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COMMISSION WORKING DOCUMENT

**CONSULTATION ON THE FUTURE TRANS-EUROPEAN TRANSPORT
NETWORK POLICY**

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1. INTRODUCTION

The TEN-T policy review needs to be seen in the broader context of the “Europe 2020” Strategy¹ under which the Commission “[...] present proposals to modernise and decarbonise the transport sector thereby contributing to increased competitiveness.” This can be done through a mix of measures, e.g. infrastructure measures such as early deployment of grid infrastructures of electrical mobility, intelligent traffic management, better logistics, pursuing the reduction of CO₂ emissions for road vehicles, aviation and maritime sectors, including the launch of a major initiative on clean and energy efficient vehicles² which will help to promote new technologies including electric and hybrid cars through a mix of research, setting of common standards and developing the necessary infrastructure support.

The TEN-T policy review is also linked to the preparation of the White Paper for future transport policy. The White Paper will lay out the Common Transport Policy (CTP) and the general aspects of the future TEN-T policy.

The TEN-T policy should be modernised for the European Union to better harness its resources for the implementation of strategic projects with high European added value to address critical bottlenecks in the smooth operation of the internal market, in particular cross-border sections and inter-modal nodes (cities, ports, logistic platforms). The TEN-T should support the emergence of an integrated European transport system that better addresses environmental and climate change challenges. Such an integrated system will also provide inter-modal solutions, which would better serve the mobility needs of citizens and businesses and support the EU's industrial competitiveness.

With its Green Paper on the future development of the trans-European transport network (in the following referred to as TEN-T)³, published in February 2009, the Commission had launched a review of the TEN-T policy. The main innovation proposed was the concept of a dual layer planning approach with a “core network” as the top layer. The vast majority of stakeholders, as well as the EU institutions and consultative bodies, preferred this approach over the other two planning options put forward by the Commission; justifying their views with a range of technical, economical, environmental, social or political arguments.

The largely preferred TEN-T planning approach would be characterized as follows: While maintaining the fairly dense rail, road, inland waterways, ports and airports networks, which constitute the “comprehensive network” as the basic layer of the TEN-T and are, in large part, derived from the corresponding national networks, the “core network” would overlay the “comprehensive” network and give expression to a genuine European planning perspective focused on bringing about a systemic improvement in the transport system's resource efficiency and a significant overall reduction of greenhouse gas (GHG) emissions from

¹ COM(2010)2020.

² COM(2010) 186

³ COM(2009) 44.

transport. The “core network” would include axes and nodes of vital importance for transport flows within the internal market and between the EU, its neighbours and other parts of the world. It would also support the economic, social, and territorial cohesion of the European Union. It would provide, for all transport modes and across the modes, the necessary infrastructure basis for the achievement of common transport policy objectives required to match the “Europe 2020” and decarbonisation agendas. The “core network” should not be understood as a network that covers only the geographical core of the Community, but rather as the part of the TEN-T on which the various instruments, financial and non-financial, would be concentrated so as to ensure its effective completion.

In order to analyse a number of issues of particular relevance for future TEN-T development more thoroughly, the Commission set up six expert groups which have been working between November 2009 and April 2010. The Commission considers it is now time to make an additional step in the TEN-T policy review with a second public consultation aimed at refining the available policy options that have been emerging from the contributions made in 2009 by EU institutions and a wide range of stakeholders, contributions that were further elaborated in these expert groups. This constitutes the purpose of this consultation document.

2. THE GREEN PAPER FOLLOW-UP

More than 300 organisations, who contributed to the public consultation, as well as the other EU institutions and consultative bodies who published their positions, supported the Commission's approach towards a broad policy review. They largely shared the Commission's views regarding the general policy framework for this review as well as the assessments and proposals for the future TEN-T planning, and they enriched the reflections on TEN-T implementation.

The Commission staff working document “TEN-T Policy Review – Background Papers”⁴ summarizes the results of the consultation on the Green Paper published in February 2009 and highlights its main conclusions.

