



# OPINION

European Economic and Social Committee

## Revision of the TEN-T and Rail Freight Corridor Regulation

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Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013  
[COM(2021) 812 final - 2021/0420 (COD)]

**TEN/764**

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**EN**

Referral	Council of the European Union 17/02/2022 European Parliament, 7/03/2022
Legal basis	Article 172 of the Treaty on the Functioning of the European Union
Plenary Assembly decision	25/10/2021
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	10/03/2022
Adopted at plenary	23/03/2022
Plenary session No	568
Outcome of vote (for/against/abstentions)	222/1/7

## 1. **Conclusions and recommendations**

- 1.1 The EESC welcomes the proposal, considering that the current TEN-T Regulation was adopted in 2013 and that it was therefore high time to propose a new updated framework, adapted to the current policy context and drawing on the lessons learned from the current Regulation. For instance, the updated TEN-T Regulation shall form the infrastructural basis required for the successful implementation of the Commission's goals included in the Green Deal, the Sustainable and Smart Mobility Strategy and the Rail Action Plan. Furthermore, the implementation of the TEN-T under the current framework has not been satisfactory, with significant delays, and the EESC therefore welcomes the strengthened rules on implementation.
- 1.2 The EESC agrees with the measure to increasingly harmonise the core and comprehensive network requirements and make the distinction between them a matter of timing.
- 1.3 The EESC likewise approves the focus on European Corridors as a means to promote efficient transport and multimodality, as well as the strong monitoring mechanism and the enhanced role of the European Coordinators.
- 1.4 The EESC also welcomes the added value in the form of synergy effects following on from improved coordination of the European Corridors with the Rail Freight Corridors.
- 1.5 The EESC welcomes the importance the proposal attaches to cohesion when implementing the network and takes note that this means ensuring accessibility and connectivity for all regions in the Union for both passenger and freight traffic, and efficient coordination and interconnection between, respectively, long-distance, regional and local traffic, as well as transport in urban nodes. The EESC thus also welcomes the obligation on Member States in Article 58 of the proposal to ensure that national transport and investment plans are coherent with Union transport policy.

Efficient rail freight links with infrastructure enabling adequate speed helping towards punctuality will enable rail to play its full part in the intermodal transport chain, considering that insufficient punctuality of rail has been a major obstacle to making multimodality, including rail, an attractive option.

- 1.6 With regard to the two additional Coordinator functions regarding the European Maritime Space and ERTMS, the EESC takes the view that rapid implementation of ERTMS will also require substantial financial support, considering the cost involved. The EESC therefore welcomes the suggestion by the Commission to consider exempting public financing of ERTMS from the obligation to notify under State aid rules. The EESC would furthermore ask for a feasibility study on ERTMS implementation by 2030, also taking into account financing issues.

Regarding the European Maritime Space, the EESC draws attention to the sea bridges with regular and dense ferry connections, which could be seen as similar to infrastructure and eligible for co-financing as projects of common interest.

- 1.7 The EESC regrets that no fixed timing for Member State reports on the implementation of the comprehensive network is foreseen.
- 1.8 The EESC fully supports the focus on broad, adequate and timely consultation on planned projects with all parties concerned, and recalls its 2012 opinion on the potential of EESC as a link to civil society.
- 1.9 The EESC takes favourable note of the general priorities for all networks set out in Article 12, and which provides for the removal of administrative, technical and operational barriers and optimising the use of infrastructure.
- 1.10 The EESC calls for facilitation of efficiency enhancing measures to be taken across the board in order to promote multimodality which implies making the best possible use of the advantages of all modes of transport to achieve the best possible results, while at the same time improving safety and reducing the environmental burden. The EESC draws particular attention to the importance of the interface between land transport and other modes, allowing inland waterways, short sea shipping and aviation to contribute fully to the multimodal chain.
- 1.11 We believe that increasing the network's resilience to climate change, natural hazards and human-made disasters is key in establishing a network that generates long lasting value for EU citizens and businesses. Resilience aspects should be taken into consideration as early as possible in a project's planning phase.
- 1.12 The EESC points out that in the case of traffic problems or emergencies, the most sustainable solution should be preferred.
- 1.13 The EESC approves the attention brought to the ICT systems and their capacity to facilitate multimodal transport development. We consider it important that the vast potential of digitalisation to improve the performance of transport should be developed as a matter of high priority.
- 1.14 The EESC also draws attention to the possibility to improve the monitoring of compliance with regulations on working and rest hours, regarding in particular rail transport, by digital means, and requests that such a system is developed.
- 1.15 The EESC welcomes the inclusion of urban nodes and multimodal terminals as specific elements of the TEN T since both are essential for the smooth functioning of transport. The EESC notes that one multimodal terminal may serve more than one urban node if the functional criteria laid down in the proposal are complied with.
- 1.16 The EESC notes that rail infrastructure is very unevenly equipped with facilities for railway staff. In the EESC's view, infrastructure for workers must at least include safe routes, overnight accommodation, up-to-date break rooms (cooling, heating, hygiene), utilities and sanitation facilities.

