

Opinion of the Committee of the Regions on 'Revising the TEN-T legislative framework'

(2012/C 225/11)

THE COMMITTEE OF THE REGIONS

- points out that European transport policy should promote accessibility to the single market and sustainable development for all EU regions, together with the social, economic and territorial cohesion of the European continent;
- approves the regulatory approach proposed by the European Commission based on a dual-layer transport network, organised around 10 corridors and 30 priority projects;
- approves the priority given to interoperability and intermodality and to missing links and bottlenecks;
- is in favour of stepping up efforts to promote a modal shift towards rail, inland waterway and maritime transport and smart traffic management;
- stresses that the European Commission must have broad management and decision-making responsibilities for TEN-T projects and calls for strengthening the powers of the 'European coordinator';
- stresses the responsibilities of the local and regional levels in decision-making, planning and financing;
- advocates making the presence of local and regional authorities in corridor platforms compulsory and calls for 'programme contracts' to be signed between the EU, each Member State and the regions concerned;
- supports the principle of funding the core network with the Connecting Europe Facility and calls for the creation of new forms of European funding such as European bonds;
- wishes to see the introduction of European transport taxation based on the principle of internalising the external costs of the most polluting modes of transport.

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Reference document	Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network COM(2011) 650 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments

1. welcomes the European Commission's willingness to **speed up deployment** of the trans-European transport network (TEN-T), whose achievements after 20 years appear to be mixed in terms of the ambitious and fundamental objectives it was set;

2. supports the **objectives of the European transport policy** and the role given to TEN-T, which should promote, in particular:

— the improved competitiveness and economic performances of cities and regions in the European Union;

— accessibility to the single market for all EU regions;

— the deployment of the most advanced technological and operational concepts (Article 4(1)(c));

— the social, economic and territorial cohesion of the European continent (Article 4(1)(d));

— sustainable development, particularly the targets for cutting greenhouse gas emissions (Article 4(1)(b));

— the balanced development of all EU regions, including the outermost regions (Article 4(2)(j));

3. shares the European Commission's analysis that, despite the major advances made in establishing a trans-European transport network, the **current infrastructure** is still too **fragmented**, both geographically and between transport modes; this problem is even more acute in areas suffering from physical barriers, such as islands, mountainous areas and outlying areas;

4. considers that the proposed transport policy should more explicitly integrate the more general objectives established in the European Union under the **Europe 2020 strategy** and encourage greater social and territorial cohesion in the whole of the European Union;

5. shares the proactive, multimodal and pragmatic approach adopted by the European Commission which is based on scheduling investments to reflect a dual-layer transport network:

— a **comprehensive network** to be in place by 31 December 2050 at the latest;

— a **core network**, including the most strategic routes offering the highest European added value, to be in place before 31 December 2030;

6. would like to see the **regional and local authorities** being able to participate fully in preparing and implementing the proposed actions adopted as part of the TEN-T programming;

7. wonders what **funding** can actually be mobilised for effecting the selected investments to strengthen cohesion and development throughout Europe, given the tight budgetary constraints currently straining the public finances of the Member States and regional and local authorities;

The regulatory environment

8. welcomes the European Commission's choice of **proposing a regulation** with direct application. This option appears to be:

— the only one that can synchronise the involvement of a large number of actors of all types in operating the TEN-T network, i.e. the 'Member States, regional and local authorities, infrastructure managers, transport operators and other public and private entities' (Article 5);

— the most appropriate for meeting the ambitious timetable adopted;

— appropriate for ensuring that countries commit themselves to the timetable and to co-financing;

9. approves the priority given to **interoperability** under the new regulatory framework. This provides a real opportunity for integrating the European transport system by encouraging the implementation of standards and procedures common to all European actors. Moreover, the Committee wishes to give **intermodality** a key role in creating any transport infrastructure, both freight and passenger (Article 34) to facilitate the continuity of traffic flows as far as possible and to make the concept of the transport chain a reality. Numerous improvements are possible, particularly for passengers,

in terms of integrated ticketing, clearer timetables and better synchronised connections, and, for freight transport, in terms of reliability and high-quality services;

