipping, within the Community and between the latter and third countries.

2. The trans-European seaport network shall comprise seaports situated within the territory of the Community which are open to commercial traffic and which comply with the criteria and specifications set out in Annex II. These ports shall be classified in three categories, A, B and C, according to the volume of traffic they handle or their location. The seaports in category A provided for in section 5 of Annex II shall be shown on the indicative maps in the outline plans in section 5 of Annex I, on the basis of the most recent port data.

3. In addition to the criteria set out in Article 7, seaport projects of common interest related to seaports included in the trans-European seaport network shall comply with the criteria and specifications in Annex II.’

3. Article 19 shall be replaced by the following:

‘Article 19

Specific projects

Annex III contains, by way of indication, the projects identified in Annexes I and II and in the other provisions of this Decision, to which the European Councils held in Essen in 1994 and in Dublin in 1996 attributed particular importance.’

4. Annex I shall be amended as follows:

(a) in the contents:

- the title of section 4: ‘Inland waterway network’ shall be replaced by: ‘Inland waterway network and inland ports’;
- section 5 shall be replaced by the following:

‘Section 5: Seaports — Category A

5.0 Europe

5.1 Baltic Sea

5.2 North Sea

5.3 Atlantic Ocean

5.4 Mediterranean Sea — Western part

5.5 Mediterranean Sea — Eastern part’;

- in section 7: ‘Combined transport network’, point 7.2 shall be deleted;

(b) as regards the maps corresponding to sections 4 and 5:

- the map showing section 4 shall be replaced by those annexed to this Decision. These maps identify also inland ports which are equipped with transshipment facilities for combined transport and shall replace the map showing point 7.2,
- the maps showing section 5 as they appear in the Annex to this Decision shall be inserted.

5. Annex II shall be amended as follows:

- (a) the part of section 4 concerning inland ports shall be replaced by the following:

'Inland ports

In addition to projects relating to the connections and inland ports mentioned in Annex I, projects of common interest will be deemed to include any infrastructure project corresponding to one or more of the following categories:

1. access to the port from waterways;
2. port infrastructure inside the port area;
3. other transport infrastructures inside the port area;
4. other transport infrastructures linking the port to other elements of the trans-European network.'

- (b) section 5 shall be replaced by the following:

'Section 5

Seaports

1. Eligibility criteria for seaports

Seaports shall come within one of the following categories:

Category A:

Seaports with a total annual traffic volume of not less than 1 million tonnes of freight or 200 000 passengers;

Category B:

Seaports which do not meet the criteria for category A and have a total annual traffic volume of between 500 000 and 999 999 tonnes of freight or between 100 000 and 199 999 passengers;

Category C:

Seaports which do not meet the criteria for categories A and B and are not used exclusively as fishing ports or marinas, located on islands which have no fixed links to the mainland.

2. Specifications for projects of common interest relating to the seaport network

Any project which meets the following specifications will be deemed to be of common interest:

Project specifications	Port category
I. Promotion of short-distance sea shipping	
Infrastructure necessary for the development of short-distance sea and sea-river shipping	Projects relating to ports in category A
II. Access to ports	
Access to ports from sea or inland waterway	Projects relating to ports in categories A and B
Permanent accessibility of ports in the Baltic Sea situated at approximately latitude 60° north and beyond, including capital costs for ice-breaking works during winter	Projects relating to ports in categories A, B and C
Creation or improvement of <i>hinterland</i> access linking the port to other elements of the trans-European transport network through rail, road and inland-waterway connections	Projects relating to ports in category A
Development of existing <i>hinterland</i> access linking the port to other elements of the trans-European transport network through rail, road and inland-waterway connections	Projects relating to ports in categories A and B

Project specifications	Port category
III. Port infrastructure within the port area	
Development of port infrastructure in order to increase intermodal efficiency	Projects relating to ports in categories A and B
Upgrading of the port infrastructure, in particular in ports on islands and in peripheral and outermost regions	Projects relating to ports in category C
Development and installation of management and information systems such as EDI (electronic data interchange) or other systems of intelligent management of goods and passenger traffic using integrated technologies	Projects relating to ports in categories A, B and C
Development of port installations to receive waste	Projects relating to ports in categories A, B and C'

6. Annex III shall be amended as follows:

Article 2

(a) the title shall be replaced by the following:

'List of the 14 projects adopted by the European Councils held in Essen in 1994 and in Dublin in 1996';

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

(b) Item 8 (Motorway Lisbon — Valladolid) shall be replaced by the following:

Article 3

This Decision is addressed to the Member States.

