



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1 October 2003
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Amended proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending the amended proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Decision No 1692/96/EC on Community guidelines for the development of the
trans-European transport network

presented by the Commission pursuant to Article 250(2) of the EC Treaty

EXPLANATORY MEMORANDUM

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1. INTRODUCTION AND SUMMARY

A genuinely trans-European transport network will dynamise the internal market, improve territorial cohesion and, as a result, boost the competitiveness and growth potential of the European Union. Extension of the network to the future Member States will help to make enlargement a success and provide a new opportunity to reduce congestion on the major routes and encourage intermodality in the enlarged Europe, one condition for sustainable development of transport.

In order to stimulate the development of such a network by implementing projects with a distinct European dimension, on 2 October 2001 the Commission proposed an amendment to the Decision 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 During the plenary part-session of 30 May 2002, the European Parliament approved, subject to several amendments, the main aspects of this proposal, in particular the addition of six priority projects with high European added value. The Commission forwarded an amended proposal to Parliament and the Council in September 2002 indicating which of Parliament's amendments it considered should be included.²

The Council has not been able to adopt the proposal. Back in 2001 in the White Paper on European transport policy, the Commission had already pointed to the need to add to this initial proposal in order to keep the focus on priority projects in the context of the enlarged Union.

To this end, the Commission set up a High-Level Group, chaired by Mr Karel Van Miert and composed of experts nominated by the Transport Ministers of the current and future Member States and from the European Investment Bank. The report of this Group was submitted to the Commission on 30 June 2003 and made public at the same time.³

Having examined the recommendations of the High-Level Group and the reactions received after they were published, the Commission considers that the latest information calls for additions to be made to the amended proposal forwarded in September 2002. These additions to the amended proposal aim to make it easier to reach agreement within the Council and the European Parliament and thus to attain the objective set by the European Council of adopting these new guidelines quickly, including new priority projects in the Alps, the Pyrenees and the Baltic Sea. The proposed new amendments:

- add to the list of priority projects proposed in 2001 the new projects identified by the High-Level Group, including new forms of support for the development of transnational projects for motorways of the sea;
- grant a "European interest" label to these projects giving them priority to use the Community resources available in accordance with the rules applicable to the Community financial instruments for the networks; in particular, this label

¹ COM (2001) 544.

² COM (2002) 542.

³ See http://europa.eu.int/comm/ten/transport/revision/hlg_en.htm.

provides for the Member States to carry out, prior to the authorisation of projects, coordinated evaluation and public consultation procedures or a common transnational enquiry in the case of certain cross-border sections;

- introduce a mechanism aimed at closer operational and financial coordination between the Member States for certain projects or groups of projects declared to be of European interest, with the designation of "European Coordinators";
- extend the deadline for completing the trans-European network to 2020 and extend the scope of the Decision to the territories of the future Member States once they have joined the European Union; this is in view of the time which has passed since the initial proposal was presented in October 2001 and also the time it will take to build the transport infrastructure.

The Commission stresses that this addition to the proposal goes hand in hand with a parallel proposal aimed at amending Regulation No 2236/95 in order to allow Community co-financing of up to 30% of the cost of the cross-border sections of the projects declared to be of European interest and identified in this proposal.

These two proposals form part of the growth initiative announced by the Commission in July 2003. In particular, the proposal for a decision identifies investments in projects of European interest of in the order of €20 billion up to 2020 - of which €8 billion by 2006 - which could be mobilised efficiently and rapidly to stimulate the economy, if backed up by the political will. By proposing other longer-term investments which could improve future growth potential, it enables investors, both public and private, to plan ahead for their contributions. An interim report on the growth initiative is being drafted parallel to these proposals for the European Council in October, while a detailed analysis of the investment priorities and timing implied by this initiative will be submitted to the European Council in December 2003 based on the joint work by the Commission and by the European Investment Bank. Since development of the trans-European network is one of the cornerstones of this initiative, these two proposals, which follow up the proposal submitted on 23 July 2003 on taxation of heavy goods vehicles (the "Eurovignette" Directive), are a key component of the system to be put in place.

2. PRIORITY PROJECTS FOR AN ENLARGED UNION

The trans-European network is made up of numerous projects of common interest. However, some projects stand out as a result of their European dimension, whether because of their scale or because of their role in developing transnational trade and significantly contributing to territorial cohesion and to the concentration of traffic on more environmentally friendly modes of transport.

Special efforts are required at Community level to coordinate and, if necessary, financially support such projects in order to ensure the coherent development of the network and to promote a common vision of the major routes amongst national and regional authorities and operators at various levels on the trans-European network. This is the aim of the "priority project" label.

2.1. A selective methodology

It is essential to have a rigorous and clear methodology for choosing the priority projects. The High-Level Group has established a methodology, set out in detail in its report, which is based on two stages:

- The first stage aims to ensure the overall coherence of the projects, the maturity of the projects and the commitment on the part of the Member States concerned to carrying them out. This last point is particularly important given the scale of the territorial and financial impact for the Member States which the projects cross through.
- In the second stage, the contribution of the projects to three essential Community policy objectives is assessed: their added value in facilitating the mobility of goods and people between the Member States, their contribution to territorial cohesion and their contribution to sustainable development of transport.

This methodology has proved its worth in the work of the High-Level Group. The proposal therefore introduces it in Article 19.

The priority projects on which work is to start before 2010 will be adopted after examining these various criteria within the framework of this decision, i.e. by codecision of the European Parliament and of the Council, acting on a proposal from the Commission, in accordance with the procedure provided for in Article 251 of the Treaty.

2.2. A limited number of new projects

The High-Level Group applied the methodology to examine about one hundred projects. With the agreement of the vast majority of its members, this resulted in the Group accepting a limited number of new priority projects on which work should start before 2010 (list 1 in the Group's report). The High-Level Group also confirmed the interest of the projects endorsed by the Essen and Dublin European Councils (list 0 in the Group's report).

