



OPINION

European Economic and Social Committee

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

Amended 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(2022) 384 final/2 - 2021/0420 (COD)]

TEN/788

Rapporteur-General : Stefan BACK

www.eesc.europa.eu

EN

Referral	European Parliament, 3/10/2022 Council of the European Union, 6/10/2022
Legal basis	Articles 172 and 304 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted at plenary	27/10/2022
Plenary session No	573
Outcome of vote (for/against/abstentions)	155/0/0

1. **Conclusions and recommendations**

- 1.1 The EESC points out that, in its opinion on the proposal for a revision of the TEN-T and Rail Freight Corridor Regulation (referred to below as the TEN-T Proposal), it welcomed the increased focus on links to neighbouring countries, including partner countries and accession countries.
- 1.2 The TEN-T Proposal was published in December 2021; the Russian attack on Ukraine subsequently started in February 2022. The EESC agrees with the assessment made in the amended proposal that this has redefined the geopolitical landscape, brought to the surface the EU's vulnerability to unforeseen disruptive events beyond its borders and highlighted the fact that the EU internal market and its transport network cannot be viewed in isolation when shaping EU policy.
- 1.3 This situation has rightly brought attention to the urgent need to assist Ukraine, including by improving transport connectivity with the EU in order to maintain and improve mobility and freight flows between Ukraine and the EU. In particular, there is an acute need to help transport cereal crops out of Ukraine due to the unavailability of Black Sea ports, which are being blockaded by Russia.
- 1.4 The EESC agrees that the rapid establishment of alternative logistics routes using all transport modes linking the EU to Ukraine is vital for Ukraine's economy and economic recovery and for stabilising world food markets and food security.
- 1.5 The EESC also supports the action plan set out in the Solidarity Lanes communication to upgrade the cross-border connections (road-road, rail-road and rail-rail) between the EU and Ukraine, including additional border-crossing points, and to assess the extension of TEN-T core network corridors in Ukraine.
- 1.6 The EESC also takes positive note of the fact that the action plan also provides for "CEF calls for proposals" that will make it possible to focus support in particular on projects aimed at improving the interoperability and connectivity of the EU's transport network with Ukraine.
- 1.7 The EESC therefore fully supports the extension of TEN-T to Ukraine and Moldova, through indicative maps included in Annex IV to the amended proposal; this is a timely suggestion and over time could bring added value, in particular by improving the opportunities for establishing smooth and seamless transport flows between Ukraine and EU.
- 1.8 The EESC fully supports the strong political message being sent by including the links in Ukraine within the top TEN-T priority, i.e. the European Transport Corridors, with their strong implementation system in the form of coordinators, work plans, various working groups and, under to the TEN-T Proposal, an obligation to give the work plans legal force through an implementing act.
- 1.9 The EESC finds it regrettable, however, that neither the general provisions on cooperation with third countries, nor the provisions on implementation of the instrument of European Transport

Corridors and Horizontal Priorities, seems to provide a legal basis for extending application of the corridor priorities or their implementation system, including coordinators, governance, the work plan of the European coordinator or the implementing act, to third countries.

- 1.10 The EESC therefore asks for a strong and credible implementation system for those links that are to be considered part of the European Transport Corridors, possibly by strengthening and multiplying the working groups on cooperation with third countries.
- 1.11 Given the current political context it also seems appropriate, and in line with the sanctions imposed, to eliminate indicative TEN-T links in Russia and Belarus.
- 1.12 The EESC is surprised to note that the amended proposal includes an express commitment to consider re-establishing links in Belarus, and links between Belarus and EU Member States, if the country develops towards democracy, whereas no similar commitment is made with respect to Russia. The EESC takes the view that commitments for the future of this kind should be avoided.
- 1.13 The EESC takes note that the elimination of Member States' links to Russia appears to have posed problems to some Member States, since some of these links remain important for connectivity in the Member State concerned. The EESC recommends that due attention should be given to the possible internal EU significance of such links.
- 1.14 The EESC agrees that there is obviously also a need to deal with the issue of the different rail gauges in the EU and Ukraine, although changes in that regard may require some time to put in place and hence are unlikely to provide solutions for immediate and urgent efficiency problems.
- 1.15 The EESC would suggest that the migration requirement to the EU standard 1 435 mm gauge should be limited to the European Transport Corridors in order to ensure consistent and well-coordinated migration, given that the obligation on Member States to establish migration plans is limited to those corridors.
- 1.16 The EESC warns that the proposal that any new rail infrastructure on the core or comprehensive TEN-T should be constructed with the EU standard 1 435 mm gauge could create extremely complicated internal consistency problems in Member States with different track gauges.

2. General comments - Background

2.1 Links with Ukraine and Moldova and eliminating/downgrading links in and with Russia and Belarus

- 2.1.1 The 27 July 2022 proposal for amending the TEN-T proposal, submitted by the Commission in December 2021, (COM(2022) 384 final, referred to below as the amended proposal) was triggered by the Russian war on Ukraine and its effects on supply chains, which has highlighted the importance of TEN-T links with neighbouring partner countries.