'8. Portugal/Spain multimodal link with the rest of Europe through developing rail, road, sea and air connections in the following three Iberian corridors:

Done at

— Galicia (A Coruña)/Portugal (Lisbon)

For the European Parliament

For the Council

— Irún/Portugal (Valladolid-Lisbon)

The President

The President

— Southwest corridor (Lisbon-Seville)'

ANNEX

ANNEX I

SECTION 4

INLAND WATERWAY NETWORK AND INLAND PORTS





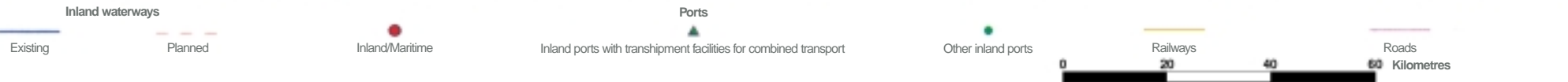
05/2000

4.1A



GENT-MEULESTEDE
 GENT-VERBINDINGSKANAAL
 GENT-HANDELSDOCK
 GENT-LANGERBRUGGE
 GENT-RODENHUIZE
 GENT-MOERVAART

ANTWERPEN
 ANTWERPEN-STABROEK
 ANTWERPEN-WILMARSDONK





05/2000

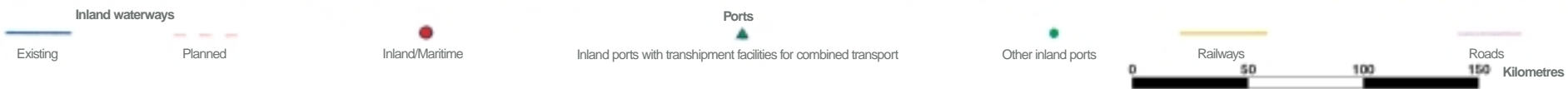
4.1B





05/2000

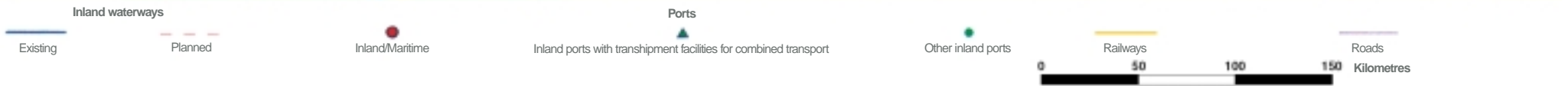
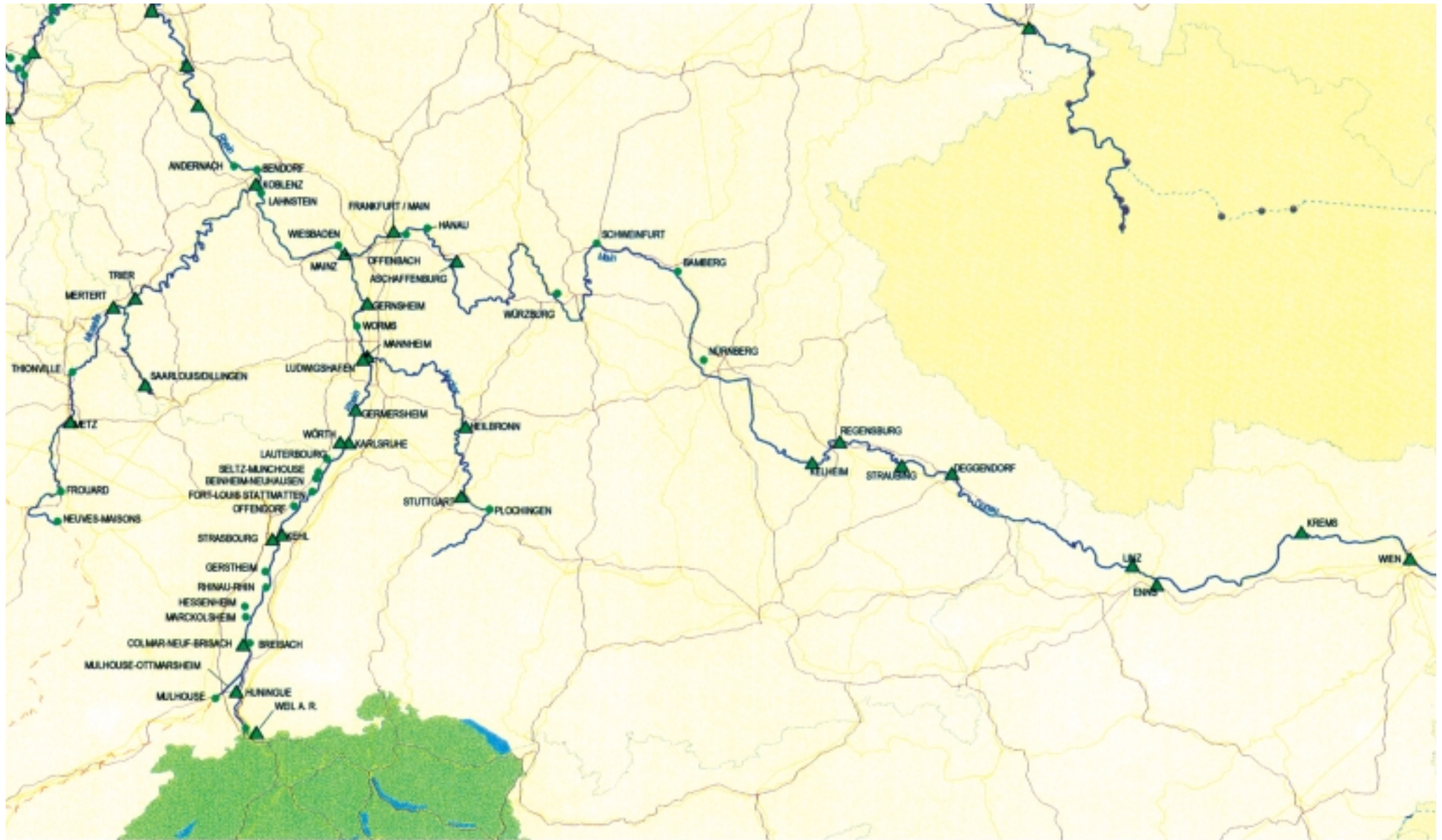
4.2