- 1.17 The EESC takes note of the requirements on rest areas, set out in Article 29(2)(b) and would suggest introducing common minimum standards also for those.
- 1.18 The EESC likewise welcomes the increased focus on links to neighbouring countries including partner countries such as EEA Member States and Switzerland, as well as accession countries. The EESC takes note that this objective is set to promote the extension of TEN-T policy into third countries, including the objectives of sustainability, cohesion, efficiency and increased benefits for users.
- 1.19 The EESC also welcomes the attention given to third country subjects' involvement in TEN T projects, as a matter of security and public order, and the notification duty of Member States to enable an impact assessment also outside the general framework on screening of foreign direct investments in the EU. This also ensures interoperability and EU standards.
- 1.20 The EESC also condones the possibility of adjustments through delegated acts of infrastructure elements, and the configuration of the Corridors.
- 1.21 The EESC is satisfied that an obligation of maintenance of TEN-T infrastructure by the Member States is now proposed to be included in the Regulation. The EESC would have appreciated a monitoring mechanism also in this regard as well as appropriate sanctions in the event of inadequate maintenance.
- 1.22 The EESC welcomes the objectives regarding transport infrastructure worldwide set out in the Commission Global Gateway Connectivity Strategy.

## **2. Background**

- 2.1 The Commission submitted its proposal for a new Regulation to replace the current Regulation on Union guidelines for the development of the trans-European transport network ((EU) 1315/2013) (the Proposal) on 14 December 2021 (COM (2021) 812 - 2021/0420 (COD)) as a key action of the European Green Deal and the Sustainable and Smart Mobility Strategy.
- 2.2 The Proposal keeps the core and comprehensive network structure of the trans-European transport network (TEN-T). For the core network, the implementation deadline remains 2030 with a further 2040 milestone for an extended core network and 2050 for the comprehensive network.
- 2.3 The four specific objectives of the current TEN-T Regulation (efficiency, cohesion, sustainability and increased user benefits) remain and are further developed.
- 2.4 The Proposal seeks to remedy problems of delays in project preparation and implementation by aligning national and TEN-T interests, objectives and responsibilities and strengthening monitoring particularly regarding the European Transport Corridors and the horizontal priorities ERTMS and the European Maritime Space where the role of the European Coordinator is strengthened and work plans given legal force through implementing acts.

- 2.5 The Proposal ensures the alignment of the Rail Freight Corridors with the European Corridors through amendments to Regulation (EU) 913/2010, and provides for coordination between the two instruments.
- 2.6 The Proposal introduces TEN-T maintenance as an obligation of Member States.
- 2.7 In the event of significant delays in implementing the networks, the Commission may, if the delay is not objectively justified and the problem not resolved within six months, withdraw EU co financing.

### 3. **General comments**

- 3.1 The EESC welcomes the Proposal, considering that the current TEN-T Regulation was adopted in 2013 and that the EU transport policy agenda has changed a lot since then, given that the 2011 transport policy White Paper has been succeeded by the 2020 Sustainable and Smart Mobility Strategy that, inter alia, focuses on sustainability, digitalisation and promotion of rail/multimodality.

Furthermore, the experiences of the implementation of the TEN-T under the current TEN-T Regulation, have not been satisfactory, with significant delays.