The Commission examined the results of this work and organised a public consultation based on the High-Level Group's report (see Chapter 4). This evaluation produced no new information which is likely to call the Group's choices into question, in view of the fact that:

- The inclusion of a project in the list of priority projects in no way prejudices the variant chosen at the end of the environmental impact assessment procedures. Furthermore, the Commission ensures that the Member States correctly apply the directives in this field. In the case of the candidate countries, the Commission considers that the minimum requirements provided for in these directives should apply to the trans-European network projects, including the priority projects. Consequently, possible Community funding is, in practice, dependent on compliance with these minimum requirements.
- The inclusion of a project in the list of priority projects in no way prejudices eligibility for possible Community funding. The priority projects are in fact groups of projects located on the same route. The eligibility of these separate

parts, which each correspond to a series of economically indivisible tasks with clearly defined objectives, depends inter alia on the confirmation of their potential economic viability.

In addition to the priority projects presented by the Commission in October 2001 and approved by the European Parliament at first reading on 30 May 2002, the Commission therefore proposes all of the projects put on list 1 in the High-Level Group's report following the application of the above method as new priority projects in Annex III.

The Commission also considers that three railway projects (No 27, 28 and 29) which were discussed at length but not selected by the High-Level Group meet the criteria laid down and should be included on the list in Annex III in view of the clear commitment on the part of the States concerned and of their European added value. Following presentation of the report of the High-Level Group, the Commission has received solid proof at the highest political level of the commitment on the part of the Member States concerned to start the work by 2010.

In order to facilitate cooperation with regard to monitoring these projects, the new projects are grouped together along the main routes which link the capitals of the enlarged Union or which extend projects already proposed in October 2001.

This Annex therefore includes projects located in countries which are about to become Member States of the European Union. It should be noted that the Accession Treaties include the network of these countries in the guidelines, in particular in the maps in Annex I, but do not identify priority projects in these countries.

2.3. Declaration of European interest

Experience shows that the priority projects face a series of problems stemming from lack of funding or organisation of the coordination required between Member States because of their transnational dimension or the separate project authorisation procedures.

To help to solve them, this decision declares the priority projects to be of European interest. In the White Paper on European transport policy, the Commission had already put forward the idea of a Declaration of European Interest "*where specific infrastructure is regarded as being of strategic importance to the smooth functioning of the internal market and would help reduce congestion, but is of less interest at national or local level.*" Article 19a gives details of the effects of such declarations of European interest:

1. Steps must be taken to ensure that the Community puts into action the priorities which it chooses. Naturally, therefore, the aid granted to the trans-European networks, from the cohesion fund and from the instrument for structural policies for pre-accession must give priority to these projects, while complying with the specific rules and criteria for each of these instruments.⁴

⁴ The High-Level Group recommended that Community funding from the various existing financial instruments should be concentrated on the priority projects.

2. Given the adverse impact which delays or abandonment of certain stretches can have on the profitability of the work undertaken by other States on the same route and on the financial interests of the Community, a mechanism should be introduced to give the Member States an incentive to keep to the timetables agreed in the guidelines decision. Article 19a therefore introduces the possibility that the Commission could decide to withdraw the declaration as a project of European interest in the event of delays, after hearing the views of the States concerned on the reasons for the delays.
3. In order to facilitate future revisions of the guidelines and, if necessary, of the list of priority projects, and also to improve the procedures for evaluating projects, Article 19a therefore introduces new provisions calling on the Member States to carry out a posteriori evaluations of each priority project and to inform the Commission of the results.
4. Considering the risks that the separate national evaluation and public consultation procedures in the Member States prior to the authorisation of projects could create, the Member States are called on to carry out coordinated or single procedures in the case of cross-border sections (see Chapter 4).

Finally, the parallel proposal amending Regulation No 2236/95 opens up the possibility, for the cross-border sections of the projects declared to be of European interest identified in this proposal, of Community co-financing at a rate of up to 30% of the cost of projects. Annex III to this decision gives an indicative list of the cross-border sections particularly eligible for higher support of this type.

3. THE MECHANISM FOR SUPPORTING MOTORWAYS OF THE SEA

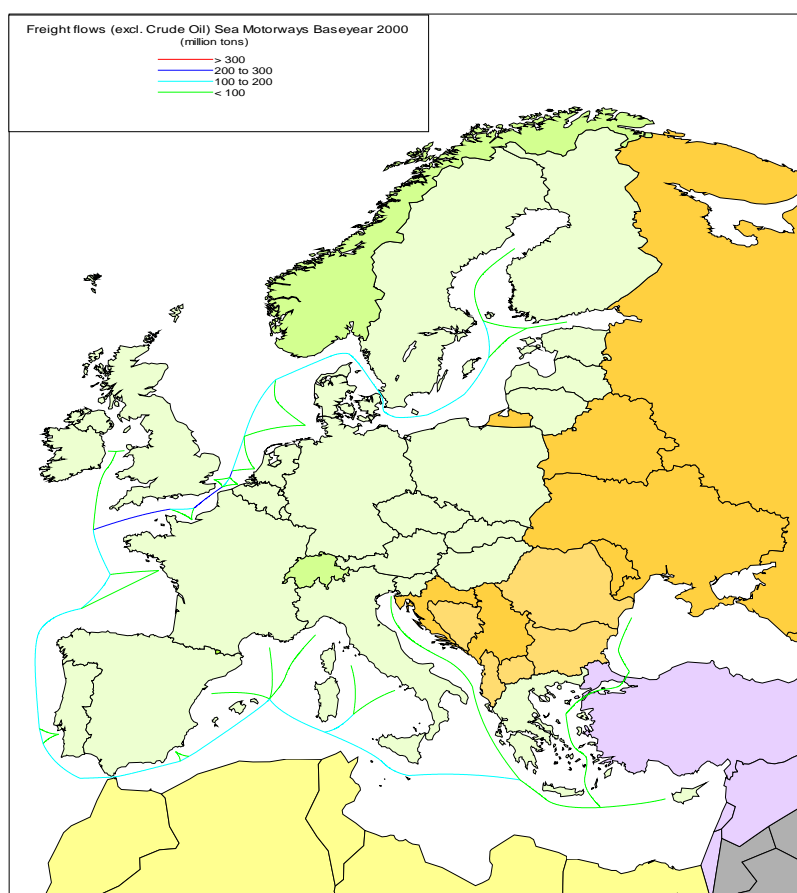
The new Annex III includes projects on the development of "motorways of the sea". The aim is to make new transnational maritime links as important as motorways and railways in the trans-European network. These maritime routes will improve links with countries isolated by natural barriers and with island and other peripheral countries.