- 2.1.2 Article 9 of the Commission's December proposal (the TEN-T Proposal) provides for cooperation with third countries to connect the TEN-T with their infrastructure, and to enhance sustainable economic growth and competitiveness. Points highlighted include extension of TEN-T policy to third countries, border control procedures and surveillance enabling seamless traffic flows, completion of relevant infrastructure links, interoperability, facilitation of waterborne transport and development of ICT systems. The associated maps specify core and comprehensive network status according to the criteria of the TEN-T Regulation.
- 2.1.3 Specific criteria are established for the European Transport Corridors, distinct from those applicable to the core and comprehensive network. Corridors are the most strategically important parts of the TEN-T (TEN-T Proposal Article 7), with specific general priorities, distinct from the core and comprehensive networks (Articles 12 and 13), and dedicated implementation rules (Chapter V, Articles 50-54).
- 2.1.4 The Commission communication on EU-Ukraine Solidarity Lanes (COM(2022) 217 final) identifies a number of infrastructure challenges that the EU and its neighbouring countries need to address to support Ukraine's economy and recovery and to address supply and connectivity issues between the EU, Ukraine and world markets. It proposes assessing the extension of the European Transport Corridors to Ukraine and Moldova to safeguard imports and exports, including export of crops out of Ukraine. A High-Level Understanding on indicative maps of the TEN-T in Ukraine was signed in May 2022.
- 2.1.5 On 14 July 2022 the Commission adopted a delegated Regulation with indicative maps for the TEN-T network in Ukraine and Moldova, to extend TEN-T standards to neighbouring countries to enable seamless connections. These maps are now part of the amended proposal, which also includes maps extending several of the TEN-T Corridors to Ukraine and Moldova.
- 2.1.6 The amended proposal also takes out the indicative TEN-T links in Russia and Belarus.
- 2.1.7 Furthermore, the links connecting the network of Member States to the indicative TEN-T links in Russia and Belarus have been downgraded to form part of the comprehensive network.

2.2 **The rail gauge**

- 2.2.1 The Ukraine Solidarity Lanes communication also identifies bottlenecks due to the divergence between the Ukrainian rail gauge of 1 520 mm and the EU gauge of 1 435 mm. This causes a problem due to the currently insufficient transshipment capacity.
- 2.2.2 The amended proposal seeks to harmonise the rail gauge on the core and comprehensive network in the EU to eventually reach a common gauge of 1 435 mm. New rail infrastructure must be constructed with that gauge and Member States with a different gauge, entirely or in part, shall, within two years of the entry into force of the regulation, make a plan for migrating existing railway lines on the European Transport Corridors to the 1 435 mm gauge. Plans shall be coordinated with neighbouring Member States concerned.

- 2.2.3 Migration plans shall identify those railway lines that will not migrate and include a cost-benefit analysis justifying that decision, including the impact on interoperability.
- 2.2.4 The priorities for infrastructure and investment planning related to migration plans should be part of the first work plan of European Coordinators for those European Transport Corridors that include freight railway lines with a gauge that is not European standard.
- 2.2.5 Ireland is exempt from the obligation to harmonise the gauge (Articles 15 and 16 of the TEN-T Proposal).

3. **General comments**

- 3.1 The EESC points out that, in its opinion on the TEN-T Proposal) it welcomed the increased focus on links to neighbouring countries, including partner countries and accession countries.
- 3.2 The TEN-T Proposal was published in December 2021; the Russian attack on Ukraine subsequently started in February 2022. The EESC agrees with the assessment made in the amended proposal that this has redefined the geopolitical landscape, brought to the surface the EU's vulnerability to unforeseen disruptive events beyond its borders, and highlighted the fact that the EU internal market and its transport network cannot be viewed in isolation when shaping EU policy.
- 3.3 This situation has rightly brought attention to the urgent need to assist Ukraine including by improving transport connectivity with the EU in order to maintain and improve mobility and freight flows between Ukraine and the EU. In particular, there is an acute need to help transport cereal crops out of Ukraine due to the unavailability of Black Sea ports, which are being blockaded by Russia.
- 3.4 The need to take measures to ensure adequate mobility and transport flows between the EU and Ukraine was first raised in the abovementioned communication on EU-Ukraine Solidarity Lanes and has since been addressed through a number of measures, including by promoting adequate infrastructure development through, and indicative extensions of TEN-T links to, Ukraine, in accordance with the provisions of the TEN-T Proposal regarding cooperation with third countries.
- 3.5 The EESC agrees that the rapid establishment of alternative logistics routes using all transport modes linking the EU to Ukraine is vital for Ukraine's economy and economic recovery and for stabilising world food markets and food security.
- 3.6 The EESC also takes note that the capacity of relevant terminals and border crossings, for instance at points with double gauge, needs to be improved urgently, as pointed out in the Solidarity Lanes communication.
- 3.7 The EESC also supports the action plan set out in the Solidarity Lanes communication to upgrade the cross-border (road-road, rail-road and rail-rail) connections between the EU and Ukraine, including additional border-crossing points, to assess the extension of TEN-T core

network corridors in Ukraine to offer increased connectivity through the development of EU standard-gauge rail lines into Ukraine and Moldova, and to improve connectivity and navigability on the Rhine-Danube corridor to ensure more efficient traffic.

