TEN-T Guidelines – Proposed RTF Amendments

Brussels, 1\textsuperscript{st} March 2012

INTRODUCTION

The European Commission published their draft regulation for the Trans-European Transport Network (TEN-T) on 19\textsuperscript{th} October 2011.

The proposals are now with the Member State’s (in the Council of Ministers) and the MEPs in the European Parliament’s Transport Committee. Over the coming months, and potentially years, the two bodies will seek a compromise agreement on the proposals.

East of England local authorities, Local Enterprise Partnerships (LEPs) and infrastructure managers are encouraged to discuss their concerns over individual routes and inclusion on the Core / Comprehensive Network with the UK Department for Transport (DfT). This paper is only dealing with the legal and technical requirements of the proposals and not the specific elements of the networks.

According to the provisions of the Treaty of Lisbon, the European Parliament is a full co-legislator and shares with the Council 50\% of the responsibility for drafting the final TEN-T agreement. Officers from the East of England Brussels Office will be meeting with MEPs over the coming months and will be putting forward our perspective on the proposals.

The Council has already published a draft version of its vision for the TEN-T regulation. It is a draft which has removed and diminished many of the technical standards recommended by the Commission. Member State governments, including the UK, are very keen that the regulation be less bureaucratic and less prescriptive in its scope.
STATE OF PLAY – MARCH 2012

On the 27th February 2012, the European Parliament’s Transport Committee held its first exchange of views on the proposed TEN-T regulation. There is currently no draft parliamentary report and no political positions within the Parliament have yet been agreed.

The Transport Committee is expected to come forward with its first draft report in May 2012. The Parliament will also hold a Public Hearing on the 8th May 2012 in Brussels (tbc), for MEPs, EU governments, regional representations and stakeholders to express their views.

We anticipate that Member State governments (Council of Ministers) will agree a ‘General Approach’ in their forthcoming meeting on 22-23 March 2012. This means that governments have agreed a broad outline of their position and will produce (for public availability) an amended TEN-T text. This General Approach will then be used by the Danish Presidency of the Council in their discussions with the European Parliament.

PURPOSE OF THIS PAPER

This paper provides Regional Transport Forum (RTF) members an opportunity to come together and express a joint opinion on the TEN-T Guidelines. Once agreed by RTF, these amendments will be used by the East of England Brussels Office as the basis for our engagement with MEPs and will be sent to all members of the European Parliament’s Transport Committee.

These amendments do not stop individual local authorities and other transport actors from the region for tabling their own amendments, engaging in their own political discussions and working with DfT to pursue their own strategic goals.

As of January 2012, the East of England has only one ‘substitute’ member of the Transport Committee1, Geoffrey Van Orden (Conservative). The incumbent Chair of the Committee is Brian Simpson MEP (Labour, North West England). Other British full members of the Committee include; Philip Bradbourn (Conservative, West Midlands); Jacqueline Foster (Conservative, North West); Mike Nattrass (UKIP, West Midlands); and Keith Taylor (Green, South East).

The East of England Brussels Office will therefore be meeting and working with MEPs from across the political spectrum and from across Europe to ensure that our voice heard.

1 Substitute members of a Committee can table amendments, participate in debates and if a full-member from their political group is not present, may also vote in the Committee.
PROPOSED AMENDMENTS

Below you will find a series of proposed amendments to the Commission’s TEN-T regulation. You should read the proposed amendments in conjunction with the Commission’s original text, which can be found here:

➢ Proposed Amendment: 1
Topic: Definitions
Reference: Article 3(k)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(3k) ‘e Maritime services’ means services using advanced and interoperable information technologies in the maritime transport sector to facilitate the throughput of cargo and passenger traffic at sea and in port areas;</td>
<td>(3k) ‘e Maritime services’ means services using advanced and interoperable information technologies in the maritime transport sector to facilitate the throughput of cargo and passenger traffic at sea and in port areas, including port community systems;</td>
</tr>
</tbody>
</table>

Justification
The inclusion of port community systems would benefit on-going work at a number of East of England ports, including the Interreg funded project, ‘Port Integration’.

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➢ Proposed Amendment: 2
Topic: Resource efficient network
Reference: Article 5(b)

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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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The East of England Partnership is a growing alliance of public and private sector agencies in the East of England working to ensure the region plays its full part in Europe for all citizens
(5b) the broad deployment of new technologies and ITS;

(5b) the broad deployment of new technologies and ITS, **where it is economically justified**;

**Justification**

*Adding this caveat would provide some flexibility in the deployment of ITS.*

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**Proposed Amendment: 3**

**Topic:** Comprehensive Network – General Provisions

**Reference:** Article 9(2) (new)

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<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td></td>
<td>(2e) <em>recognise the physical limitations of Member States transport infrastructures</em>;</td>
</tr>
</tbody>
</table>

**Justification**

*Although we are supportive of the concept of both a core and comprehensive network, it is important to recognise the unique physical limitations of individual Member States.*

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**Proposed Amendment: 4**

**Topic:** Railways (Comprehensive Network) – Infrastructure components

**Reference:** Article 12

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<td></td>
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</table>
(3) The technical equipment associated with railway lines shall include electrification systems, equipment for the boarding and alighting of passengers and the loading and unloading of cargo in stations, logistic platforms and freight terminals. It shall include any facility necessary to ensure the safe, secure and efficient operation of vehicles.