It was high time to propose a framework, adapted to the current policy context, by creating an infrastructure compatible with for instance the European Green Deal, the Sustainable and Smart Mobility Strategy and the Rail Action Plan, drawing on the lessons learned from the current Regulation. The EESC pointed to this need for updating in its 2020 Evaluation Report.<sup>1</sup>

- 3.2 The EESC agrees with the measure to increasingly harmonise the core and comprehensive network infrastructure requirements and to essentially distinguish between the two categories by fixing a 2030 deadline for the implementation of the core network, a 2040 deadline for the so-called extended core network and a 2050 deadline for the comprehensive network. Regarding the 2030 deadline, the EESC maintains the feasibility doubts raised in its 2020 evaluation report, but considers that the deadline should be maintained to bring pressure on Member States.
- 3.3 We also welcome the importance attached to cohesion, including connectivity and accessibility for all across the EU, for both passengers and goods, and on both long and short distances, as well as the obligation on Member States to ensure coherence with EU transport policy in their national action. Minimum criteria regarding rail infrastructure will improve the prospects of multimodality.
- 3.4 The EESC approves the focus on European Corridors to promote efficient transport and multimodality. It also supports the strengthened role of the European Coordinators and the strong monitoring mechanism that shall ensure adequate and timely implementation.

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<sup>1</sup> Evaluation of the Trans – European Network – Transport Guidelines 2013 – 2020 – TEN/701.

The EESC expresses its satisfaction with the coordination of the configuration and management of the Rail Freight Corridors with the European Corridors, which should bring considerable added value through synergy effects.

- 3.5 The EESC notes that European Coordinators are also appointed for the European Maritime Space and ERTMS. With respect to ERTMS, the EESC underscores the need for financial support to ensure its rapid implementation and welcomes the suggestion to exempt state support from State aid notification. The Coordinator for the European Maritime Space shall ensure the integration of maritime links into the trans-European transport Network, and the creation and upgrading of short sea shipping links. We particularly underscore that tasks that aim to ensure a seamless interface between sea, inland waterways and land transport are very useful.
- 3.6 The European Maritime Space replaces the Motorways of the Sea, which is considered too complex. The EESC draws attention to the so-called sea bridges, meaning regular and dense ro-ro ferry connections, where ferries almost fill the function of a bridge. The EESC questions if such sea bridges should not be seen as connections similar to an infrastructure element, and eligible for co-financing as a project of common interest.
- 3.7 The EESC regrets that no fixed timing is stipulated for the provision of information by Member States on the progress of the implementation of projects outside the European Corridors.
- 3.8 The EESC nevertheless approves the follow up and sanctioning mechanism provided for in case of delays in the implementation of projects without satisfactory explanation. The EESC regrets that the only sanction clearly spelt out is terminating co-financing and invites the Commission to come up with proposals for instance for a daily fine as long as the delay continues due to negligence.
- 3.9 The EESC fully supports the focus on adequate consultation of those concerned, both authorities at different levels and civil society, and the exchange of information on best practice in this regard to be ensured by the Commission. In this context, the EESC recalls its 2012 Opinion Transport White Paper: getting civil society on board and the Draft guidelines for citizens and civil society participation in EU transport policies and projects, discussed at a conference organised by the EESC Transport Permanent Study Group in Milan on 24-25 October 2016. The EESC also makes this point in its abovementioned 2020 evaluation. The EESC insists on the necessity to start wide consultations as early as possible, with a particular focus on organised civil society and taking into due account the feedback received.
- 3.10 The EESC appreciates the additional prerequisites on infrastructure laid down to promote the achievement of the objective of the Green Deal to reduce CO<sub>2</sub> emissions by 90% before 2050, and the emphasis placed on environmental aspects, including external costs, when conceiving a project.
- 3.11 The EESC takes notes of the general priorities for all networks set out in Article 12, and which provides for the removal of administrative, technical and operational barriers and optimising the use of infrastructure (Article 12 (2) (c) and (d)). This is also consistent with the generally favourable attitude toward resource efficiency and innovation set out in Article 43 on

sustainable freight transport services. In this context, the EESC underscores the importance of improved network resilience to disasters, which should be considered back at the planning stage. Sustainable solutions should be preferred when resolving problems due to strain on the resilience of the network.