Expert groups were set up to bring together professionals from the various sectors at stake. Their key objective was to assist the Commission in elaborating a methodology for the planning of the future TEN-T with a view to the forthcoming revision of the TEN-T Guidelines, in enhancing the effectiveness of the financial and non-financial instruments for TEN-T implementation and to examine relevant legal issues in relation to both planning and implementation. Each group produced a final report, including recommendations for the Commission⁵.

Four of the six groups have focused on TEN-T planning related issues: 1) the development of a methodology for the geographical part of the network; 2) the integration of transport and TEN-T policy; 3) Intelligent transport systems and new technologies as an integral part of the future TEN-T; 4) Connection of TEN-T with third countries. Their main results are reflected in point 3 of the present Commission Working Document. Within this framework, the work of group n° 1 in particular responds to the invitation of the Council⁶ to develop, as a basis for the elaboration of the proposal for revised TEN-T Guidelines, a methodology that takes account

⁴ The report is available on the internet site
http://ec.europa.eu/transport/infrastructure/tent_policy_review/doc/2009_09_22_summary_report.pdf

⁵ The reports are available on the internet site
http://ec.europa.eu/transport/infrastructure/tent_policy_review/tent_policy_review_en.htm

⁶ Green paper TEN-T: A policy review towards a better integrated trans-European Transport Network at the service of the common transport policy – Council Conclusions of 15 June 2009, paragraph (6).

of criteria such as effects on trans-national traffic flows, territorial cohesion and economic development, spatial planning, environment/climate change and connections to neighbouring countries.

Expert group n° 5 dealt with financing and financial instruments. Some of the reflections undertaken in this group have been taken up in point 4 of this Commission Working Document. The issue of TEN-T financing – public and private, national and Community supported - being broad and complex, more detailed considerations will follow at a later stage. Expert group n° 6 dealt with legal issues and non-financial instruments for TEN-T implementation. Whereas the conclusions on the instruments are referred to in point 4, the legal recommendations are set out in point 5.

3. THE METHODOLOGY FOR TEN-T PLANNING

Given the evidence obtained so far of the advantages of the proposed planning option of a dual layer planning approach with a “core network” as the top layer, the Commission would like to consult on the main elements of the methodology for this option⁷. In doing so, it aims at creating ownership among EU institutions, Member States, and other stakeholders, which would facilitate the elaboration of the future TEN-T proposals, including maps. In the following, the methodology for both layers - comprehensive and core networks – is dealt with in summary form. The full text of the final report of Expert group n° 1 with the planning methodology attached is available on the TEN-T policy review internet site⁸.

Planning the comprehensive network

As in the past, the future Comprehensive Network should ensure accessibility of and access to the core network, and contribute to the internal cohesion of the Union and the effective implementation of the internal market. It should address a series of different needs:

- a reference for land use planning;
- a geographic reference for other policies;
- a reference on the requirements of the relevant EU environmental legislation and policies, in particular on the protection of biodiversity;
- a target for technical and legal requirements on interoperability and safety;
- the accommodation of technical standards to enable effective modal integration with the aim of door to door co-modality.

The Comprehensive Network should link all EU regions in an adequate way, be multimodal and provide the infrastructural basis for co-modal services for passengers and freight. Since the Comprehensive Network will be the basic TEN-T layer, it must cover all elements of the future core network. The future comprehensive network, would take the current comprehensive network as a starting point and:

- Update the current comprehensive network to reflect progress in its implementation and adjust it where necessary to changes in national planning;

⁷ The expert groups' work as well as ongoing analysis of the Commission have been further substantiating the benefits of this option, including as concerns its overall consequences for future GHG emissions from transport. Nevertheless, the impact of all three initially proposed options will be assessed prior to the adoption of the Commission's proposal for revised TEN-T Guidelines.

⁸ http://ec.europa.eu/transport/infrastructure/tent_policy_review/tent_policy_review_en.htm

- Add selected and well-defined missing links and nodes, especially in Member States which have acceded the EU since 2004, where necessary to ensure homogeneous network planning and the interconnection of national networks, and to contribute significantly to the TEN-T objectives;
- Eliminate dead ends and isolated links in the current comprehensive network if not justified with geographical particularities.