(3) The technical equipment associated with railway lines may include electrification systems, equipment for the boarding and alighting of passengers and the loading and unloading of cargo in stations, logistic platforms and freight terminals. It may include any facility necessary to ensure the safe, secure and efficient operation of vehicles.

**Justification**

*Provides some flexibility to infrastructure managers in their implementation of the regulation.*

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➤ **Proposed Amendment:** 5

**Topic:** Railways (Comprehensive Network) – Infrastructure requirements

**Reference:** Article 13(2)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2) Operators of passenger stations shall ensure that at such stations access is provided to information, ticketing and commercial activities for railway traffic throughout the comprehensive network and where appropriate information on connection with local and regional transport, in accordance with Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-</td>
<td>deleted</td>
</tr>
</tbody>
</table>

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The East of England Partnership is a growing alliance of public and private sector agencies in the East of England working to ensure the region plays its full part in Europe for all citizens
European rail system.

Justification
The scope of the article is too wide and could require local train stations to provide expensive and unnecessary ITS travel information for destinations across Europe, rather than concentrating their financial resources on local need.

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➢ Proposed Amendment: 6
Topic: Road (Comprehensive Network) – Infrastructure Components
Reference: Article 20(1)(f)

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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(1f) bus stations</td>
<td>(1f) coach stations</td>
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</table>

Justification
In the UK, bus and coach stations are different and it is unnecessary to burden small bus stations with the requirement of this regulation. In English, a bus refers to a local or regional service, whereas a coach refers to a longer distance (intercity and cross-border).

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➢ Proposed Amendment: 7
Topic: Road (Comprehensive Network) – Framework for priority infrastructure development
Reference: Article 22(c)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(c) provision of secure parking areas;</td>
<td>(c) provision of appropriate parking</td>
</tr>
</tbody>
</table>

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The East of England Partnership is a growing alliance of public and private sector agencies in the East of England working to ensure the region plays its full part in Europe for all citizens.
Justification
We are seeking to give flexibility to local authorities to make the decision on the type of parking areas they provide and the level of security they think is necessary.

Proposed Amendment: 8
Topic: Maritime (Comprehensive Network) – Infrastructure Components
Reference: Article 24(3)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(3) Equipment associated with maritime transport infrastructure <strong>shall</strong> include in particular equipment for ice breaking, hydrological surveys, and dredging and maintenance of the port and port approaches.</td>
<td>(3) Equipment associated with maritime transport infrastructure <strong>may</strong> include in particular equipment for ice breaking, hydrological surveys, and dredging and maintenance of the port and port approaches.</td>
</tr>
</tbody>
</table>

Justification
It is necessary to provide flexibility to individual ports to decide on their specific need in order to reduce unnecessary costs.

Proposed Amendment: 9
Topic: Maritime (Comprehensive Network) – Motorways of the Sea
Reference: Article 25(1)
(1) Motorways of the sea represent the maritime dimension of the trans-European transport network. They shall consist of short-sea routes, ports, associated maritime infrastructure and equipment, and facilities enabling short-sea shipping or sea-river services between at least two ports, including hinterland connections, **in at least two different Member States**.

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>(1) Motorways of the sea represent the maritime dimension of the trans-European transport network. They shall consist of short-sea routes, ports, associated maritime infrastructure and equipment, and facilities enabling short-sea shipping or sea-river services between at least two ports, including hinterland connections, <strong>in at least two different Member States</strong>.</td>
<td>(1) Motorways of the sea represent the maritime dimension of the trans-European transport network. They shall consist of short-sea routes, ports, associated maritime infrastructure and equipment, and facilities enabling short-sea shipping or sea-river services between at least two ports, including hinterland connections.</td>
</tr>
</tbody>
</table>

**Justification**

*The Motorways of the Sea programme is currently hindered by the requirement to have at least two Member States involved. Reducing this barrier to participation has the potential to significantly increase participation in the programme and thus shift more freight from the road to the sea and waterways.*

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**Proposed Amendment: 10**

**Topic:** Maritime (Comprehensive Network) – Motorways of the Sea  
**Reference:** Article 25(2)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2) Projects of common interest for motorways of the sea in the trans-European transport network shall <strong>be proposed by at least two Member States. They shall</strong> take on of the following forms:</td>
<td>(2) Projects of common interest for motorways of the sea in the trans-European transport network shall take on of the following forms:</td>
</tr>
</tbody>
</table>

**Justification**

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The East of England Partnership is a growing alliance of public and private sector agencies in the East of England working to ensure the region plays its full part in Europe for all citizens.
The Motorways of the Sea programme is currently hindered by the requirement to have at least two Member States involved. Reducing this barrier to participation has the potential to significantly increase participation in the programme and thus shift more freight from the road to the sea and waterways.