The report of the High-Level Group suggests a number of measures which are likely to encourage the rapid development of such routes by consolidating freight on a few maritime routes starting from a limited number of ports in order to increase their potential viability. These measures include:

- simplifying customs and administrative checks, as is already the case at intra-Community borders on European land motorways, and developing electronic reporting for port authorities;⁵
- providing port facilities preferably reserved for this activity (ro-ro terminals, logistics equipment, parking spaces, facilities for lorry drivers) and direct access to ports (including open rail access);
- ensuring navigability throughout the year, especially in the Baltic Sea in winter.

⁵ As already provided for in Article 15 of the 1996 Decision.

The map below, which shows the volume of freight (excluding petroleum products) transported in the maritime regions identified in Annex III, illustrates the potential for consolidating freight.



In practice, incentives to develop new transnational maritime links should take the form of supporting or subsidising the accompanying measures described above, including giving aid to start up new services.

Apart from the action already begun under the Marco Polo programme, the new Article 12a includes the legal provisions necessary to allow Community aid for such incentives in the framework of the trans-European network.

The procedure proposed for identifying projects eligible for such aid aims to avoid distortion of competition. The projects must involve two Member States and should combine public and private financing in accordance with a procedure which ensures that aid from national budgets, if necessary with Community aid, is granted following a tendering process. In practice, the procedure proposed involves several stages:

1. In order to be eligible as projects of common interest, projects should be proposed by at least two Member States, should concern the launching of new regular lines between two Member States, should concern the strict minimum number of ports required and should alleviate road traffic congestion on the

major routes or, in the case of peripheral or island Member States, improve access to them.

2. The Member States concerned will jointly launch a tendering process (calls for proposals) in order to grant public aid to packages of projects which include access infrastructure, port infrastructure, electronic management systems or aid for the service and which will improve the economic viability of the new lines.
3. The most difficult step is choosing the ports that could be part of a motorway of the sea. If the choice at national level proves to be too difficult, the Member States concerned will be able to organise a call for proposals aimed at both ports and maritime companies. The ports will thus be chosen on the basis of proposals made by interested consortia and bringing together both maritime companies and port authorities. The call for proposals must not specify the ports concerned but must be designed for comparable ports so that final selection of the proposals will not be influenced by the location of the ports.
4. The projects chosen jointly by two Member States at the end of these calls for proposals are submitted by the Member States concerned to the Commission for approval.
5. After it has examined several things, including the compatibility of the planned aid with the guidelines on state aid in maritime transport, the Commission will decide if the project may be designated as a project of common interest. Once it has been designated as a project of common interest it becomes eligible for Community co-financing.

4. INCREASED COORDINATION BETWEEN MEMBER STATES

As well as the importance of the Community targeting its efforts on projects with a distinct European dimension, coordinating the planning and investments of the Member States is equally important for the coherent development of the trans-European network.

The Member States have their own planning systems, provide most of the public financing, canvass private investors, manage the complex administrative procedures prior to construction authorisations, and supervise the awarding of contracts and the approval of work, etc.

The fact that the Member States carry out all these tasks separately and it is difficult to coordinate them between several Member States, in addition to the lack of financing, often delays completion of the transnational links, in particular their cross-border section. As a result of not making the most of economies of scale, the profitability of the investment for society (socio-economic profitability) is diminished.

As stated in the "Charter of Naples", which was drawn up following discussions between Transport Ministers on 5 July 2003, the revision of the guidelines should be used as an opportunity to introduce new mechanisms for coordination between the Member States.

The Commission communication "*Developing the trans-European network*"⁶ and more recently the report of the High-Level Group have already examined the various possible options for increasing this coordination, which is made even more difficult by the fact that the principle of the territoriality of financing and of project supervision is deeply entrenched. Following this examination, and after an exchange of information with the Member States in the Committee referred to in Article 18, this proposal suggests two responses:

4.1. European coordinators for individual projects or groups of projects

The profitability of investments, which depends on future traffic flows and economies of scale, is closely linked to the sequence of putting into operation the various sections on the route in question. Experience shows that the socio-economic profitability of major projects on the trans-European network has been disappointing owing to delays in the work on other projects located on the same trans-European route, particularly projects in other countries. As a result of not knowing the exact intentions of their neighbours, Member States often postpone investment decisions, even those which are most likely to have high European added value. Investments therefore have to be better synchronised along the transnational routes.

For some projects declared to be of European interest, or groups of projects, located on the major European routes (corridors), it should be possible to create a coordination team, in which the Community would take part, for the duration of the priority projects located on the route. Such an approach, to be decided on a case-by-case basis, will require the cooperation of the Member States concerned, as set out in the new Article 17a which this proposal introduces.

Article 155 of the EC Treaty gives the Commission the role of taking any useful initiatives to promote coordination between Member States. It should therefore be in the remit of the Commission to designate a personality, in agreement with the Member States concerned, to be responsible for this coordination.

This European coordinator, designated for a project or group of projects, would encourage cooperation with users and operators, promote the projects amongst private investors and financial institutions, including the Community, and ensure that the necessary monitoring is carried out in order to keep the Community informed of progress so that, if necessary, measures can be taken to overcome any possible difficulties. The European coordinators will act in the name and on behalf of the Commission.