05/2000

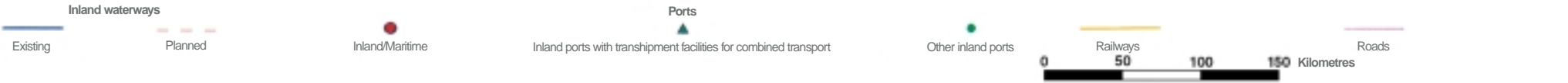
4.3





05/2000

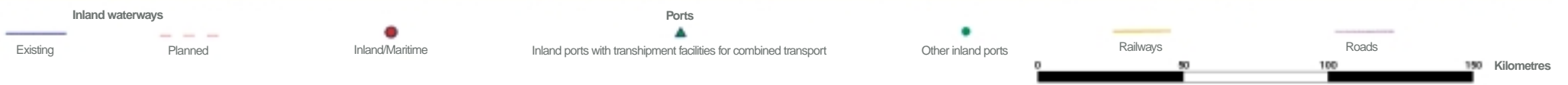
4.4





05/2000

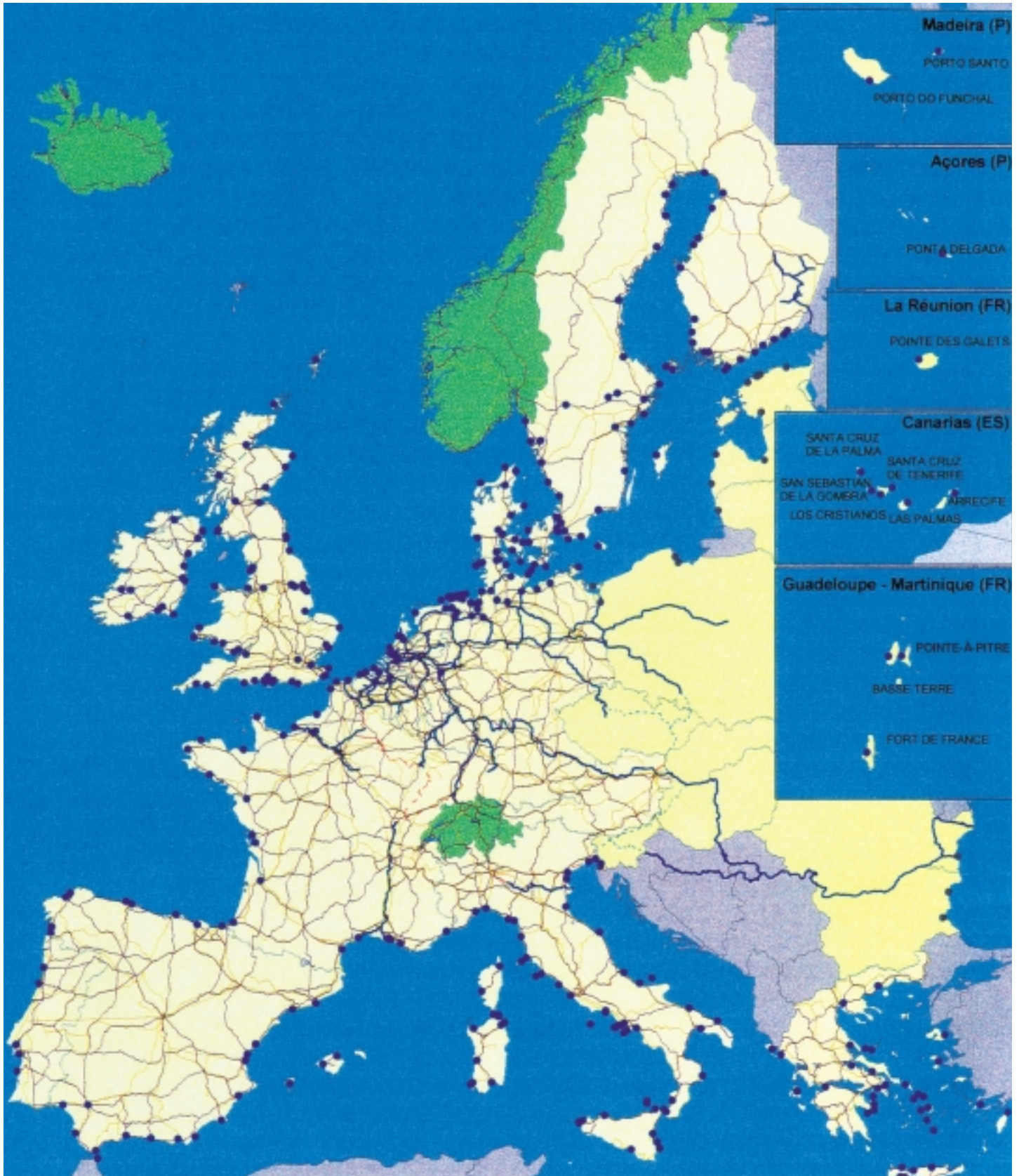
4.5





05/2000

5.0



Inland waterways

Existing

Planned

Ports

Railways

Roads

0 200 400 600 Kilometres



05/2000

5.1



Inland waterways

Existing

Planned

Ports

Railways

Roads

0 50 100 150 Kilometres



05/2000

5.2



Inland waterways

Existing Planned

Ports

Railways Roads