Principles and architecture of the TEN-T network

The principles of the TEN-T network

10. supports the European Commission in the choice and wish to create the TEN-T network, whilst ensuring implementation of the current priorities: **thirty priority projects and the horizontal priorities** aimed at developing traffic management tools in favour of interoperability and also calls on the European Commission, with respect to the projects previously termed priority, to take account of the work already undertaken on the ground in order to properly maintain continuity and European involvement;

11. is pleased that the infrastructure projects **are based on the existing networks**, whilst efforts are being made to improve and interconnect them (Article 7). The selected projects can thus create new transport infrastructures, but also maintain, repair and upgrade existing transport infrastructures and promote the most resource-efficient use;

12. welcomes the fact that the projects selected for the TEN-T network are based on the **principle of common interest** (Article 7):

— they have been subject to a socio-economic cost-benefit analysis identifying a positive net present value;

— they demonstrate clear European added value;

— they comply with the principles governing the comprehensive or core network;

13. welcomes the **transversal actions** deployed in favour of smart traffic management by promoting the ERTMS system for rail transport, SESAR for air transport, IFS for inland navigation, ITS for road transport and the Galileo European system for positioning and navigation, to encourage **interoperability**, an essential requirement for creating an extensive single European transport market;

14. is still in favour of the idea of a 'blue belt', has doubts about the real importance the Commission has given to the principle of the **motorways of the sea** (Article 25) because of their very minor role in the ten corridors, and feels that maritime transport has not been taken sufficiently into account in the European Commission's draft guidelines;

15. questions the Commission's and the Member States' real willingness to **change demand for mobility** as opposed to continually satisfying the growth in such demand;

The comprehensive network:

16. endorses the principle whereby this network should become the '**circulatory system**' of the single market, enabling passengers and goods to move unimpeded throughout the Union, with the aim of ensuring that the majority of businesses and individuals are no more than a thirty-minute journey away from the comprehensive network by 2050;

17. encourages the **efforts made in favour of rail transport**; there are numerous economic, financial and ecological reasons to support this priority;

18. questions **the effectiveness of covering the whole of the European Union's territory** in line with the principle of territorial cohesion and the possibility opened up by the establishment of the core network of becoming the benchmark for regional development at European level;

19. reiterates how much **maintaining the comprehensive network** is the only way for the peripheral regions without priority projects to benefit from transport infrastructure financed by the European Union, thereby ensuring that all regions are accessible;

20. suggests that efforts be made to improve transport links **to and within the island, outermost and mountain regions**;

The core network

21. supports the Commission initiative to have in place very soon (by 2030 at the latest) **a strategic network generating significant European added value**, particularly in terms of the growth and employment targets set out in the strategy *Europe 2020: for smart, sustainable and inclusive growth*;

22. welcomes the importance placed on the concept of '**multimodal corridors**', aimed at facilitating the coordinated implementation of the core network, based on the principles of modal integration, interoperability, and coordinated and effective resource management (Article 48); is disappointed that motorways of the sea have only been given a limited role to play in the proposed corridors;

23. backs the Commission's choice of **ten corridors** marking the core network's priority routes and the **methodology** chosen for defining the core network and supports the Commission's choice to concentrate funding on the **cross-border projects** offering significant European added value, at least for the period 2014–2020;

24. endorses the principle of giving responsibility for each corridor to a **European coordinator** (Article 51) who will act in the name and on behalf of the Commission with a view to ensuring that the EU's interest is upheld, by overseeing the planned activities in order to respect the schedules and funding arrangements laid down, and reporting on the progress made and any possible difficulties encountered, working on the principle of consulting all the stakeholders involved;

25. welcomes the importance placed on the 'core network **nodes**' (Article 47) **with a view to achieving intermodality**, but suggests adding further details and providing a broader definition for **the concept of 'urban nodes'**, so as to include the relevant logistical and port areas (Article 3(o));