The European coordinators will be designated by decisions adopted by the Commission, after consulting the Member States concerned. These individual decisions will specify how the coordinator is to operate. These arrangements will be decided case by case and will therefore vary, depending on the circumstances. Designation of a coordinator remains only one possibility and will be reserved only for certain projects or groups of projects, depending on the coordination problems encountered.

The Commission plans to assess the operation of these European coordinators as quickly as possible. In the light of this experience, it could consider developing them

⁶ COM (2003) 132.

into one or more common structures, responsible for promoting projects amongst private and public investors, and even carrying out projects. These structures would be similar to those mentioned by the Commission in the abovementioned communication "*Developing the trans-European transport network*".

4.2. Coordinated procedures prior to the authorisation of projects

In view of the difficulties, in the case of certain projects, caused by Member States separately carrying out evaluation and public consultation procedures prior to the administrative authorisations to start a project, the High-Level Group raised the possibility of allowing a single enquiry procedure covering several Member States, and not just the Member State promoting the project.

For cross-border sections which often come up against difficulties created by these separate procedures, "transnational" commissions of enquiry could be set up to run impact assessment studies and to obtain the opinion of all interested parties in the Member States concerned.

The Declaration of European Interest issued pursuant to this decision therefore calls on the Member States concerned to carry out coordinated procedures or transnational enquiries in the case of cross-border sections which are technically and financially indivisible (paragraphs 5 to 7 of Article 19a).

Such procedures, complying with the Community directives on environmental impact assessment, would offer several advantages:

- A coordinated or transnational enquiry organising the evaluation and public consultation procedures in the various States concerned rather than parallel national procedures which are not necessarily coordinated; in particular, such an enquiry would offer a clear advantage in cases where a single promoter has been designated to build a cross-border section.
- A coordinated or single impact assessment study for the whole project. This will make it possible to take account of the effects, positive or negative, on all the Member States concerned with the project in question and not just on the State promoting the project. Such a study will make it very easy, for example, to check that the traffic management and/or signalling systems on both sides of the border are the same or at least interoperable.
- Teamwork between independent experts (investigators) from the various Member States concerned who would be responsible for drafting a single opinion jointly or in coordinated fashion for the whole route, weighing up the pros and cons of the project submitted to the enquiry.
- Consistent treatment in terms of complying with certain Community directives on environmental protection (in order to avoid a stack of national transposition measures) and carrying out an assessment of the impact on sustainable development.
- Consultation of all populations concerned in several Member States, in accordance with the various directives on environmental impact assessment and the Aarhus Convention. This would give the citizens of the European

Union equal rights to information on a transnational project and the same opportunities to comment on the project in question.

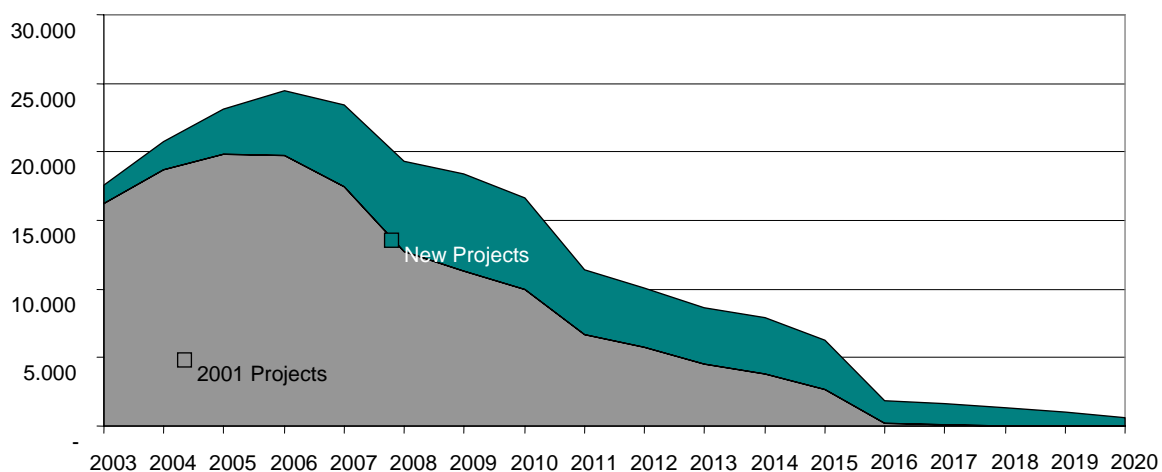
The Member States concerned will be able to decide, subject to compliance with the relevant Community directives on environmental protection, to develop coordinated procedures for projects declared to be of European interest plus transnational enquiries in the case of cross-border sections.

It must be stressed that the public consultation and evaluation methods used by the Member States should comply with the Community acquis in the field of environmental impact assessments.

This consists, inter alia, of Directive 85/337/EEC on the assessment of projects and the successive amendments thereto,⁷ Directive 92/43/EC on the conservation of fauna and flora, the Birds Directive, Directive 2001/42/EC on the assessment of plans and programmes and Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

These directives apply to projects located on the territory of the Member States but contain no specific provisions for cross-border projects which would coordinate or, possibly, standardise the procedures and evaluations carried out by the Member States. The Commission intends to examine this issue in connection with application of these directives and of this decision and, if necessary, to propose the appropriate amendments. It is therefore essential that the Member States concerned inform the Commission when such coordinated procedures or transnational enquiries are launched and of the results.

Remaining Investment - Projects proposed in 2001 and New Projects (2003-2020, Meuro)



⁷ Including Directive 2003/35/EC which incorporates the provisions of the Aarhus Convention on public access to environmental information.

5. COMPONENTS OF IMPACT ASSESSMENT

5.1. Funding

The estimated amount of investment required to carry out all the projects declared to be of European interest (projects already proposed in 2001 plus new projects proposed in this decision) is around €20 billion,⁸ i.e. close to 40% more than was required to carry out the projects proposed in 2001 (see figure below). However, this amount corresponds only to the projects declared to be of European interest. By 2020 the total cost of the entire trans-European network, including the projects of common interest not declared to be of European interest, will amount to €600 billion.⁹ The investment effort will be substantial, particularly in the short and medium term (over €80 billion by 2006).

