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1 Background

1.1 This paper gives an overview of the state of play of the TEN-T proposals in the various EU institutions (e.g. Commission, Parliament and Council) vis-à-vis the legislative amendments agreed by the East of England Regional Transport Forum (RTF) in March 2012.

1.2 The TEN-T regulation should be seen in relation to the Connecting Europe Facility (CEF) which is the Commission’s proposal for a €50 billion budget for transport (€30bn), energy (€9.1bn) and ICT (€9.1bn) infrastructure. It is unlikely that this budget will be maintained and therefore a reduced CEF budget is most likely (maybe around €20bn in total for all three areas).

1.3 The European Commission’s original proposals seek to fund the development of the Core Network through traditional co-financed, non-repayable loans. Any activity on the Comprehensive Network (in particular roads), would ordinarily only receive support via a financial instrument e.g. loans, loan guarantees, venture capital, project bond etc.

1.4 MEPs held their first public deliberations on their draft report in early September. MEPs had until 28 September to table their amendments – a number of East of England MEPs have tabled amendments. MEPs also held discussions on the CEF proposals.

1.5 MEPs are expected to debate the amendments to the report (of which there are likely to be over thousand) in the week beginning 26 November 2012.

2 View of the European Parliament

2.1 In general MEPs welcome the Commission’s proposals and believe the dual layer (Core and Comprehensive) to be of value to the TEN-T network. MEPs also wish to increase the level of transparency in the new programme, so as to include more local authorities and regional interests in the project planning process.

2.2 Projects of “general common European interest” should be favoured over those of national priority e.g. project with European Added Value. MEPs also wish to see the inclusion of the ‘Motorways of the Sea’ (MoS) concept as a separate and distinct priority e.g. gives MoS their own separate corridor.
2.3 MEPs also want to see funding spent on the reduction and prevention of railway noise, safe and secure freight parking and multi-modal transport hubs. However, many MEPs also wish to see a curtailing of funding for road projects.

2.4 In regards to the East of England, MEPs have made a number of recommendations that local authorities and private operators/infrastructure managers, should be more involved in the decision-making and approval process for future TEN-T projects e.g. local authorities on the proposed ‘Corridor 2’ participating in a new ‘European Coordinators Platform’ to shape and decide on future planning decisions on that particular corridor.

2.5 In addition, a number of other concerns from an East of England perspective have been addressed by the MEPs first draft report, including:

- Removal of the possibility of legal action (in the European Court of Justice) and financial penalties being imposed by the European Commission for failure to meet regulation deadlines/technical standards;
- Recognition of “physical limitations and topographical specificities” in national transport systems, when identifying projects and the scope of projects;
- Inclusion of a specific reference to the financing of ‘port community systems’ (+ customs information systems).

2.6 Although not officially confirmed, it is understood that a number of MEPs have made amendments to allow for the financing of the Comprehensive Network through grants and not just financial instruments; this is something the East of England should support as it could release money for the A47, A120 and A12 in particular. Amendments proposed by MEPs will be available in October.

3 View of the Member States (Council)

3.1 In March 2012, the Council agreed a compromise text on TEN-T and made a number of changes to the Commission’s proposal, specifically around more “realistic technical standards”, loosened environmental protection requirements (Member States believe this requirement is already covered in existing legislation) and more flexible deadlines. The Council believe that the TEN-T regulation should be about the continuing development of the TEN-T network, rather than setting an arbitrary date of 2030 for its full completion.

3.2 The most significant change in the Council’s text for the East of England was the re-designation of ‘Felixstowe’, as ‘Felixstowe (cluster)’, so as to include the Port of Harwich.

3.3 The Commission is yet to come forward with either a legal or technical definition of what a port cluster consists of, therefore, the East of England should reserve its position on this issue and continue to seek the explicit inclusion of Harwich e.g. ‘Felixstowe-Harwich’.

3.4 The UK Department for Transport has been clear during its Council negotiations that it will not seek the inclusion of any additional infrastructure onto the Core Network, including the A120, A12 and A47.

4 Future developments

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1 Corridor 2 – proposed multi-modal trans-European corridor beginning in Warsaw, Poland, travelling via Germany and The Netherlands and arriving in the Port of Felixstowe, travelling along both the A14 and F2N rail link to the Midlands and Liverpool
4.1 The Council is continuing its internal negotiations to try and find further compromises on controversial elements of the proposals and are also seeking clarity on certain issues with the Commission. No further public texts will be released by the Council, until the Parliament has agreed its first reading position.

4.2 The European Parliament has now begun its formal legislative scrutiny with the process taking a number of months to complete. The Transport Committee will vote by the end of 2012, with the full Parliament voting on the text in early 2013.

4.3 Following the vote in Parliament in early 2013, the Council, Parliament and Commission will go into informal discussions to seek a compromise text. We have no estimate for how long that might take. All sides have until the end of 2013 to find an agreement, otherwise the current TEN-T programme will lapse and we will have no new TEN-T programme for the new financing period 2014-2020.