- 3.12 The EESC therefore takes the view that increased efficiency across the board should be the objective, bearing in mind that improved efficiency in all modes will contribute to better environmental performance, as found in a recent study by the Swedish Environmental Protection Agency<sup>2</sup>.
- 3.13 The EESC appreciates that with respect to both the comprehensive and the core network, Member States are to ensure that rail infrastructure enables a train length of 740 m without special permission, and that consideration should be given to developing infrastructure for train lengths above 740 m and up to 1 500 m and 25.0 t axle load, subject to socio-economic cost-benefit analyses. A provision regarding 740 m trains on private sidings also applies regarding multimodal transport infrastructure.
- 3.14 The EESC calls for facilitation of efficiency enhancing measures to be taken across the board in order to promote multimodality which implies making the best possible use of the advantages of all modes of transport to achieve the best possible results, while at the same time improving safety and reducing the environmental burden. The EESC draws particular attention to the importance of the interface between land transport and other modes, allowing inland waterways, short sea shipping and aviation to contribute fully to the multimodal chain.
- 3.15 Considering the provision mentioned in the preceding point, it is also surprising that the maximum dwelling time for trains at border crossings provided for on the European Transport Corridors, does not apply on both the core and comprehensive networks.
- 3.16 The EESC takes favourable note of the attention brought to the ICT systems for transport to facilitate, inter alia, transport management and exchange of information between modes to facilitate multimodal transport development, which is one of the priorities set out to develop sustainable freight. The EESC considers that the vast potential of digitalisation to improve the efficiency, coherence and sustainability of transport should be developed as soon as possible.
- 3.17 The EESC also approves urban nodes and multimodal terminals to be included as specific elements of the TEN-T. Both are essential for the smooth functioning of transport, the former because they are essential to the first and last mile, and the latter because of their key role in well-functioning multimodal transport. The EESC notes that the criteria proposed regarding the location of terminals makes it possible for one terminal to serve several urban nodes.
- 3.18 The EESC, in this context, points to its opinion on multimodal transport and intermodal logistics which underscores the importance of digitalisation and multimodal terminals to develop multimodality<sup>3</sup>.

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<sup>2</sup> Modal shift for an environmental lift – Rapport 7003, August 2021, with a summary in English.

<sup>3</sup> [OJ C 374, 16.9.2021, p. 1](#)



- 3.19 The EESC welcomes the increased attention given to links to neighbouring countries, including partner countries such as the EES Member States and Switzerland, and accession countries, in particular the Western Balkan countries, as further developed in the Commission communication on the extension of the trans-European transport network (TEN-T) to neighbouring third countries.
- 3.20 The EESC, in this context, also draws attention to the importance of implementing the Commission Global Gateway Connectivity Strategy (JOIN (2021) 30) to promote worldwide investments in sustainable, smart, resilient and safe transport in all modes, and bring all modes together in a multimodal system.
- 3.21 The EESC further welcomes the attention given to third country subjects involvement in TEN-T projects and the obligation on Member States to notify such involvement to the Commission, so that it may assess its impact on security or public order in the Union in all cases that do not fall under Regulation (EU) 2019/452 establishing a framework of screening of foreign direct investment into the Union.
- 3.22 The EESC would like to express its appreciation of the possibility of adjustment through delegated acts of infrastructure elements and the configuration of the Corridors. Transport flows change, and this possibility of adjustment makes it easier to ensure that the network infrastructure and corridor configuration correspond to the realities of transport flows.
- 3.23 Finally, the EESC would like to express its satisfaction that the issue of the maintenance of the TEN-T as a Member State obligation is now included in the Proposal, as suggested by the EESC in its abovementioned evaluation report.

#### **4. Specific comments**

- 4.1 The EESC takes note of the need to provide adequate infrastructure facilities for staff to rest at railway stations.
- 4.2 The EESC, following up on the general remark on digitalisation, notes that digitalisation could be used to monitor compliance with social legislation, for instance in the rail sector.
- 4.3 Regarding road transport, the EESC considers that minimum criteria should be defined not only for Secure Parking Areas (Article 29(2) (c)) but also for resting areas (Article 29(2)(b)).

Brussels, 23 March 2022

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The president of the European Economic and Social Committee

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