If the declaration of European interest is to be of practical relevance to citizens and the economy, it will, therefore, be crucial that the States and the Community follow up the growth initiative by adopting a consistent approach to improve and facilitate the investment needed, in both the short and long term, as indicated in the abovementioned communication *"Developing the trans-European transport network"*.

In addition to participation by financial intermediaries, such as the private sector, to encourage better management of costs and risks, it will be essential to obtain the best mix of the three existing sources of funding, i.e. the national budgets, the Community budget and resources generated by direct contributions from users:

- Funding from the national budgets will have a key role to play. The Member States are therefore called on to adopt a policy in this field which is consistent with the commitments given under this decision. The Community budget can exert strong leverage in this context. The Commission therefore plans to examine the feasibility of a mechanism to reward projects which obtain a rapid budget commitment from the Member States.
- The resources available up to 2006 from the financial instruments for the trans-European networks (TEN budget, Cohesion Fund and instrument for structural policies for pre-accession) will have to focus on the projects declared to be of European interest. In the case of the cross-border sections, the parallel proposal opening up the possibility of aid of up to 30% of the cost of the project from the trans-European networks budget should make it easier to put together the funding package.
- The contributions from users are inextricably linked to the charges made for the use of the infrastructure and to the Community rules on this subject. Beyond that, the amendments proposed on 23 July 2003 to Directive 99/62/EC on taxation on heavy goods vehicles provide a basis for cross-financing under certain circumstances.

Preliminary simulations by the Commission based on the characteristics of the individual projects indicate that users (including the abovementioned regulatory

⁸ Excluding the motorways of the sea.

⁹ 2003 prices.

changes on charging for use¹⁰) have the capacity to contribute in the order of €40 billion out of the total investment needed, i.e. this amount could potentially be mobilised from private investors. In view of the inherent risks with projects of this kind, granting loan guarantees will play a key role in mobilising this capital.

In any event, the rest, i.e. almost €180 billion, will have to be financed by the national and Community budgets. This gives an idea of the scale of the resources which will be needed, notably within the framework of the forthcoming financial perspectives for the Community for the period after 2006.

5.2. Economic, social and environmental impact

The High-Level Group has already carried out an initial examination of the projects included in this proposal as projects declared to be of European interest as well as the benefits to be expected from closer coordination between Member States.

According to this preliminary analysis, these priority projects offer strong socio-economic advantages in terms of lower costs (internal and external), higher quality transport and regional development. The report's technical annex gives details of the characteristics, expected benefits and progress of each of the new projects included in this proposal.¹¹

In the course of the impact assessment made by the Commission,¹² one of the studies¹³ conducted suggested that carrying out these projects, if coordinated with measures to promote intermodality and charging for the use of infrastructure, as proposed in the White Paper on European transport policy, would produce significant time savings for inter-regional traffic flows alone, particularly in the candidate countries, which could add up to almost €8 billion per year.

The package of measures could reduce CO₂ emissions generated by inter-regional traffic flows by 17 million tonnes per year compared with the trend scenario and reduce emissions of other pollutants, such as NO_x.

There are also other advantages such as a reduction in road congestion by up to 14% and improved safety reducing the number of road accidents. The package would also contribute to more balanced spatial development since access to all the candidate countries, the Iberian peninsula, the Nordic countries, northern Greece and Ireland would be significantly increased.¹⁴

These projects would contribute to the sustainable development of transport at Community level by promoting intermodality. According to the abovementioned study, these projects, accompanied by the measures mentioned above, would stabilise the share of road transport in the enlarged Union of 27 countries.

¹⁰ Including cross-financing.

¹¹ See http://europa.eu.int/comm/ten/transport/revision/hlg_en.htm

¹² See SEC (2003) 1060.

¹³ See the study "Scenarios, traffic forecast and analysis of corridors of the trans-European transport network" study, Phase I, currently being published. See <http://www.nea.nl/ten-stac>.

¹⁴ See the study "Scenarios, traffic forecast and analysis of corridors of the trans-European transport network", Phase I, currently being published. See <http://www.nea.nl/ten-stac>.

Moreover, based on the abovementioned study, the Commission noted that the priority projects were located on major routes of the trans-European network, which will probably experience a high volume of international traffic. Their European added value, as they boost connections between national networks and transnational trade and thereby dynamise the internal market, may therefore be considered particularly high.

Unlike many other sectors, investment projects in the transport sector have a life span of many decades and will benefit future generations. Since these projects boost the growth potential in the long term, dynamise the internal market and contribute to sustainable development, they can be regarded as productive investments with positive repercussions for the whole Union and its competitiveness.

Other studies to estimate the macroeconomic impact, under way in connection with the growth initiative, already suggest that completion of the priority projects would lead to a significant increase in general prosperity, making productivity gains possible, as well as the creation of new permanent jobs in addition to the temporary jobs created directly by the construction works.

5.3. Outside consultations

As soon as it was available, the Commission published the High-Level Group's report and invited interested parties to make their point of view known. In addition to the opinion given by the Energy and Transport Forum on 10 September, the Commission received 76 contributions from organisations representing operators, infrastructure managers, industries, regional associations and environmental groups. To sum up, on the whole the contributions show significant support for:¹⁵

- the objective of the sustainable development of transport, particularly by promoting the infrastructure required for intermodality in the railways, inland waterways and maritime transport, without, however, neglecting the quality of the road network in the process;
- the idea of developing the motorways of the sea, which implies defining procedures for putting these projects into practice;
- the idea of closer cooperation between the Member States along corridors and of monitoring projects, improving evaluation procedures and increasing the financial support available from the Community, particularly for cross-border projects.

The reactions received generally underline the complementary nature of investments under the trans-European network policy and of the transport management measures under the Common Transport Policy, such as opening up the railway networks to competition and charging for the use of infrastructure.