A requirement for any element of the Comprehensive Network is compliance with the relevant Community legislation in the transport and other sectors, including technical specifications on rail interoperability, tunnel safety, etc.

On the basis of the above criteria and conditions, elements for planning the Comprehensive Network will be discussed with the Member State(s) whose territory is concerned. Planning options will then be discussed bi- and multi-laterally.

Planning the core network

The core network will be made up of nodes and links of the highest strategic and economic importance throughout the EU. It will cover all modes of transport, include intelligent transport systems and provide, in a sufficiently flexible way, further infrastructural elements which are an indispensable basis for the achievement of various policy objectives in the transport and other sectors. It will, not least, be important to link East and West, old and new Member States.

The future TEN-T should be linked – in a more strategic way – with key infrastructure in third countries. This should imply action at three levels:

- the integration of networks of candidate countries into the TEN-T, taking on the results of bilateral negotiations and preparing for the new planning methodology;
- the connection between the TEN-T and networks in third countries, in particular countries in the European Neighbourhood with whom the EU is engaged in a regular infrastructure dialogue covering also the identification of priority projects along the main axes and, within the establishment of a network, in particular the future trans-Mediterranean network;
- an appropriate coordination of infrastructure development going beyond mere connections at common State borders.

Planning a core network is not meant to initiate a new infrastructure programme of immense scope neither: ensuring continuity for ongoing projects, giving due attention to the removal of key bottlenecks and building largely on existing infrastructure, it aims at becoming the basis for an efficient, less carbon intensive, safe and secure transport system.

In shaping the network configuration, based on a geographical approach, a number of criteria will need to be taken into account, such as spatial integration and cohesion effects, internal market needs, external and global trade flows, passenger and freight traffic and customers' needs, inter-connectivity and multimodality of the network, environmental and climate change issues.

Accordingly, general principles for designing the TEN-T at all strategic levels, including the Comprehensive Network, comprise:

- Multimodality, including intermodal links and facilities for co-modal and/or combined transport,
- Interconnectivity and network optimisation,

- Interoperability and improved efficiency of all modes of transport,
- Sustainability, by reducing greenhouse gas emissions ("de-carbonisation") to minimize climate change impacts and pollution as well as by respecting relevant EU environmental legislation, including the Espoo Convention and in particular the following Directives: SEA, EIA, Habitats and Birds, Water Framework Directive, Floods Directive,
- Attention to biodiversity proofing, in particular Natura 2000 network when it comes to transport infrastructure,
- A focus on quality of service for both freight users and passengers,
- Safety and security of transport infrastructure,
- Application of advanced technologies and ITS, and
- Minimisation of investment, maintenance and operational costs, while nevertheless meeting the relevant policy objectives and the criteria below in a balanced way.

The dimensioning and equipping of the network elements will be determined by passenger and freight traffic demand and customers' needs, the need for removal of bottlenecks affecting long-distance and international traffic flows (including environmental bottlenecks), the goal of reduction in travelling times and improvement in reliability, contributing to climate change goals and environmental issues such as avoiding or mitigating air and water pollution, noise and preventing, minimizing or compensating any significant effects on the environment in particular on the conservation objectives and the integrity of Natura 2000 sites.

Planning the core network involves four successive major steps:

- (1) Identifying the main nodes, which configure the overall layout of the network.
- (2) Linking the main nodes and selecting intermediate nodes for inclusion into the network.
- (3) Determining the relevant technical parameters to be applied, according to functional and capacity needs.
- (4) Including relevant complementary or auxiliary hard or soft infrastructure, so as to meet the requirements of operators and users, in line with specific policy objectives, and to enhance efficiency and sustainability.