0 50 100 150 Kilometres



05/2000

5.3



Inland waterways



Railways

Roads





05/2000

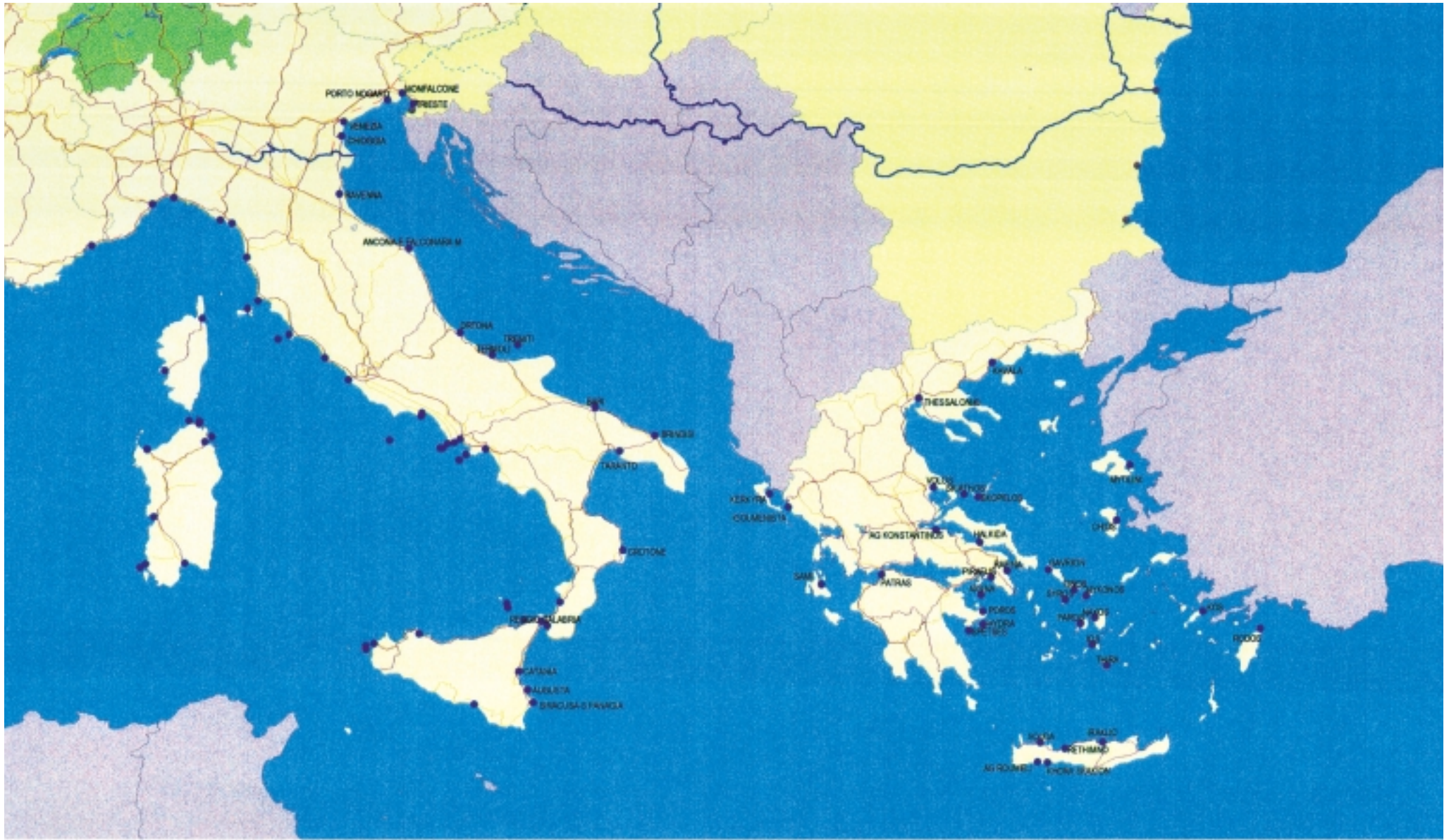
5.4





05/2000

5.5



STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

On 5 March 1998 the Commission submitted to the Council a proposal for a Decision of the European Parliament and of the Council amending Decision No 1692/96/EC as regards seaports, inland ports and intermodal terminals as well as project No 8 in Annex III⁽¹⁾.