With regard to certain sections of the priority projects, some non-governmental organisations have expressed their dissatisfaction to the Commission regarding the way in which environmental impact assessment procedures are carried out by the Member States concerned, particularly on natural sites. Several regions have also

¹⁵ See http://europa.eu.int/comm/ten/transport/revision/revision_1692_96_en.htm

proposed additional priority projects not proposed to the High-Level Group by the States or not selected by the High-Level Group.

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amending Decision No 1692/96/EC on Community guidelines for the development of the
trans-European transport network
(Text with EEA relevance)**

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,¹

Having regard to the opinion of the European 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,

Whereas:

- (1) Decision No 1692/96/EC of the European Parliament and of the Council,⁴ as amended by Decision No 1346/2001/EC,⁵ laid down Community guidelines for the trans-European transport network, identifying projects of common interest which must contribute to development of the network and, in Annex III, identifying the specific projects to which the European Council attached particular importance at its meetings in Essen in 1994 and in Dublin in 1996.
- (2) The forthcoming enlargement of the Union and the objective of shifting the balance between modes plus the fact that it could take over ten years to complete some of the priority projects call for re-examination of the list of projects in Annex III.
- (3) On 2 October 2001 the Commission proposed an amendment to Decision No 1692/96/EC to replace Annex III by a list of priority projects containing the specific projects not yet completed to which the European Council attached particular importance at its meetings in Essen in 1994 and in Dublin in 1996 plus six new projects.

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ L 228, 9.9.1996, p. 1.

⁵ OJ L 185, 6.7.2001, p. 1.

- (4) In its report submitted to the Commission on 30 June 2003, the High-Level Group on the trans-European transport network chaired by Mr Karel Van Miert (hereinafter referred to as "the High-Level Group") identified a limited number of priority projects by using a methodology based on criteria which include examining their potential economic viability, the degree of commitment on the part of the Member States concerned to keeping to a timetable agreed in advance, their impact on the mobility of goods and people between Member States, and their impact on cohesion and sustainable development. The priority projects identified by the High-Level Group include the projects proposed by the Commission on 2 October 2001 plus new projects, including projects in the new Member States which will join the Union on 1 May 2004.
- (5) There is a need for limited extension of the list of priority projects, for declaring them to be of European interest and for introducing mechanisms to encourage coordination between Member States in order to facilitate completion of the abovementioned projects within the timetable sought.
- (6) Steps must be taken to put in place mechanisms to support the development of motorways of the sea between Member States in order to reduce road congestion and improve access to peripheral and island countries. Establishment of such mechanisms backed up, inter alia, by tendering procedures must in no way prejudice the Community rules on competition or on public procurement.
- (7) Closer coordination between the States involved in projects on the same route is necessary to improve the return on investments, to synchronise them more closely and to make it easier to put together the funding package.
- (8) A posteriori evaluation of the priority projects will facilitate future revisions of the guidelines and of the list of priority projects and will help to improve the a priori evaluation methods practised by the Member States.
- (9) A situation where national procedures for the assessment of the environmental and socio-economic impact of a project are carried out separately by Member States may prove to be inappropriate to the cross-border dimension of the projects declared to be of European interest. In order to resolve this, coordinated evaluation and public consultation procedures or transnational enquiry procedures covering the different Member States concerned and focusing on the socio-economic and environmental aspects should be developed, in addition to joint evaluation methods. These coordinated or transnational enquiry procedures must apply without prejudice to the obligations imposed by the Community legislation on environmental protection.
- (10) The Commission has conducted an analysis of the impact of the recommendations made by the abovementioned Group. The results show that carrying out the projects identified by the Group, combined with several of the measures under the Common Transport Policy, such as charging for the use of infrastructure and opening up rail freight to competition, would produce significant benefits in terms of time savings, lower emissions and less congestion, better access to peripheral countries and to the new Member States, and greater general prosperity.
- (11) 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) In Article 2(1) the date 2010 shall be replaced by 2020.
- (2) Article 3(2) shall be replaced by the following:

"2. The transport infrastructure shall include road, rail and inland waterway networks, motorways of the sea, seaports and inland waterway ports, airports and other interconnection points between modal networks."

- (3) The following Article 12a shall be inserted:

*"Article 12a
Motorways of the sea*

1. The trans-European network of motorways of the sea shall aim to concentrate flows of freight on a few sea routes in order to establish new viable, regular and frequent maritime links for the transport of goods between Member States in order to reduce road congestion and improve access to peripheral and island countries.
2. The trans-European network of motorways of the sea shall consist of facilities and infrastructure concerning at least two ports in two different Member States. These facilities and infrastructure shall include the port facilities, electronic logistics management systems and administrative and customs procedures, as well as infrastructure for direct land and sea access, including winter access, to the ports used by the links referred to in paragraph 1.
3. The projects of common interest of the trans-European network of motorways of the sea shall be proposed by at least two Member States. The projects proposed shall combine the public and private sectors in accordance with procedures allowing, before aid is granted from the national budgets supplemented, if necessary, by aid from the Community, a tendering process in one of the following forms:
 - either a public call for proposals organised jointly by the Member States concerned from the category A port, as defined in Article 12(2), which they select beforehand within each maritime region, as defined in project No 21 in Annex III;
 - or, provided the location of the ports is comparable, a public call for proposals organised jointly by the Member States concerned and targeting consortia bringing together at least maritime companies and ports located in one of the maritime regions defined in project No 21 in Annex III.
4. The projects of common interest shall focus on facilities and infrastructure which make up the network of motorways of the sea and may include, if necessary, start-up aid for shipping companies operating the links referred to in

paragraph 1. Start-up aid shall be limited to two years and shall be given only if there are financial obstacles to starting up a project. The aid may not exceed the minimum estimated amount required to start up the links concerned.