26. feels that the core network should not only better integrate ports which play a key role in Member States' exports and imports but which are located outside urban nodes, but should also develop the infrastructure for connections with third countries – particularly accession candidate countries – by improving land-based synergies with the motorways of the sea;

Clean, sustainable and intelligent transport systems

27. is in favour of stepping up efforts to promote a modal shift towards rail, inland waterway and maritime transport;

28. feels that regional and local authorities, acting jointly with the European Union, should support **collective modes of transport** in general and public transport in particular, and implement proper **urban mobility plans** to reduce city centre congestion;

29. also feels that freight and passenger transport have quite distinct needs; separate management could ensure more efficient operation of these two areas;

30. welcomes measures in favour of **smart traffic management** (ERTMS, SESAR, IFS, SafeSeaNet, ITS), which are essential for securing an integrated European transport system;

The governance system

31. stresses that the **European Commission** must have broad **management** and **decision-making** responsibilities for TEN-T projects because it alone, in association with the other European institutions and bodies, can guarantee the European added value and consistency between all the projects across the whole of the European continent in order to create a truly European network that goes beyond merely interconnecting national infrastructures;

32. notes that the regulation meets the **subsidiarity principle** and gives the EU the option of taking appropriate measures to implement what cannot be undertaken in a satisfactory manner at national and sub-national levels;

33. endorses the **tool for monitoring** the activities undertaken by each country for the TEN-T network, which enables the Commission to be constantly updated by the Member States on progress in implementing projects of common interest and the investments approved for this purpose. The Committee also endorses the principle that the Commission publish a progress report every two years for submission to all the relevant EU bodies, as well as the option granted to the Commission to adopt delegated acts to take account of possible changes resulting from the quantitative threshold (Article 54);

34. views as a positive step forward **the governance principle chosen for the corridors**(Article 52), which gives responsibility for governance to a 'European coordinator', the methods for his/her selection (Article 51(2)), the list of his/her responsibilities (Article 51(5)) and the option given to the Commission to adopt implementing decisions relating to the core network corridors (Article 53(3));

35. nevertheless, in order to ensure that the projects included in the corridor are seamlessly taken forward, calls for **strengthening the powers of the 'European coordinator'**, who must be able not only to mediate in the event of conflict, but also alert the Commission and the Parliament if he/she deems that something is preventing a project from progressing smoothly (Article 51(5)(b));

36. welcomes the creation of **corridor platforms** and their remit of setting the general objectives and preparing and monitoring the corridor deployment measures (Article 52), but is surprised by the absence of **local and regional authorities** from the governance of core network corridors (Article 52) and advocates **making their presence in corridor platforms compulsory**. The reason for this proposal lies in the broad responsibilities entrusted to the corridor platform and the tasks and responsibilities of the local and regional authorities as key transport policy stakeholders, often major co-financers and repositories of a democratic legitimacy likely to help ensure that projects are undertaken;

37. stresses the need for **including cities and regions** in defining trans-European transport networks and their priorities, so as to take account of each region's specific conditions; moreover, emphasises how much the local and regional levels must **contribute** to the initiatives planned for transport **in terms of decision-making, planning and financing, particularly** to ensure coordination with the local and regional development plans;

38. wonders about the place given to cooperation with the regions concerned in establishing the corridor projects and recommends that **cooperation** with regional stakeholders should be part of the remit of the **corridor platforms** and be based largely on regional authorities' know-how in these matters. Hence the period of six months stipulated for

drawing up the corridor development plans does not seem consistent with holding a proper cooperation and consultation process (Article 53);

39. calls for the '**programme contracts**', along the lines of the 'territorial pacts', to be signed between the European Union, each Member State and the regions concerned, setting out their reciprocal commitments relating to financing and the completion timetable; these contracts should not only cover the infrastructures making up the TEN-T, but also the secondary infrastructures that the countries and regions would undertake to build to ensure the smooth operation of the main networks;