That proposal is based on the first subparagraph of Article 156 of the EC Treaty.

The European Parliament delivered its opinion on the proposal from the Commission on 10 March 1999⁽²⁾. The Economic and Social Committee delivered its opinion on 29 April 1998⁽³⁾. The Committee of the Regions delivered its opinion on 17 September 1998⁽⁴⁾.

In the light of the opinion of the European Parliament, the Commission submitted an amended proposal to the Council on 21 June 1999⁽⁵⁾.

On 5 June 2000, the Council adopted a Common Position, in accordance with Article 251 of the EC Treaty.

II. OBJECTIVES OF THE PROPOSAL

The proposal aims to amend Decision No 1692/96/EC⁽⁶⁾ in order to clarify and reinforce the position of seaports, inland ports and intermodal terminals in the trans-European transport network (TEN-T).

The Commission points out that the proposal for a decision amending Decision No 1692/96/EC does not form part of the revision of the guidelines provided for under Article 21 of the Decision.

It results instead from the following statement by the Commission in 1996 when the Decision was adopted: 'The Commission will submit in 1997, after consulting interested parties and the Member States concerned, a report and, if appropriate, a proposal for port projects using an approach similar to that followed for airports in section 6'⁽⁷⁾.

The Commission reiterates that the TEN-T is conceived as a multimodal infrastructure network which should gradually combine and incorporate the various forms of transport and national networks.

In the Commission's view, the determination of interconnection points including seaports, inland ports and intermodal terminals is a precondition for the integration of the various forms of transport into a multimodal network.

The outline plans for the network set out in Annex I to Decision No 1692/96/EC essentially consist of a series of links. They do not identify the various interconnection points, with the exception of airports.

(1) OJ C 120, 18.4.1998, p. 14.

(2) OJ C 175, 21.6.1999, p. 110.

(3) OJ C 214, 10.7.1998, p. 40.

(4) OJ C 373, 2.12.1998, p. 20.

(5) Doc. 9459/99 TRANS 154 MAR 72 CODEC 390.

(6) 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 (OJ L 228, 9.9.1996, p. 1).

(7) OJ L 228, 9.9.1996, p. 104.

The main changes proposed by the Commission therefore concern:

- inclusion in the enacting terms of a general description of the characteristics of the interconnection points (seaports, inland ports and intermodal terminals),
- identification of the interconnection points in the outline plans in Annex I by setting criteria,
- inclusion in Annex II of (new or revised) criteria and specifications for projects of common interest in this sector.

On that basis, the Commission has identified 300 seaports, 35 inland ports and 210 intermodal terminals in the combined transport network.

III. ANALYSIS OF THE COUNCIL COMMON POSITION

The Council Common Position comprises a number of amendments to the Commission's amended proposal, and the main amendments are given below:

A. SEAPORTS

Article 1(2) (new Article 12 of the Decision) and Article 1(5)(b) (new Section 5 of Annex II)

1. In Decision No 1692/96/EC projects of common interest involving seaports are identified by the criteria in Annex II and can be located in any port of a Member State.

The Commission proposal limits the number of ports included in the network. To this end, the Commission adds provisions relating to selection criteria to Article 12 of the Decision (characteristics of seaports). Thus, the trans-European transport network would include, as represented on the maps in Annex I, only those seaports whose annual traffic volume is no less than 1 million tonnes freight or 200 000 international passengers, certain ports on islands and all ports in the outermost regions.

The Commission proposal therefore stipulates quantitative selection criteria which automatically rule out the possibility of granting financial aid from the TEN-T to port infrastructure projects for certain seaports in the Community. The Commission took the view that the eligibility criteria set for airports in the Decision could not be applied by analogy to seaports. The Commission stressed that there are many ports of different sizes and structures competing on the same market and that it is important to avoid giving support so as not to distort competition.

2. As compared with the Commission proposal, with a view to greater consistency with what was decided for airports, the Council Common Position therefore includes a higher number of seaports in the network, as several Member States have many medium-sized ports that are extremely important to the trans-European network.

In line with the approach taken for airports (Annex II, Section 6), the Common Position sets out the selection criteria in Annex II rather than in the enacting terms.

In particular, Article 12 provides for seaports to be classified into three categories (A, B and C) according to the volume of traffic they handle, or according to their location. It also provides that only the ports in category A are shown on the indicative maps in Annex I.

The new section 5 of Annex II classifies ports into categories according to quantitative criteria or the location of the ports on islands which are not connected to the mainland by fixed links. It also sets out a table of specifications that a project must meet in order to be considered of common interest. Thus, the network includes not only seaports whose total annual traffic volume is no less than 1 million tonnes freight or 200 000 passengers (category A ports), but all seaports with a total annual traffic volume of no less than 500 000 tonnes or 100 000 passengers (category B ports) and all ports located on islands not connected to the mainland by fixed links (category C ports). Community aid for seaports covered by the Decision is awarded according to the specifications met by a given port project (promotion of short-distance shipping, access to ports, port infrastructure inside the port area).