5. The projects of common interest shall be submitted for approval by the Commission".

- (4) The following Section 10a shall be inserted:

**"SECTION 10a
COORDINATION BETWEEN THE MEMBER STATES**

*Article 17a
European Coordinator*

1. In order to facilitate the coordinated implementation of certain projects or sections of projects amongst the projects declared to be of European interest referred to in Article 19a, the Commission may designate, after consulting the Member States concerned, a personality called a "European Coordinator". The Coordinator shall act in the name and on behalf of the Commission. The mission of the Coordinator shall normally cover a single project. If necessary, the mission of the European Coordinator may be extended to other projects located on the same route.
2. The European Coordinator shall be chosen on the basis of experience of the European institutions and knowledge of issues relating to the financing and the socio-economic and environmental evaluation of major projects.
3. The Commission decision designating the European coordinator shall specify how the coordinator is to perform his tasks.
4. The European Coordinator shall:
 - promote joint methods for the evaluation of projects; advise project promoters on the financial package for the projects; canvass potential private investors; and may give an opinion on issues relating to the operation of networks;
 - draw up a report every year for the Commission regarding progress achieved in the implementation of the projects for which the Coordinator is responsible, new regulatory or other developments which could affect the characteristics of the projects and any difficulties and obstacles which are likely to result in a significant delay in relation to the dates indicated in Annex III;
 - contribute to the dialogue with operators, transport users, regional and local authorities and representatives of civil society with a view to gaining fuller knowledge of demand for transport services, of the constraints and of the service parameters required to optimise the use of the infrastructure being financed.
5. The Member States concerned shall cooperate with the European Coordinator and give the Coordinator the information required to carry out the tasks referred to in paragraph 4.

6. The Commission may request the opinion of the European Coordinator when examining applications for Community funding for projects or groups of projects for which the European Coordinator is responsible."
- (5) Article 18(1) shall be replaced by the following:
- "1. The Member States shall inform the Commission of the draft national plans and programmes which they are drawing up with a view to developing the trans-European transport network, in particular with regard to the projects declared to be of European interest referred to in Article 19a, as well as the national plans and programmes which have been adopted. Once adopted, the Member States shall send the national plans and programmes to the Commission for information."
- (6) Article 19 shall be replaced by the following:
- "Article 19 - Priority projects
1. The priority projects shall be projects of common interest referred to in Article 7 where examination confirms that they:
- (a) aim to eliminate a bottleneck or complete a missing link on a major route of the trans-European network, in particular projects which cross natural barriers;
 - (b) are on such a scale that long-term planning at European level brings high added value;
 - (c) demonstrate, in terms of the overall project, potential socio-economic profitability and other socio-economic advantages, as well as a commitment on the part of the Member States concerned to carrying out the studies and evaluation procedures in time to complete the work in accordance with a date agreed in advance;
- and at the same time that they:
- (d) provide significant added value in facilitating the mobility of goods and people between Member States, including contributing to the interoperability of national networks;
 - (e) contribute to the territorial cohesion of the European Union by integrating the networks of the new Member States and improving connections with the peripheral regions;
 - (f) contribute to sustainable development of transport by improving safety and reducing environmental damage caused by transport, in particular by promoting a modal shift towards railways, intermodal transport, inland waterways and maritime transport.
2. The priority projects on which work is due to start before 2010, the sections thereof and the dates agreed for completing the work referred to in paragraph 1(c) are identified in Annex III.

3. By 2010 the Commission shall draft a progress report and, if necessary, propose amendments to the list of priority projects identified in Annex III in line with paragraph 1 of this Article."

(7) The following Article 19a shall be inserted:

"Article 19a - Declaration of European interest

1. The priority projects identified in Annex III shall be declared to be of European interest.
2. When submitting projects under the Cohesion Fund, in accordance with Article 10 of Regulation (EC) No 1164/94, the Member States shall give appropriate priority to the projects declared to be of European interest.
3. When submitting projects under the budget for the trans-European networks, in accordance with Article 10 of Regulation (EC) No 2236/95, the Member States shall give appropriate priority to the projects declared to be of European interest.
4. When submitting projects under the Structural Funds, in accordance with Regulation (EC) No 1260/99 and Regulation (EC) N° 1738/99, the Member States shall give appropriate priority to the projects declared to be of European interest.
5. The Commission shall ensure that the countries qualifying for the instrument for structural policies for pre-accession shall give appropriate priority, when submitting projects under Articles 2 and 7 of Regulation (EC) No 1267/1999, to the projects declared to be of European interest.
6. If there is or will be a significant delay in starting work on one of the projects declared to be of European interest in relation to the deadline of 2010, the Commission shall ask the Member States concerned to give the reasons for the delay within three months. After receiving and examining the reply from the Member States concerned, the Commission may, in order to protect the financial interests of the Community and with due regard to the principle of proportionality, decide to withdraw the declaration as a project of European interest.
7. Five years after the completion of a project declared to be of European interest or of one of the sections thereof, the Member States concerned shall carry out an assessment of its socio-economic impact and its impact on the environment, including its impact on trade between Member States, on territorial cohesion and on sustainable development. Member States shall inform the Commission of the results of this assessment.
8. If a project is declared to be of European interest the Member States concerned shall carry out, for each section of the project in question, coordinated evaluation and public consultation procedures prior to authorisation of the project.
9. If a project which is declared to be of European interest includes a cross-border section which is technically and financially indivisible, the two Member States concerned shall conduct a transnational enquiry with a view to evaluating the cross-border section and consulting the public prior to authorisation of the project.

10. The coordinated or transnational enquiry procedures referred to in paragraphs 6 and 7 shall apply without prejudice to the obligations imposed by the Community legislation on environmental protection, particularly on environmental impact assessment. The Member States concerned shall inform the Commission when such coordinated or transnational enquiry procedures are launched and of the results."

