



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.12.2000
COM(2000) 768 final
1997/0358 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2) (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
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**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

EXPLANATORY MEMORANDUM

Article 251(2)(c) of the EC Treaty lays down that the Commission shall deliver an opinion on the amendments proposed by the European Parliament at second reading.

The Commission sets out its opinion below on the amendments proposed by Parliament.

1. BACKGROUND

- a) On 10 December 1997, the Commission adopted its proposal for a Decision (COM(1997)681 final - 1997/0358/COD), which was submitted to the Council and to the European Parliament in March 1998.
- b) The Economic and Social Committee delivered a favourable opinion on 29 April 1998.
- c) The Committee of the Regions delivered a favourable opinion on 17 September 1998.
- d) The European Parliament delivered its opinion on the proposal in first reading on 10 March 1999. It adopted 13 amendments which contained at least 22 modifications.
- e) On 17 June 1999 the Commission adopted, pursuant to Article 250(2) of the Treaty, an amended proposal for a decision which incorporated wholly or in part 11 of the 13 amendments proposed by Parliament (COM(1999)277 final).
- f) The Council adopted its common position on 5 June 2000 by unanimity.
- g) On 3 October 2000, the European Parliament adopted at second reading a resolution including 15 amendments to the common position.

2. PURPOSE OF THE PROPOSAL

The objective of the amending proposal is to complement Decision N° 1692/96/EC on Community guidelines for the development of the trans-European transport network (TEN-T) by clarifying and reinforcing the position of seaports, inland ports and intermodal terminals in the network.

Part 1 of the proposal aims at amending the characteristics of seaports, inland ports and intermodal terminals in the Decision, suggests criteria for their identification in Annex I and seeks to improve the definition of relevant projects of common interest relating to seaports, inland ports and intermodal terminals in Annex II.

Part 2 of the proposal makes a change to the specific project N° 8 in Annex III (the list of the specific projects designated by the 1994 Essen European Council) from “Motorway Lisbon-Valladolid” to “Multimodal link Portugal/Spain with the rest of Europe”, as requested by the governments of Spain and Portugal and endorsed by the Dublin European Council in December 1996.

In all other respects the text of Decision 1692/96/EC remained unchanged.

3. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

3.1. Amendments retained by the Commission

The Commission notes that Parliament, in its amendments, has not accepted a number of the changes that were proposed by the Council, and accepted by the Commission. However, the Commission believes that the positions of the Parliament and the Council are close and that, while the form and quantitative thresholds in the Parliament's amendments might differ from those in the Council's Common Position, the overall content still complies with the spirit of the proposal. The Commission feels that a compromise is possible which incorporates the main wishes of all institutions. With this in mind, the Commission finds most of the amendments proposed by the Parliament wholly, or in part, acceptable.

The following amendments are acceptable in their entirety:

Amendment 1 amends the title of the proposal, to re-introduce intermodal terminals. This is not a major change, and is in line with the Commission's original proposal, although it only makes sense if the change to Article 14 (Amendment 5) is accepted.

Amendment 2 reintroduces the reference to intermodal terminals in the preamble, and specifies that all interconnection points are subject to Strategic Environmental Assessment. This is not a major change, and is in line with the Commission's original proposal, although it only makes sense if the change to Article 14 (Amendment 5) is accepted.

Amendment 3 removes the reference to the different categories of ports in the preamble. This is not a major amendment, and depends on what system of categorisation is agreed.

Amendment 4 strengthens the criteria for Inland Ports proposed by the Council. The Commission could accept this, in order to facilitate a compromise, as it reflects the trans-European nature of the network.

Amendment 6 amends the provisions on Combined Transport, and introduces a reference to intermodal terminals. The amendment also reintroduces a reference to a map of intermodal terminals proposed by Commission but rejected by Council.

Amendment 7 re-introduces maps for intermodal terminals, proposed by Commission but rejected by Council. In the interests of reaching a compromise with the Council, Commission could also support the removal of intermodal terminals from the maps, if it was clear that these were still part of the network.

Amendment 13 introduces minor changes to text on criteria for Projects of Common Interest in Combined Transport.

Amendment 14 corrects the name of a port in Annex I map 5.1 of ports.

The following amendments are partly acceptable:

Amendment 5 reintroduces the seaports characteristics proposed by Commission, but with tougher criteria (minimum traffic volume increased from 1 mio to 1.5 mio tonnes, and only larger ports on islands are included). The Commission could accept this, but notes that it is unlikely to be accepted by Council. However, the Commission believes that the positions of the Parliament and Council are not too far apart on this point, and that it should be possible to find a compromise that combines the two approaches.

Amendment 8 strengthens the criteria for Inland Ports proposed by the Council. The Commission could accept this, in order to facilitate a compromise, as it reflects the trans-European nature of the network. However, the amendment also introduced a definition of 'superstructure' that is not eligible for Community funding. This part of the amendment is not acceptable to the Commission, which believes that it is not appropriate to discuss financing in the Guidelines, and not necessary, because superstructure projects are not included in the definition of projects of common interest.

Amendment 9 rejects the categories of ports and projects proposed by Council, and reverts to the format used in the Commission proposal. However, the Commission believes that, in substance, the positions of the Parliament and Council are not too far apart on this point, and that it should be possible to find a compromise that combines the two approaches.

The following amendments are acceptable in principle, but need to be redrafted in order to bring them into line with other provisions of the Decision and to facilitate a compromise:

Amendment 10 deletes the table of eligible Projects of Common Interest in seaports proposed by Council, and reverts to Commission proposal. This is more a change in structure than in substance. However, the Commission believes that the positions of the Parliament and Council are not too far apart on this point, and that it should be possible to find a compromise that combines the two approaches.

Amendment 11 reinserts the text proposed by the Commission but deleted by Council, listing four types of Projects of Common Interest in Seaports which should be given particular attention.

Amendment 15 introduces slightly more generous criteria for ports in islands and in the outermost regions mentioned in Article 299(2) of the Treaty than for other ports. The Council had proposed looser criteria for ports, including all ports in islands, but made no mention of outermost regions. However, the Commission believes that the positions of the Parliament and Council are not too far apart on this point, and that it should be possible to find a compromise that combines the two approaches.

3.2. Amendments not accepted by the Commission

Amendment 12 introduces a new paragraph to Annex II, section 5 of the Guidelines, defining 'superstructure' projects that are not eligible for Community finance.. The wish of the EP to introduce the concept of infrastructure/superstructure was already rejected in the first reading on the grounds that the definition given for the infrastructure was not accurate enough and that the concept of superstructure has not been used in the context of the TENs. The approach of the TENs decision is to "identify" projects of common interest, by putting together a positive list of eligible projects. Any projects that are not mentioned are excluded. The Commission is maintaining this position and cannot therefore accept this introduction of a definition of 'superstructure' projects. It is not appropriate to discuss financing rules in the TEN-T Guidelines, and the amendment is not necessary as the list of Projects of Common Interest does not include 'superstructure' projects. A possible compromise would be to strengthen the definition of Projects of common Interest.

4. CONCLUSION

The Commission therefore modifies its proposal to take account of the above-mentioned amendments.