- 3.8 The EESC also takes positive note of the fact that the action plan also provides for "CEF calls for proposals" that will make it possible to focus support in particular on projects aimed at improving the interoperability and connectivity of the EU's transport network with Ukraine.
- 3.9 The EESC therefore fully supports the extension of TEN-T to Ukraine and Moldova, through indicative maps included in Annex IV to the amended proposal; this is a timely suggestion and over time could bring added value, in particular by improving the opportunities for establishing smooth and seamless transport flows between Ukraine and the EU.
- 3.10 The EESC takes note that the indicative maps of Ukraine's TEN-T infrastructure in Annex IV to the amended proposal classify links, terminals, ports and airports as belonging to the core or the comprehensive network, in accordance with Article 9(2) of the TEN-T Proposal.
- 3.11 The indicative links inside Ukraine are also made part of European Transport Corridors, extending the North Sea-Baltic Corridor, the Scandinavian-Mediterranean Corridor, the Baltic-Adriatic Corridor, the Rhine-Danube Corridor and the Baltic-Black Sea Corridor into Ukraine through maps included in Annex III to the amended proposal.
- 3.12 The EESC fully supports the strong political message being sent by including the links in Ukraine within the top TEN-T priority, i.e. the European Transport Corridors, with their strong implementation system in the form of coordinators, work plans, various working groups and, under the TEN-T Proposal, an obligation to give the work plans legal force through an implementing act.
- 3.13 The EESC finds it regrettable, however, that neither the general provisions on cooperation with third countries, nor the provisions on implementation of the instrument of European Transport Corridors and Horizontal Priorities, seems to provide a legal basis for extending application of the corridor priorities or their implementation system, including coordinators, governance, the work plan of the European coordinator or the implementing act, to third countries. Only Article 52(3)(f) on governance of the corridors allows for working groups on cooperation with third countries, but that does not seem to change the scope of the provisions on Trans-European Corridors.
- 3.14 The EESC therefore asks for a strong and credible implementation system for those links that are to be considered an extension of the European Transport Corridors, possibly by strengthening and multiplying the working groups on cooperation with third countries.
- 3.15 Given the current political context it also appears appropriate, and in line with the sanctions imposed, to eliminate indicative TEN-T links in Russia and Belarus.
- 3.16 The EESC is, however, surprised to note that the amended proposal includes an express commitment to consider re-establishing links in Belarus, and links between Belarus and EU

Member States, if the country develops towards democracy in line with an EU plan to that end, while no similar prospects are indicated with respect to Russia. Even though there may be no specific EU plan with respect to democracy in Russia, the different approaches are difficult to understand. EESC would therefore recommend avoiding making this kind of commitment for the future.

- 3.17 The EESC takes note that the elimination of Member States' links to Russia appears to have posed problems to some Member States. For instance, the Finnish transport minister has criticised the general character of this measures, since some of these links remain important for connectivity in the Member State concerned. The EESC recommends that due attention should be given to the possible internal EU significance of such links.
- 3.18 The EESC agrees that there is obviously also a need to deal with the issue of the different rail gauges in the EU and Ukraine, although changes in that regard may require some time to put in place and hence are unlikely to provide solutions for immediate and urgent efficiency problems.
- 3.19 The EESC takes note that the requirement to migrate to a 1 435 mm railway gauge has been broadened and the possibility of retaining other gauges reduced, through proposed amendments to Articles 15 and 16 and the new Article 16a. Given that the focus of implementation of migration to the 1 435 mm gauge is on the European Transport Corridors – since the migration plans to be drawn up by all Member States are limited to those corridors – a general obligation to construct all new lines with the 1 435 mm gauge seems inconsistent with the main thrust of Article 16a, which is to ensure consistency and seamless rail transport on the Trans-European Corridors.
- 3.20 The EESC would therefore suggest that the migration requirement should be limited to the European Transport Corridors in order to ensure consistent and well-coordinated migration.
- 3.21 The EESC is surprised at the general obligation set out in the proposed Article 16a(1) that any new rail infrastructure should be constructed with the European standard nominal 1 435 mm track gauge, apparently irrespective of the configuration of the surrounding network, since this obligation could create extremely complicated internal consistency and bottleneck problems in Member States with different track gauges.
- 3.22 It is worth noting that the reduction of exemption possibilities for diverging gauges has caused concern, for instance in Finland, where the proportionality of the proposal in this regard has been questioned.

Brussels, 27 October 2022

Christa SCHWENG
The president of the European Economic and Social Committee