- (8) The title of Annex III to Decision No 1629/96/EC shall be replaced by "Priority projects on which work is due to start before 2010".
- (9) The contents of Annex III to Decision No 1629/96/EC shall be amended as indicated in the Annex to this Decision.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

The list of priority projects contains, in addition to the priority projects included in the October 2001 Commission proposal¹ and approved by the European Parliament at first reading on 30 May 2002, the following new priority projects:

Extension of project No 1: Railway line Berlin-Verona/Milano-Bologna-Napoli-Messina-Palermo

- Rail/road bridge over the Strait of Messina (2015).

Extension of project No 3: High-speed railway lines of south-west Europe

- Lisboa/Porto-Madrid (2011);
- Dax-Bordeaux (2020);
- Bordeaux-Tours (2015).

Extension of project No 6: Railway line Lyon-Trieste/Koper-Ljubljana-Budapest-Ukrainian border²

- Venezia-Trieste/Koper-Divaca (2015);
- Ljubljana-Budapest (2015).

Extension of project No 7: Motorway route Igoumenitsa/Patra-Athina-Sofia-Budapest

- Sofia-Kulata-Greek/Bulgarian border motorway (2010), with Promahon-Kulata as cross-border section;
- Nadlac-Sibiu motorway (branch towards Bucuresti and Constanta) (2007).

Extension of project No 16: Freight railway line Sines-Madrid-Paris

- Railway line Sines-Badajoz (2010).

Extension of project No 17: Railway line Paris-Strasbourg-Stuttgart-Wien-Bratislava

- Strasbourg-Stuttgart (2015) with the Kehl bridge as cross-border section;
- Wien-Bratislava (2010), cross-border section.

Extension of project No 18: Rhine/Meuse-Main-Danube inland waterway route³

- Rhine-Meuse (2019) with the lock of Lanaye as cross-border section;

¹ COM (2001) 544.

² Parts of this route correspond to pan-European Corridor V.

³ Part of this route corresponds to the definition of pan-European Corridor VII.

- Wien-Bratislava (2015), cross-border section;
- Palkovicovo-Mohàcs (2014);
- Bottlenecks in Romania and Bulgaria (2011).

Extension of project No 20: Fehmarn Belt railway line

- Railway line for access in Denmark from Öresund (2015);
- Railway line for access in Germany from Hannover (2015);
- Railway line Hannover-Hamburg/Bremen (2015).

Project No 21: Motorways of the sea

Projects of common interest identified in accordance with Article 12a and concerning one of the following motorways of the sea:

- Motorway of the Baltic Sea (linking the Baltic Sea Member States with Member States in Central and Western Europe) (2010);
- Motorway of the sea of western Europe (leading from the Iberian peninsula via the Atlantic Arc to the North Sea and the Irish Sea) (2010);
- Motorway of the sea of south-east Europe (connecting the Adriatic Sea to the Ionian Sea and the Eastern Mediterranean to include Cyprus) (2010);
- Motorway of the sea of south-west Europe (western Mediterranean), connecting Spain, France, Italy and including Malta, and linking with the motorway of the sea of south-east Europe (2010).⁴

Project No 22: Railway line Athina-Sofia-Budapest-Wien-Praha-Nürnberg/Dresden⁵

- Railway line Greek/Bulgarian border-Kulata-Sofia-Vidin/Calafat (2015);
- Railway line Curtici-Brasov (towards Bucuresti and Constanta) (2010);
- Railway line Budapest-Wien (2010), cross-border section;
- Railway line Brno-Praha-Nürnberg (2010), with Nürnberg-Praha as cross-border section.

Project No 23: Railway line Gdansk-Warszawa-Brno/Bratislava-Wien⁶

- Railway line Gdansk-Warszawa-Katowice (2015);
- Railway line Katowice-Brno-Breclav (2010);

⁴ Including to the Black Sea.

⁵ This major route largely corresponds to the definition of pan-European Corridor IV.

⁶ This major route largely corresponds to the definition of pan-European Corridor VI.

- Railway line Katowice-Zilina-Nove Misto n.V. (2010).

Project No 24: Railway line Lyon/Genova-Basel-Duisburg-Rotterdam/Antwerpen

- Lyon-Mulhouse-Mülheim⁷ (with Mulhouse-Mülheim as cross-border section) (2018);
- Genova-Milano/Novara-Swiss border (2013);
- Basel-Karlsruhe (2015);
- Frankfurt-Mannheim (2012);
- Duisburg-Emmerich (2009);⁸
- "Iron Rhine" Rheidt-Antwerpen (2010).

Project No 25: Motorway route Gdansk-Brno/Bratislava-Wien⁹

- Gdansk-Katowice motorway (2010);
- Katowice-Brno/Zilina motorway (2010), cross-border section;
- Brno-Wien motorway (2009), cross-border section.

Project No 26: Railway line/road Ireland/UK/continental Europe

- Road/railway corridor linking Dublin with the North (Belfast-Larne) and South (Cork) (2010);¹⁰
- Road/railway corridor Hull-Liverpool (2015);
- Railway line Felixstowe-Nuneaton (2011);
- Railway line Crewe-Holyhead (2008).

Project No 27: "Rail Baltica" railway line Warszawa-Kaunas-Riga-Tallinn

- Warszawa - Kaunas (2010);
- Kaunas - Riga (2014);
- Riga - Tallinn (2016).

Project No 28: Eurocaprail on the Bruxelles-Luxembourg-Strasbourg railway line

- Bruxelles-Luxembourg-Strasbourg (2012).

⁷ Including the "TGV Rhin-Rhône" minus the western branch.

⁸ Project No 5 (Betuwe line) links Rotterdam and Emmerich.

⁹ This major route largely corresponds to the definition of pan-European Corridor VI.

¹⁰ Including Essen project No 13 - road link Ireland/UK/Benelux.

Projet No 29: Railway line on the Ionian/Adriatic intermodal corridor

- Kozani-Kalambaka-Igoumenitsa (2012);
- Ioannina-Antirrio-Rio-Kalamata (2014).

The date, agreed in advance, for completing the work is shown in brackets. The dates for completing the work for projects 1 to 20 and the details of the sections are as indicated in the High-Level Group's report where these have actually been identified.