B. INLAND PORTS IN THE COMBINED TRANSPORT NETWORK

Article 1(1) (amended Article 11(3) of the Decision and new Article 11(3a))

The Commission proposal sets four selection criteria for including inland ports in the network, including one criterion on transshipment facilities for intermodal transport. Following the approach taken by the European Parliament, the Common Position offers an alternative solution for this criterion. It provides that if a port is not equipped with transshipment facilities for combined transport it may nevertheless be included in the network if its annual freight traffic volume is not less than 300 000 tonnes. Thus, the Common Position adds 200 ports to the 35 inland ports identified by the Commission proposal. As in the case of seaports, the Council thought it appropriate to take account of the situation of those Member States which have a large number of inland ports of major importance to the network.

C. INTERMODAL TERMINALS AND TRANS-EUROPEAN RAIL FREIGHT FREEWAYS

The Common Position does not endorse the provisions in the Commission proposal concerning:

1. intermodal terminals (Article 1(4) (new Article 14) and point 1 of the Annex (Annex I, new outline plans 7.1.0 to 7.1.4)).

The Commission considered only those intermodal terminals located on the rail freeways indicated in the outline plan of the combined transport network. At this stage, it thought it better to target only intermodal transport in order to meet one of the objectives set in Article 1(2) of the Decision. In its explanatory memorandum the Commission states that consideration could be given to including other terminals (road/road, rail/rail, etc.) in the Decision when the guidelines are revised.

The Council has stated that the question of the designation of the intermodal terminals is still being studied at national level. In its opinion, the selection criteria proposed by the Commission for including intermodal terminals in the combined transport networks are inadequate. Moreover, account should be taken of regional policies in the Community;

2. the development of trans-European rail freight freeways open to all operators (Article 1(1) (Article 10(4), new indent) and Annex, point 2(a), (Annex II, Section 3, third new indent)).

In the initial proposal the provisions related to the development of new rail services, in particular on the basis of trans-European rail freight freeways. However, in the amended proposal, these provisions no longer relate to services but to the development of trans-European rail freight freeways open to all operators.

The Council believed that to integrate these freeways would be to depart from the purpose of the proposal.

IV. EUROPEAN PARLIAMENT AMENDMENTS

A. EUROPEAN PARLIAMENT AMENDMENTS TAKEN UP BY THE COMMISSION

The Commission included eight of the thirteen amendments submitted by the European Parliament, of which two verbatim (amendments 5 and 10), two in spirit (amendments 12 and 13) and four in part (amendments 4, 8, 9 and 11). As for the three amendments designed to delete the provisions on the trans-European rail freight freeways (amendments 1, 2 and 7) the Commission's amended proposal does not delete the provisions, but rewords them to emphasise the development of infrastructures instead of the improvement of services.

B. AMENDMENTS BY THE EUROPEAN PARLIAMENT ACCEPTED BY THE COUNCIL

1. In General

The Council accepted, either in their entirety or in part, five of the European Parliament's thirteen amendments, namely amendments 2, 4 (in part), 7, 10 and 13. The Council to a certain extent adopted the European Parliament's approach to amendments 3 and 6. As for amendments 1 and 11, the Council agreed with the opinion of the European Parliament regarding deleting the provisions of the Commission proposal referred to in these amendments, but did not agree with the alternative wording proposed by the European Parliament.

2. More specifically

(a) Accepted by the Commission

The Council accepted, either in their entirety or in part, three of the eight amendments accepted by the Commission:

- Article 1(2) of the Common Position (Article 12 of the Decision), *part four of amendment 4*, on deleting the new Article 12(2)(c),
- Article 1(5)(b) (Annex II, section 5, paragraph 2, table: point III, third box, of the Decision) *amendment 10*,
- Article 1, point 6(b) (Annex III, new item 8 of the Decision), *amendment 13*.

With regard to *amendment 11*, the Council, following the amended proposal from the Commission, agreed to delete the provision on the non-eligibility of port infrastructures, but did not agree with the alternative wording proposed by the European Parliament (see point IV, C.1(c)).

(b) **Not accepted by the Commission**

(i) *Trans-European rail freight freeways*

The Council accepted *amendments 2 and 7*, which provide for the deletion of the references to trans-European rail freight freeways in the Commission's initial proposal and are designed, respectively, to add a fourth indent to Article 10(4) of the Decision and a third indent to Annex II, section 3.

However, the Council did not accept amendment 1, despite the fact that this amendment also entailed deleting the reference to the said freeways in the seventh recital of the Commission's initial proposal. The amendment also provides for alternative wording which was acceptable to neither the Council nor the Commission (see Point IV, C.1(a)).

(ii) *Inland waterways and inland ports*

The Council in part followed the European Parliament's approach for *amendment 3 and 6*.

Amendment 3 aims to modify Article 1(2) of the Commission proposal on adding a new paragraph 3a to Article 11 of the Decision.