The main nodes determining the basic structure of the network configuration will be:

- The biggest or most important nodes, such as MS capitals, other cities or agglomerations of supra-regional importance in administration, economy, social and cultural life and transport;
- Gateway ports, intercontinental hub ports and airports, connecting the EU with the outside world, and the most important inland ports and freight terminals.

Smaller or less important cities, airports, freight terminals etc. will be intermediate nodes which, when integrated into the network, define their routing in detail. Urban nodes have a complex set of functions in the transport system, connecting:

- the links of the network, including those of the comprehensive network;
- the relevant modes of transport (intermodal transfers);
- long-distance and/or international transport, regional and local transport.

The links connect the main nodes, generally “neighbouring” main nodes, cumulatively adding up to stretched polygonal chains or corridors, and reflecting important long-distance or international (potential) traffic flows.

To enhance the overall effectiveness of the network, the links should ideally be routed as directly as possible. A balance has however to be struck between directness and feasibility, to meet traffic needs, to be economically viable and take into account environmental aspects. In practice, detours will be necessary:

- to include intermediate nodes, if justified by corresponding benefits greater than disadvantages,
- to follow, as far as possible, infrastructure that already exists or is being implemented,
- to allow bundling of traffic flows in order to increase efficiency and sustainability (if followed by traffic on the relevant routes and not creating bottlenecks due to overlaps with other axes),
- to allow the splitting of passenger and freight flows when justified, and
- to bypass unavoidable natural obstacles, settlement areas and vulnerable and environmentally sensitive areas.

“Missing links” can be identified, where traffic effectiveness of an axis and/or cohesion is seriously affected by existing detours.

Technical parameters depend on the intended function, traffic volumes and operational aspects such as the required level of service and the goal of creating homogeneous conditions along an axis.

For maximum continuity, the current priority projects, which represent common efforts and long-term experience, will form a key part of the core network, with some adjustment where necessary.

Network planning by means of this methodology will be accompanied by a process of optimisation and impact assessment. To avoid monetising non-monetisable effects such as cohesion, it is foreseen, following the recommendations of Expert Group 1, to apply some multi-criteria analysis. Weights still will have to be determined, in order to balance conflicting objectives.

Innovative infrastructure measures

The core network should give priority to transport infrastructure-related measures that stem from EU policy goals resulting for instance from the “Europe 2020” strategy transport, energy, climate, environmental or innovation policy.

To the extent feasible, these measures should be identified at the outset of the revised TEN-T planning to secure sufficient alignment with agreed policy objectives. Their identification should be based on a set of specific criteria and standards. Sufficient flexibility will be needed in order to leave room for development of criteria over time, adapting to future policy developments. The new TEN-T guidelines could define the process or procedure for identifying such criteria and standards and for adapting them to evolving needs (e.g. through the delegation of powers or implementing provisions). The criteria should be based upon performance and quality objectives for all the transport modes and their intermodal integration.

Intelligent Transport Systems, innovation and new technologies represent an important part of the Core Network. ITS should enhance the efficient use of infrastructure and is the key to genuine network integration. They can also contribute to environmental performance, (energy) efficiency, safety and security as well as passenger and freight mobility, and can help to connect TEN-T corridors and urban transport networks.

Within the framework of the future TEN-T, supporting infrastructure and equipment for the following ITS services are considered to be needed: travel and traffic information; traffic management and efficiency-related measures; applications interconnecting the modes and ensuring connection to public transport systems, freight and freight-related transport services. Community objectives in the field of privacy and security of data need to be supported in this context. Privacy and security requirements should be incorporated into standards, best practices, technical specifications, and systems.

Not least, the TEN-T should, in line with the 2020 goals, address technological innovation and knowledge, so as to be able to accommodate new generations of vehicle and boost infrastructure advances, in particular with respect to energy provision for transport. The road sector can use alternatives to liquid fuel but requires charging infrastructure for electric vehicles. In the shipping sector, LNG has many advantages over marine oil, but its widespread requires infrastructure for refuelling. The use of clean, alternative fuels should be promoted as an integral part of future TEN-T development. Technological solutions are already available but significant efforts are needed to make their use affordable and more efficient.