Proposed Amendment: 11
Topic: Maritime (Comprehensive Network) – Motorways of the Sea
Reference: Article 25(2)(a)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2a) be the maritime component of a core network corridor as defined in Article 49, or constitute the maritime component between two core network corridors;</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Justification
Removing this paragraph would provide for the possibility of comprehensive ports and non-core ports to be involved – potentially meaning Harwich.

Proposed Amendment: 12
Topic: Maritime (Comprehensive Network) – Motorways of the Sea
Reference: Article 25(2)(b)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2b) constitute a maritime link and its hinterland connections within the core network between two or more core</td>
<td>(2b) constitute a maritime link and its hinterland connections within the core or comprehensive network between</td>
</tr>
</tbody>
</table>
network ports; two or more core or comprehensive network ports;

**Justification**

*By including comprehensive ports in this article, you can greatly improve the chance of the Motorways of the Sea programme being successfully utilised by port operators.*

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➢ **Proposed Amendment: 13**

**Topic:** Railways (Core) – Requirements  
**Reference:** Article 45(2)(a)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2a) <em>lines with regular freight traffic:</em> at least 22.5 t axle load, 100 km/h line speed and 750 m train length;</td>
<td>(2a) <em>freight lines:</em> at least 22.5 t axle load, 100 km/h line speed and 750 m train length;</td>
</tr>
</tbody>
</table>

**Justification**

*Amending this paragraph provides greater legal certainty over its applicability only to freight lines, rather than to joint passenger and freight lines.*

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➢ **Proposed Amendment: 14**

**Topic:** Development of the core network  
**Reference:** Article 46(3)

<table>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(3) Without prejudice to Article 47(2)</td>
<td>(3) Without prejudice to Article 47(2)</td>
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</tbody>
</table>
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.

and (3), the Member States shall ensure the core network is completed and complies with the provisions of this Chapter by 31 December 2030 except where both physical and financial constraints prevent it.

**Justification**

*It is important to give flexibility on deadlines given the financial situation faced by public and private authorities.*

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> **Proposed Amendment: 15**

**Topic:** List of core network corridors

**Reference:** Article 50(2)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2) The list of core network corridors is set out in <em>Annex I to Regulation (EU) No XXX/2012 of ... [Connecting Europe Facility].</em></td>
<td>(2) The list of core network corridors is set out in <em>Annex XXX of this Regulation.</em></td>
</tr>
</tbody>
</table>

**Justification**

*There is no logic in having the core network corridors annexed to a different Regulation when they refer to the trans-European transport network (TEN-T).*

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> **Proposed Amendment: 16**

**Topic:** Coordination of core network corridors

**Reference:** Article 51(2)
(2) The European Coordinator shall be chosen, in particular, on the basis of his/her experience of European institutions and knowledge of issues relating to the financing and the socio-economic and environmental evaluation of major projects.

(2) The European Coordinator shall be chosen, in particular, on the basis of his/her experience of European institutions, knowledge of issues relating to transport and to the financing and the socio-economic and environmental evaluation of major projects.

Justification

It is important that ‘European Coordinators’ should have a background and understanding of the transport sector when undertaking such a critical role.

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 Proposed Amendment: 17
Topic: Coordination of core network corridors
Reference: Article 51(5)(d)

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(5d) consult, in cooperation with the Member States concerned, in particular <strong>regional and local authorities</strong>, infrastructure managers, transport operators, transport users and, as appropriate, other public and private entities, with a view to gaining a fuller knowledge of the demand for transport services, the possibilities of investment funding and financing and steps to be undertaken and the conditions to be met in order to facilitate access to such</td>
<td>(5d) consult, in cooperation with the Member States concerned, in particular <strong>municipal and local authorities</strong>, <strong>regional authorities, local transport authorities</strong>, infrastructure managers, transport operators, transport users and, as appropriate, other public and private entities, with a view to gaining a fuller knowledge of the demand for transport services, the possibilities of investment funding and financing and steps to be undertaken and the</td>
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</table>
funding or financing. conditions to be met in order to facilitate access to such funding or financing.