Amendment 3 adds a quantitative criterion as an alternative to the fourth selection criterion provided for in the new paragraph 3a. Ports which meet the first three criteria and which are equipped with transshipment facilities for intermodal transport, or which handle an annual freight traffic volume of not less than 500 000 tonnes could thus be included in the network.

It should be noted that amendment 5 on Article 14(1) of the Decision provides a definition of intermodal transport, namely combined unitised transport (trailers and swap bodies).

Article 1(1)(b) of the Common Position accepts the selection criteria proposed by the European Parliament but provides for a minimum annual traffic volume of 300 000 tonnes instead of 500 000 and refers to transshipment facilities for combined transport instead of for intermodal transport.

In the Council's view, it would be better to allow a larger number of inland ports to be eligible. It also considered that, at this stage, it would be better to abide by the concept of combined transport that has already been defined at Community level.

Amendment 6 aims to add a new point (ca) to point 1 of the Annex to the Commission proposal. This would entail adding the following indications to Annex I, new map 7.2 of the Decision (inland waterways and inland ports):

- the Elbe-Lübeck canal and the Twente-Mittelland canal,
- a special indication of those inland ports which also perform a seaborne role,
- a special indication of those ports which are not intermodal but which have an annual volume of freight in excess of 500 000 tonnes.

The Council did not accept the amendment referred to in the first indent above, which would effectively add two new canals to the combined transport network, firstly, as the canals in question do not have the minimum technical characteristics provided for in Article 11(2) of the Decision, and, secondly, as the purpose of this Decision is not to revise the guidelines but to determine the inland ports.

On the other hand, the Council did accept the spirit of the amendments in the second and third indents above. The new maps illustrating section 4 of the Common Position (network of inland waterways and inland ports) introduce a new category of ports into the Decision: sea-river ports. These maps also contain a special indication of those ports which are not combined transport ports but which handle a freight traffic volume of no less than 300 000 tonnes.

C. EUROPEAN PARLIAMENT AMENDMENTS NOT ACCEPTED BY THE COUNCIL

1. Not accepted by the Commission

The Council did not accept amendments 1, 4 (in part), 8 (in part), 9 (in part) or 11 as set out below.

(a) *Trans-European rail freight freeways and the White Paper*

The Council did not accept *amendment 1*, which aims to delete the wording of the seventh recital of the Commission's initial proposal (see point IV, B.2(b)) and replace it with a new text stipulating that:

- the report which the Commission must submit, pursuant to Article 21 of Decision No 1692/96/EC, on revision of the TEN-T guidelines, will, where appropriate, be followed by suitable legislative proposals, and reject the idea of a White Paper. In fact, in its 1998 report on the implementation of the guidelines, the Commission stated that its objective was to 'launch a broad consultation process leading up to a White Paper on revision to the guidelines in 1999',
- the strategic environmental impact assessment referred to in Article 8(2) of the Decision should incorporate intermodal ports and terminals.

The Council felt that the choice of the form of the report which, pursuant to Article 21(1) of the Decision, the Commission must submit on possible adjustments to the guidelines, was the Commission's responsibility. Pursuant to Article 21(2), further to the report the Commission will, if necessary, submit appropriate legislative proposals. The Council reiterated that, by virtue of Article 8(2) referred to above, the Commission must 'develop appropriate methods of analysis for strategically evaluating the environmental impact of the whole network'. The Council stressed that, once these methods have been developed and a strategic analysis conducted, both the methods and the analysis will apply to the entire network, ports included (for terminals see point III.C.1).

(b) *Seaports*

The Council:

- (i) did not accept the first and second parts of amendment 4, on amending Article 1(3) of the proposal relating to new Article 12(2)(a) and (b) by:
 - adding a new criterion on the port's providing connections with other trans-European transport routes identified in Annex I. The European Parliament pointed out that Article 12 of the Decision in force provides that seaports constitute 'points of interconnection between sea transport and other modes of transport',
 - changing the quantitative criterion referred to under point (a) in order to raise the minimum annual volume of freight traffic handled from one to one and a half million tonnes. The European Parliament considers that this figure is more suitable for a trans-European network.

The Council firstly pointed out that several important ports, while constituting points of interconnection between sea transport and other modes of transport, are not connected to the routes identified in Annex I.

The Council felt that too few seaports could meet both of the new criteria proposed by the European Parliament in equal measure. The Council preferred to take a different approach, as indicated under III A.

- (ii) The Council did not accept the third part of *amendment 4*, designed to amend Article 1(3) of the Commission's initial proposal concerning Article 12 of the Decision, by replacing the second subparagraph of new paragraph 2(b) with a new point (ba).

The Commission's amended proposal in part follows the approach taken by the European Parliament on Article 12(3).

The Council thought it preferable to take a different approach for determining the criteria to be met by seaports before they could be included in the network (see point IIIA).

(c) **Port infrastructures (amendments 8 (second and third parts), 9 (second part) and 11)**

In amendments 8, 9 and 11, the European Parliament proposes structuring the categories of projects concerning inland ports in the same way as those concerning seaports.