Financing instruments

The principles of financing the TEN-T network

40. is aware of the **strategic importance** that the TEN-T network represents for the EU's vitality and the considerable **financial effort** involved in its completion; therefore calls for recourse to a European loan which, going well beyond the European Commission's proposal to create 'project bonds' to finance the EU's transport infrastructures, would make it possible to invest massively in the European transport system, which is absolutely essential for Europe's competitiveness, for attaining the goals of the Europe 2020 strategy (particularly the environmental goals) and for re-launching the European economy during this crisis period;

41. is concerned about the **level of funding** ultimately adopted by the Council and the European Parliament as **part of the EU's next multi-annual financial framework**. The current budget difficulties should not result in the EU giving up its ambitions for these projects, which are building blocks for the future, as this would be detrimental in the long run;

42. points out to what extent these huge investments in TEN-T call for strong and unwavering **political will at the very highest level**;

43. stresses the need for giving financial priority to missing links (particularly the cross-border links) and bottlenecks;

44. welcomes the **level of European co-financing**, which is generally up to a maximum of 20 % for work on the core network, up to 40 % for cross-border rail and inland waterway projects, up to 50 % of the costs for studies and up to 50 % for intelligent transport systems and for Member States in the transitional phase;

45. points out the **major contribution by many regional and local authorities** to funding the TEN-T in addition to the funding from Member States and the European Union, which fully justifies their active participation in drawing up and implementing infrastructure projects;

46. believes that when it comes to implementing very large projects, the **European contribution should be contractualised** as part of global financial plans. This is not possible under current procedures for allocating European subsidies, which are limited to a budgetary period of seven years (less than the completion period for very large projects);

47. supports the principle of funding the core network from an infrastructure fund, and the comprehensive network from other national and regional resources, including the ERDF; nevertheless, points out that cohesion policy pursues its own objectives and that financing the comprehensive network as part of the integrated development strategies drawn up at regional level should under no circumstances lead to cohesion policy being implemented on a sectoral basis;

48. **wonders about the impact** this regulation might have on regional and local authorities, and particularly on the **funding** they are allocating for co-financing TEN-T infrastructures. This impact has yet to be ascertained and should be assessed on a case-by-case basis.

The new instruments for funding the TEN-T network

49. supports the principle of using **new sources of funding** to speed up implementation of TEN-T activities, spread the risks and secure more private investment, but points out that these new funding sources should in no way replace traditional EU financing, but rather complement it;

50. is in favour, to a certain extent, of expanding **public/private partnerships** (PPP), since they have the advantage of increasing funding transparency and helping stakeholders to keep to infrastructure completion deadlines; nevertheless, points out that PPPs are not the solution to every problem and stresses the need to be alert to the question of infrastructure ownership in the context of a PPP initiative;

51. advocates the swift introduction of **transport taxation** at European level, based on the principle of internalising the external costs of the most polluting modes of transport by means of a harmonised tax system whose revenues would then be allocated for creating more sustainable transport infrastructures (e.g. Eurovignette);

52. calls for the role of the **European Investment Bank** not to be overlooked. Each year it finances transport-related projects to the tune of EUR 10 billion and remains a sound investment source for the most complex projects.;

53. supports the new Union funding instrument, the **Connecting Europe Facility**, intended to finance priority European infrastructures, particularly in transport, energy and digital broadband, and welcomes its major **leverage effect**;

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Article 3 (o)

Amend

Text proposed by the Commission	CoR amendment
(o) 'urban node' means an urban area where the transport infrastructure of the trans-European transport network is connected with other parts of that infrastructure and with the infrastructure for regional and local traffic;	(o) 'urban node' means an urban area where <u>including all</u> the transport infrastructure of the trans-European transport network <u>(ports, airports, logistical platforms, freight terminals, etc.) located in and around an urban area and</u> connected with other parts of that infrastructure and with the infrastructure for regional and local traffic;

Reason

It is important for the development of the core network to include the locally-linked logistic facilities (ports, airports, logistical platforms, freight terminals, etc). The purpose of this proposed wording is to make clear this natural connection.

