



COMMISSION EUROPÉENNE

SEC(2018) 228 final
17.5.2018

AVIS DU COMITE D'EXAMEN DE LA REGLEMENTATION

Proposal for a regulation of the European Parliament and of the Council on streamlining measures for advancing the realisation of the trans-European transport network

{COM(2018)277final}
{SWD(2018)178final}
{SWD(2018)179final}



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
Ares(2018)

Opinion

Title: Impact Assessment / Streamlining TEN-T

(Version of 7 March 2018)*

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Context

Approximately half of the large infrastructure projects of the Trans-European Transport Network (TEN-T) suffer delays averaging four to five years. These delays may result in strategically important TEN-T projects not being in place by the 2030 deadline. There are several reasons for delays, especially of cross-border projects. These include complex and overlapping procedures for permitting and public procurement, as well as state aid delays.

This impact assessment considers actions to streamline project authorisations and permits, public procurement and state aid procedures. The objective is to reduce delays and legal uncertainty for TEN-T projects. A CBS Report Action Plan that the Council discussed in 2015 has already proposed the preferred measures. The Trans-European Energy Network (TEN-E) adopted a similar approach in the past.

(B) Main considerations

The Board notes that the report is clear and provides good justification for focused measures to streamline permitting and procurement procedures.

However, the report contains significant shortcomings that need to be addressed. As a result, the Board expresses reservations and gives a positive opinion only on the understanding that the report shall be adjusted in order to integrate the Board's recommendations on the following key aspects:

- (1) The report does not give sufficient evidence on how public procurement and permit procedures affect delays in construction. It does not explain how it varies across sectors and Member States. The report lacks a description of the lessons learnt from TEN-E, EFSI, and action taken in Member States to streamline processes.**
- (2) The report misses the stakeholder views of the options, especially those of Member States and citizens.**

* Note that this opinion concerns a draft evaluation report which may differ from the one finalised.

(3) The assessment of impacts lacks a sensitivity analysis and an explanation of the assumptions of the calculation, in particular regarding the degree of delays that the measures can realistically avoid.

(C) Further considerations and recommendations

(1) The report does not explain the timing of this initiative sufficiently well, especially why it has to precede the finalisation of the TEN-E and TEN-T evaluations. Its connection to the multi-annual financial framework cycle should be clearer. The report should give the reasons for not addressing the issues of permitting and public procurement earlier when the TEN-T regulation was adopted or later against the backdrop of first results.

(2) The description of the context needs to reference any recently adopted relevant legislation and its expected impacts on the problem. The context sections need to clarify the scope of the initiative, explaining why some known TEN-T problems are out of scope and others are not.

(3) The report needs to give more indications on how public procurement and permit procedures affect delays in the construction of infrastructure. It should show which provisions are the most problematic. It needs to be clear how the problem varies across Member States, across sectors and between cross-border and non-cross-border projects. Furthermore, the report needs to argue for each dimension of the problem, i.e., permitting, public procurement and state aid, why the efforts done by Member States to streamline processes are not sufficient. Finally, the problem description needs to fully cover the problems with state aid and its relevance for TEN-T as well.

(4) The report should include the lessons learnt from efforts to streamline complex procedures in TEN-E and in the Member States as well as best practices developed elsewhere, e.g., under EFSI. It needs to explain how this experience has affected the development of options for this initiative.

(5) The baseline needs to include the effect of any recently adopted, relevant national and EU legislation. It needs to be quantified in terms of the objectives of the current initiative rather than the objectives of TEN-T in general.

(6) From the report, it is not immediately clear how the level of ambition differs regarding permitting, public procurement and state aid. The development of **options** for each needs to be more closely tied to the problem description, the legislative context, and lessons learnt and best practices from efforts elsewhere.

(7) The discussion of the options needs to include the views of the stakeholders. When stakeholders are sceptical in some cases, the report should address their concerns and explain the mitigation measures it proposes. It is important that the description of stakeholder views is neutral and balanced across all stakeholder groups.