*Justification*

Amending this paragraph makes it clear that we want to see the involvement of all local authorities (district, county and unitary) involved in the decision-making process on future TEN-T projects.

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➢ **Proposed Amendment: 18**

**Topic:** Governance of core network corridors  
**Reference:** Article 52(2)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2) The corridor platform shall be composed of the representatives of the Member States concerned and, as appropriate, other public and private entities.</td>
<td>(2) The corridor platform shall be composed of the representatives of the Member States concerned, and all relevant local authorities, regional authorities, infrastructure managers, transport operators, transport users and, as appropriate, other public and private entities.</td>
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*Justification*

Amending this paragraph makes it clear that we want to see the involvement of all local authorities (district, county and unitary) involved in the decision-making process on future TEN-T projects.

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#### Proposed Amendment: 19
**Topic:** Corridor development plans  
**Reference:** Article 53(1)

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(1) 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 <em>six months</em> after entry into force of this Regulation. This plan shall include in particular:</td>
<td>(1) For each core network corridor, the Member States concerned, in cooperation with the corridor platform, shall jointly draw up and notify to the Commission <em>and European Parliament</em> a corridor development plan within <em>one year</em> after entry into force of this Regulation. This plan shall include in particular:</td>
</tr>
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</table>

**Justification**

*Allowing a year after adoption of the regulation will provide for more in-depth planning and a more coherent strategic approach. In addition, providing for the involvement of the European Parliament ensures that the Commission has to made decisions in a more open and transparent way.*

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#### Proposed Amendment: 20
**Topic:** Corridor development plans  
**Reference:** Article 53(1)(e)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(1e) an implementation plan including:</td>
<td>(1e) an implementation plan <em>that fully respects subsidiarity and takes due consideration of local authority planning responsibilities along the corridor, and that includes:</em></td>
</tr>
</tbody>
</table>

The East of England Partnership is a growing alliance of public and private sector agencies in the East of England working to ensure the region plays its full part in Europe for all citizens.
Amending this paragraph gives strong legal certainty over the involvement of local authorities in the planning and implementation process.

Proposed Amendment: 21
Topic: Corridor development plans
Reference: Article 53(3)(c)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(1c) provide for other measures which are necessary for the implementation of the corridor development plan and for the efficient use of the core network corridor infrastructure.</td>
<td>deleted</td>
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</table>

Justification

It is unnecessary to give the Commission and European Coordinators additional powers in this area.

Proposed Amendment: 22
Topic: Corridor development plans
Reference: Article 53 (last paragraph)

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(3 – last paragraph) Those implementing acts shall be adopted in accordance</td>
<td>(3 – last paragraph) Those implementing acts shall be adopted in accordance</td>
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</table>
Justification

This amendment represents a legal change whereby under the examination procedure the European Parliament has to be fully informed (alongside the Council) of decisions being made by the Commission in regard to decisions implementing the TEN-T regulation e.g. which projects will be funded. Under the advisory procedure, there is little or no scrutiny of decisions being made.

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➢ Proposed Amendment: 23
Topic: Review
Reference: Article 57

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<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>By 31 December <strong>2023</strong>, the Commission shall carry out a review of the implementation of the core network, evaluating compliance with the provisions laid down in this Regulation and the progress in implementation</td>
<td>By 31 December <strong>2020</strong>, the Commission shall carry out a review of the implementation of the core network, evaluating compliance with the provisions laid down in this Regulation and the progress in implementation</td>
</tr>
</tbody>
</table>

Justification

It makes sense to hold a review of the network in 2020, rather than 2023, as this is when the Multi-Annual Financial Framework and Connecting Europe Facility funding mechanisms are both due to expire (2014-2020). It would be unreasonable to undertake a review of the network in 2023, without also being able to review financial mechanisms at the same time.

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Proposed Amendment: 24

Topic: Delay in completion of the core network
Reference: Article 59(2)

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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(2) The Commission may, as part of its active monitoring of the implementation of the core network and having due regard to the principle of proportionality and subsidiarity, decide to take appropriate measures.</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Justification

There is concern that this paragraph could lead to financial penalties being levied on the UK if it fails to meet the technical standards before the deadlines set by both this regulation and the decisions of the European Coordinators. This is of concern to English local authorities, who in future could be asked to contribute financially towards any penalties.

MORE INFORMATION

If you would like more information about the proposals or would like to discuss potential options for your organisation, please do not hesitate to contact the Brussels Office on the details below:

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European Policy Officer
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+32 2289 1200
ADDITIONAL DOCUMENTATION

Proposed TEN-T Guidelines -

Proposed TEN-T maps (scroll down page and click on relevant Annex) -
http://ec.europa.eu/transport/infrastructure/connecting/revision-t_en.htm

Proposal for a Connecting Europe Facility -

Pre-identified list of Connecting Europe Facility Corridors -