Are the principles and criteria for designing the core network, as set out above, adequate and practicable? What are their strengths and weaknesses, and what else could be taken into account?

To what extent do the supplementary infrastructure measures contribute to the objectives of a future-oriented transport system, and are there ways to strengthen their contribution?

What specific role could TEN-T planning in general play in boosting the transport sector's contribution to the "Europe 2020" strategic objectives?

4. TEN-T IMPLEMENTATION

In order for the TEN-T policy to be as effective as possible, coherence must be ensured between the scope of network planning and the means and instruments for their implementation – which exist at both national and Community level.

4.1. Assessment, prioritization and non-financial instruments

Following the definition of the TEN-T as the result of the planning process, the assessment and prioritisation of infrastructure projects (as resulting from the objectives developed under point 3) is necessary in order to ensure a greater impact and leverage effect of the TEN-T funding. Therefore, whereas in general the project selection through calls for proposals will continue to address missing links and bottlenecks on the TEN-T, the TEN-T planning will also need to identify TEN-T projects of high European added value for the TEN-T core network. This will require assessments covering the whole core network based upon consistent and reliable data and agreed methodologies.

In order to allow implementing the projects with the highest European added value, it is of great importance to define the way those projects are identified and to implement them in a coordinated way.

The Commission could also consider extending the mandate of the European Coordinators from major cross-border projects to cover also “packages” of smaller infrastructure and operational measures on a corridor basis.

In order to enhance the effectiveness of TEN-T projects' planning, financing and implementation, the future Guidelines could also include provisions inviting the Member States concerned to conclude relevant agreements.

4.2. Funding

Under the current financial perspectives (2007-2013), TEN-T projects are financed mostly through Member States' budgets (€ 196 bn), with support from EU instruments: the TEN-T Programme provides € 8 bn, while the European Regional Development Fund (ERDF) and the Cohesion Fund account for € 43 bn, or about 11 % of the entire cohesion policy budget. The EIB also provides substantial support (€ 65 bn) through loans and a variety of financial instruments relevant to transport infrastructure. Finally, the number of PPPs across the EU is increasing during the last years, but still remains an exception for long distance rail projects.

Following a report of the European Court of Auditors in 2005, a major step was made in the follow-up of the implementation of the TEN-T guidelines of 2004. Multi-annual decisions have permitted a more long-term EU involvement and guarantee, leading at the same time to a substantial increase in EU funding for cross-border and bottleneck sections (to over 60 % of the 2007-2013 MAP). In addition, the creation of a TEN-T Executive Agency and the appointment of European Coordinators have considerably improved the implementation of TEN-T projects.

A key issue for the revision of TEN-T guidelines and for the post-2013 multi-annual financial framework is how to ensure the best possible use of the EU financial contribution in order better to achieve the objectives set out in the Guidelines. In its proposal for a “Europe 2020” Strategy, the Commission announces that it will work “to mobilise EU financial instruments (e.g. rural development, structural funds, R&D framework programme, TENs, EIB) as part of a consistent funding strategy, that pulls together EU and national public and private funding.” Indeed, increasing investment in public infrastructure is potentially supporting economic recovery as it has a positive multiplier effect in the short term, and it can improve the competitiveness of a country in the longer term. Infrastructure investment also creates jobs and thus can help counter the negative employment effects of the recession, even though it can also lead to a deterioration of public finances. Consequently, the Commission's view is that the financing arrangements at EU level need to be embedded within a clear EU funding strategy, which would better coordinate the available sources of financing and increase its added value in the implementation of EU objectives. Such a funding strategy would aim at increasing the leverage of the EU contributions by making a difference in the choice of projects funded and further concentrating the available EU resources. Another key principle of such a funding strategy would be to ensure consistency in funding priorities between the EU and national levels, in full conformity with the Guidelines.