Amendment 2

Article 4(2)

Amend

Text proposed by the Commission	CoR amendment
<i>Article 4</i>	<i>Article 4</i>
Objectives of the trans-European transport network	Objectives of the trans-European transport network
2. In developing the infrastructure of the trans-European transport network, the following objectives shall be pursued:	2. In developing the infrastructure of the trans-European transport network, the following objectives shall be pursued:
(j) the transport infrastructure that reflects the specific situations in different parts of the Union and provides for a balanced coverage of European regions, including outermost regions and other peripheral ones;	(j) the transport infrastructure that reflects the specific situations in different parts of the Union and provides for a balanced coverage of European regions, including outermost regions, and other peripheral ones <u>and mountainous areas</u> ;

Reason

Given the problems of accessibility affecting mountainous areas, TEN-T must take account of these areas together with other vulnerable areas such as peripheral areas and the outermost regions.

Amendment 3

Article 9.3

Amend

Text proposed by the Commission	CoR amendment
3. The Member States shall ensure that the comprehensive network is completed and fully complies with the relevant provisions of this Chapter by 31 December 2050 at the latest.	3. The Member States shall ensure that the comprehensive network is completed and fully complies with the relevant provisions of this Chapter by 31 December 2050 at the latest. <u>To this end, it would be desirable for 'programme contracts' to be signed between the European Union, each Member State and the regions concerned.</u>

Reason

Regional and local authorities are often justified in standing up to States refusing to meet the obligations to which they had subscribed, but frequently lack the means to do so. The rapporteur suggests requesting 'programme contracts' along the lines of the territorial pacts.

Amendment 4

Article 45.1

Amend

Text proposed by the Commission	CoR Amendment
<p><i>Article 45</i> Requirements 1. The core network shall reflect evolving traffic demand and the need for multi-modal transport. State-of-the-art technologies and regulatory and governance measures for managing the infrastructure use shall be taken into account in order to ensure resource-efficient use of transport infrastructure and to provide for sufficient capacity.</p>	<p><i>Article 45</i> Requirements 1. The core network shall reflect evolving traffic demand and the need for multi-modal transport. State-of-the-art technologies and regulatory and governance measures for managing the infrastructure use shall be taken into account in order to ensure resource-efficient use of transport infrastructure and to provide for sufficient capacity <u>for transport both of passengers and freight on the basis of specific lines when this is deemed necessary.</u></p>

Reason

Freight transport must have infrastructure with sufficient capacity and must be given the necessary priority over passengers for it to be effective.

Amendment 5

Article 46.3

Amend

Text proposed by the Commission	CoR amendment
<p>3. Without prejudice to Article 47(2) and (3), the Member States shall ensure the core network is completed and complies with the provisions of this Chapter by 31 December 2030 at the latest.</p>	<p>3. Without prejudice to Article 47(2) and (3), the Member States shall ensure the core network is completed and complies with the provisions of this Chapter by 31 December 2030 at the latest. <u>To this end, it would be desirable for 'programme contracts' to be signed between the European Union, each Member State and the regions concerned.</u></p>

Reason

Regional and local authorities are often justified in standing up to States refusing to meet the obligations to which they had subscribed, but frequently lack the means to do so. The rapporteur suggests requesting 'programme contracts' along the lines of the territorial pacts.

Amendment 6

Article 47

Amend

Text proposed by the Commission	CoR Amendment
<p><i>Article 47</i> Nodes of the core network 1. The nodes of the core network are set out in Annex II and include: — urban nodes, including their ports and airports;</p>	<p><i>Article 47</i> Nodes of the core network 1. The nodes of the core network are set out in Annex II and include: — urban nodes, including their ports, and airports, <u>logistical platforms and freight terminals;</u></p>

Text proposed by the Commission	CoR Amendment
<ul style="list-style-type: none"> — maritime ports; — border crossing points to neighbouring countries. 	<ul style="list-style-type: none"> — maritime ports; — border crossing points to neighbouring countries.