(8) Regarding the intervention logic, it seems that the low investors' base is not a problem driver, but rather a consequence of the problems. The objectives should correspond to the revised problem drivers. The operational objectives should lend themselves to operationalisation to allow for measuring progress in terms of concepts like complexity.

(9) Given that the reductions in delays associated with the different options derive from stakeholders' views, the report should indicate the type of evidence collected from stakeholders and the robustness of their contribution to avoid the impression that assumptions predetermined the selection of outcomes. It is, in particular, important to explain how the views allow differentiating between the three options. A sensitivity analysis needs to be performed to verify how changes in expected time savings change the ranking of options.

(10) Streamlining complex cross-border processes might lead to some risks. Especially citizens and smaller economic operators might have difficulties to participate in the consultation or procurement processes, when these are using procedures from another Member State, which they are not familiar with. The report needs to discuss how and to what extent these risks can be mitigated.

The Board takes note of the quantification of the various costs and benefits associated to the preferred option of this initiative, as assessed in the report considered by the Board and summarised in the attached quantification tables.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

The lead DG shall ensure that the report is adjusted in accordance with the recommendations of the Board prior to launching the interservice consultation.

The attached quantification tables may need to be adjusted to reflect the choice and the design of the preferred option in the final version of the report.

Full title	Streamlining the implementation of the Trans-European Transport Network (TEN-T)
Reference number	PLAN/2016/210
Date of RSB meeting	07/03/2018

ANNEX: Quantification tables extracted from the draft impact assessment report submitted to the Board on 15 February 2018

<i>I. Overview of Benefits (total for all provisions) – Policy Option 2 – 2018-2030</i>		
<i>Description</i>	<i>Amount</i>	<i>Comments</i>
<i>Direct benefits</i>		
User cost reductions for the TEN-T core network	- €5.1bn (-0.2% compared to baseline)	Benefits include time savings, increased reliability of transport and lower transport costs for infrastructure users.
Traffic shifted to rail transport	+ 2.9% for passenger transport and + 0.6% for freight transport compared to baseline	
Traffic shifted to waterborne transport	+ 0.1% compared to baseline	
Environmental benefits of the TEN-T core network projects: Since the initiative aims at reducing delays, the positive impacts of the implementation of the TEN-T projects on environment and climate will be generated earlier.	CO ₂ emissions: - 2.7 mio tonnes (- 0.2%) compared to baseline External costs for air pollution: - €5.6 mio compared to baseline External costs of noise: - €26.9 mio compared to baseline	
Social benefits: <ul style="list-style-type: none"> • Participation • Cohesion • Safety/public health 	External costs of accidents: - €297 mio (-0.2%) compared to baseline for TEN-T core network	The integration of procedures as well as the coordination of the overall authorisation procedures would simplify public consultations. Civil society as well as local communities could also benefit from a clearer framework allowing their comments to be well channelled and better addressed to the decision maker. The initiative is expected to result in a modal shift to safer and cleaner modes (in particular rail) and to decrease road traffic, hence it is expected to be positive in terms of public health. An improved implementation of TEN-T projects would positively contribute to cohesion.
<i>Indirect benefits</i>		
Positive impact on GDP of the implementation of the TEN-T core network projects	+1.6% compared to the baseline	This captures the indirect effects on economic sectors other than transport and the effects induced by increased productivity, improved conditions for international trade and technological spill-overs.
Employment impacts of implementing the TEN-T core network projects	5 600 job-years (+1.6% compared to the baseline)	

II. Overview of costs – Policy Option 2

	Promoters		Administrations		Combined impact
	Baseline	Policy Option 2	Baseline	Policy Option 2	Policy Option 2
Total administrative costs in € million (2018-2030)	1.436	-194 (-13%)	283	+15 (+5%)	-179 (-10%)