The purpose of these amendments is to introduce into the Decision a general definition of port infrastructure in the port area, applicable both to inland ports (*second part of amendment 8*) and seaports (*second part of amendment 9*). These amendments are also intended to make it clear that port superstructure in inland ports (*third part of amendment 8*) and seaports (*amendment 11*) is not eligible for Community of TEN-T funding.

Furthermore, amendment 11 also aims to delete the provision of the original Commission proposal which states that infrastructure investments in (sea)port areas are generally not eligible. The European Parliament considers that, on the contrary, port infrastructure should be eligible for Community aid.

The Council felt that the definition of port infrastructure proposed by the European Parliament (second parts of amendments 8 and 9) was too specific and not exhaustive. In its opinion it would be wise:

- in the case of inland ports, to maintain as they stand the provisions currently in force on the categories to which infrastructure projects involving inland ports must correspond in order to be considered of common interest (Article 1(5)(a) amending Annex II, Section 4 of the Decision),
- in the case of seaports, to amend Annex II, section 5, point 1 of the Decision in accordance with the approach described under III A above, while retaining in the table in another form the categories of port projects listed in paragraph 1, C and D, of the Decision in force.

With regard to the alternative wording proposed by the European Parliament on the non-eligibility of port superstructure (third part of amendment 8 on inland ports and amendment 11 on seaports), the Council also considered that the concept of 'superstructure' was not clearly defined, that there was no need to introduce the concept in this context and that it might cause uncertainty over the definition of a project.

As for the part of amendment 11 concerned with deleting the provision on the non-eligibility of infrastructure investment in port areas, the Council took the same view as the European Parliament, which was accepted in the Commission's amended proposal, namely that this provision should be deleted. In reality, all projects of common interest, including those concerning ports, are in principle eligible for TEN-T financing. Moreover, the specific conditions to be met in order to be eligible for Community funding are governed more by the financial regulations applicable in this area than by the Decision.

2. Accepted by the Commission

(a) *Combined transport network*

The Council:

- (i) did not accept *amendment 5*, intended to modify Article 1(4)(a) of the Commission proposal on new paragraph 1 of Article 14 of the Decision. The European Parliament proposed that the definition of combined transport contained in the first indent of paragraph 1 be improved by adding that any initial and/or terminal road haulage should be as short as possible.

In the second indent of paragraph 1 the European Parliament proposed that terminals should provide installations for intermodal transport which enable transshipment not only between the railway network, waterways and roads but also, as provided for by the Decision in force, between shipping routes and other modes of transport.

Furthermore, the concept of intermodal transport would be defined.

As explained under IVB.2(b)(ii) (on amendment 3), the Council thought it better to leave the provisions of the Decision in force on the combined transport network, namely those in Article 14 and Annex II, section 7 as they stood.

With regard to Annex I, Article 1(4) of the Common Position provides that point 7.2 and the corresponding map should be deleted from Section 7 'Combined transport network' in the table of contents, because the maps in section 4 give adequate special indications of those inland ports equipped with combined transport facilities which meet the other criteria in the new Article 11 of the Decision provided for in the Common Position.

- (ii) did not accept *amendment 12*, intended to modify point 2(d) of the Annex to the Commission's initial proposal on replacing the third indent of section 7 of Annex II to the Decision.

The European Parliament proposed that the second subparagraph of section 7 be amended so that it no longer referred to mobile transshipment equipment which, in its opinion, did not constitute eligible infrastructure.

The European Parliament also proposed amending the third indent so that any project can be considered of common interest if it is intended to adapt port areas so as to develop or improve the transfer of merchandise between sea transport, rail and inland waterway transport in combined transport (road transport would thus be excluded).

The Commission's amended proposal includes amendment 12.

The Council thought it preferable to leave section 7 as it stood. The second indent still relates to the setting up of fixed or mobile transshipment equipment. The third indent still relates to the transfer, not of merchandise, but of containers between sea transport and rail, inland waterway or road transport.

(b) **Port infrastructures**

Inland ports

It should be noted that the Commission's amended proposal takes up the *first part of amendment 8 and the second and third parts of amendment 8* on the deletion of category 4 from point B of Section 4 of Annex II.

Amendment 8 concerns Annex II, section 4, 'Inland ports', point B4 of the Decision in force, which is divided into four categories.

The first part of amendment 8 is intended to delete category 3 from point B and replace it with one of the categories provided for seaports in section 5, point 1D, namely: 'land transport infrastructure linking the port to the various ports of the trans-European transport network'.

The second and third parts of amendment 8 aim to delete category 4 of point B and replace it with two provisions referred to above under IV, C1(c), one of which is on the definition of port areas, and the other on the non-eligibility of port superstructure.

Seaports

The Council did not accept the *first part of amendment 9* involving a drafting change whereby in Annex II(2)(c)(i) of the Commission's original proposal (Annex II, section 5, new paragraph 2, first subparagraph of the Decision) 'Port and port-related infrastructure projects' would be replaced by 'Infrastructure projects in or in connection with ports'.