Reason

It is essential that, in accordance with the definition proposed by the rapporteur (Amendment 1 of the draft opinion on the modification of Article 3 of the EC proposal, which defines the term 'urban node'), urban nodes of the core network include all local logistical facilities for the effective transport of passengers and freight (both ports and airports as well as logistical platforms, freight terminals, etc.).

Amendment 7

Article 51(5)(b)

Amend

Text proposed by the Commission	CoR amendment
<p>5. The European Coordinator shall:</p> <p>(b) report to the Member States, to the Commission and, as appropriate, to all other entities directly involved in the development of the core network corridor on any difficulties encountered and contribute to finding appropriate solutions;</p>	<p>5. The European Coordinator shall:</p> <p>(b) report to the Member States, to the Commission and, as appropriate, to all the other entities directly involved in the development of the core network corridor on any difficulties encountered and contribute to finding appropriate solutions <u>and may also alert the Commission if he/she considers that there is a serious obstacle to the smooth progress of a project so that the Commission can implement the provisions laid down in Article 59 as quickly as possible;</u></p>

Reason

In order to guarantee the smooth progress of the corridor projects, the rapporteur suggests strengthening (or clarifying) the powers granted to the European coordinator. In the event of any delay in the project timetable, the coordinator may alert the Commission so that it may call on the countries concerned to explain the delay and decide to adopt appropriate measures in compliance with the principle of proportionality.

Amendment 8

Article 52.1

Amend

Text proposed by the Commission	CoR Amendment
<p>1) For each core network corridor, the Member States concerned shall establish a corridor platform responsible for defining the general objectives of the core network corridor and for preparing and supervising the measures referred to in Article 53(1);</p>	<p>1) For each core network corridor, the <u>appointed European Coordinator</u> Member States concerned shall establish a corridor platform together with the Member States concerned, responsible for <u>which shall be used to help</u> defining the general objectives of the core network corridor and for preparing and supervising the measures referred to in Article 53(1);</p>

Reason

In view of the plans to appoint European Coordinators with additional powers, it makes sense for them to be given responsibility for establishing the core network corridor so as to avoid the need for time-consuming negotiations between the Member States.

Amendment 9

Article 52(2)

Amend

Text proposed by the Commission	CoR amendment
2. The corridor platform shall be composed of the representatives of the Member States concerned and, as appropriate, other public and private entities. In any case, the relevant infrastructure managers as defined in Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure shall participate in the corridor platform.	2. The corridor platform shall be composed of the representatives of the Member States <u>and the regions</u> concerned and, as appropriate, other public and private entities. In any case, the relevant infrastructure managers as defined in Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure shall participate in the corridor platform.

Reason

As major co-financers of the transport networks, the regions must automatically be involved in the platforms managing the corridors of the core network.

Amendment 10

Article 53.1

Amend

Text proposed by the Commission	CoR amendment
For each core network corridor, the Member States concerned, in cooperation with the corridor platform, shall jointly draw up and notify to the Commission a corridor development plan within six months after entry into force of this Regulation.	For each core network corridor, the Member States concerned, in cooperation with the corridor platform, shall jointly draw up and notify to the Commission a corridor development plan within six months <u>a timeframe compatible with any legislation governing cooperation with the people concerned. This period may not exceed 18 months</u> after entry into force of this Regulation.

Reason

The period of six months stipulated for drawing up the corridor development plans does not seem consistent with holding a proper cooperation and consultation process (Article 5(3)(1)). The law in several EU countries allows the public to be involved in decisions relating to public infrastructures. These consultation phases are long and generally in excess of six months. It is essential for the proposed wording to provide timeframes compatible with the organisation of the consultation phases envisaged by national legislations.

Brussels, 3 May 2012.

The President
of the Committee of the Regions
Mercedes BRESSO