In order to meet these challenges and without prejudging the forthcoming EU budget review, consideration should be given to setting up an integrated European funding framework to coordinate EU instruments for transport, such as the TEN-T programme and the TEN-T related contributions of the Cohesion and Structural Funds. The funding framework should not necessarily be restricted to supporting infrastructure investments only, but could also contribute to integrating other transport policy-related components (Marco Polo, SESAR, technological deployment, Green Corridors, links to the neighbourhood countries, research and development in transport) to promote the emergence of integrated transport systems.

This European funding framework should also provide guidance to national investments on the basis on EU priorities set out in the TEN-T planning framework and thus could comprise other sources of funding, such as the revenues drawn from transport activities.

Such a European funding framework would require the development of fair, transparent and efficient criteria to identify the projects to be supported, depending on the European added value of the project.

The European funding framework's contribution would need to be strongly coordinated with the EIB's transport projects portfolio in order to ensure maximum leverage of the EU support as well as to benefit from the Bank know-how and the synergies on the two institutions. In addition the EIB expertise could be involved at an earlier stage in the screening and the assessment of projects in cooperation with the Commission and the TEN-T Executive Agency. As a result it could also provide a necessary spur to better mobilisation of private sources of funding through facilitating the use of Public Private Partnerships.

In which way can the different sources of EU expenditure be better coordinated and/or combined in order to accelerate the delivery of TEN-T projects and policy objectives?

How can an EU funding strategy coordinate and/or combine the different sources of EU and national funding and public and private financing?

Would the setting up of a European funding framework adequately address the implementation gap in the completion of TEN-T projects and policy objectives?

5. THE LEGAL AND INSTITUTIONAL FRAMEWORK OF THE TEN-T POLICY REVIEW

Based on the legal expert group's recommendations, the Commission will explore the following approach in view of the revision of the TEN-T Guidelines:

- The combination of TEN-T Guidelines and the TEN "Financial Regulation", both of which are based on Article 171 of the TFEU, in order to strengthen the link between TEN-T policy priorities and financial resources and for the sake of simplifying the regulatory framework,
- A new regulation as the common legal act for the Guidelines and the granting of Community financial aid,
- A possible addition to the Treaty basis provided for in Article 172 TFEU on TENs of Articles 91 and 100 TFEU governing the Common transport policy, which will be specified depending on the final content of the draft proposal on the TEN-T Guidelines,
- A precise definition in the new regulation of the objectives, content, scope and duration of the power delegated to the Commission in accordance with Article 290 TFEU in order to supplement and amend non-essential elements of the regulation, thereby allowing an easier response to certain developments over time and meeting the "flexibility" objective,
- A clarification of the responsibilities of Member States, who play a vital role in TEN-T project implementation, in different phases of TEN-T projects (planning, financing, implementation, review).

In which way can the TEN-T policy benefit from the new legal instruments and provisions as set out above?

Comments

The Commission invites comments and suggestions on the ideas and questions outlined in this paper and two related documents: the Commission staff working document “TEN-T policy – Background Papers” and the reports of the TEN-T policy Expert groups available on the TEN-T policy review web site

http://ec.europa.eu/transport/infrastructure/tent_policy_review/tent_policy_review_en.htm

Comments should be sent to MOVE-TEN-T-Policy-Revision@ec.europa.eu by 15 September 2010.

The contributions received will be published on the internet, unless the author objects to publication of the personal data on the grounds that such publication would harm his or her legitimate interests. In this case the contribution may be published in an anonymous form. Professional organisations responding to this consultation are encouraged, if they have not already done so, to register in the Commission's Register for Interest Representatives (<http://ec.europa.eu/transparency/regrin/>). This Register was set up in the framework of the European Transparency Initiative with a view to provide the Commission and the public at large with information about the objectives, funding and structures of interest representatives.

Commission, EU Transport Ministers, Members of the European Parliament and stakeholders will debate the issues set out in this TEN-T policy review during the 2010 TEN-T Days that will be organised by the European Commission with the Spanish presidency in Saragossa on 8/9 June 2010. Programme, papers and reports are available at http://ec.europa.eu/transport/publications.doc/2009_future_of_transport_en.pdf.