



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Sénat for its Reasoned Opinion on the 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}.

The legislative proposal for a revised TEN-T Regulation forms part of a broader package of ambitious measures designed to decarbonise transport, to make mobility greener and more efficient and hence to provide an important contribution to the achievement of the European Green Deal and the Sustainable and Smart Mobility Strategy objectives. To this aim, the revised TEN-T Regulation significantly steps up efforts in building a sustainable, seamless and resilient trans-European transport network at highest quality standards through a network that is gradually developed in three steps: a core network by 2030, an extended core network by 2040 and a comprehensive network by 2050.

The objective is to ensure reliable and multimodal connectivity throughout the European Union without physical gaps, bottlenecks or missing links, and at the same time to promote green mobility as to reduce the impact of transport on environment and climate change. This in return is essential for our internal market and for the cohesion of the European Union.

Reaching such ambitious objectives of a truly European transport network requires enormous joint efforts of all Member States, going beyond the simple accumulation of single national actions. Especially the implementation of cross-border projects demands highest joint efforts as to address the complexity of the realisation of our coherent European network.

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In this context, the Commission notes the Sénat's assessment that the revised TEN-T Regulation in its current wording does not comply with the principle of subsidiarity as laid down in Article 5 of the Treaty on the Functioning of the European Union. The Commission is pleased to have this opportunity to provide a number of clarifications regarding its proposal and hopes that these will allay the Sénat's concerns.

The Commission is aware that the numerous measures proposed in the revised TEN-T Regulation are to be implemented by the Member States and it remains in their responsibility to define and implement their national plans and programmes. This requires an adequate level of flexibility so as to respect national policy and budgetary frameworks, aiming however at one joint goal – the implementation of a truly European network without bottlenecks and missing links, especially at the cross-border sections.

To this end, the revised TEN-T Regulation proposes measures to better align national planning with Union transport policy. These provisions have already been subject to intense discussions in the Council Working Group under the French Presidency. There has been a good common understanding and agreement about the importance of a better alignment of national plans to reach the objectives of the trans-European transport network, whilst improving the procedures of notification about national plans and programmes. This is an aspect that the Commission is indeed open to look at in more detail.

Similarly, the European TEN-T Coordinators – as neutral and independent interlocutors between all relevant stakeholders at local, regional, national and European level – are tasked to orientate the debate and dialogue through the setting of coherent investment priorities from a European perspective in their respective work plans, especially important for the implementation of cross-border projects.

Whilst the Regulation also recognises that maintenance is the primary responsibility of the Member States, it is important that the TEN-T – once built – is properly maintained to ensure a high quality of services. The Regulation therefore gives orientation whilst leaving a large room for manoeuvre on how to implement the requirements at the appreciation of each Member State. The same goes for the requirements set for urban nodes, which remain at a rather general level, for example regarding the development of Sustainable Urban Mobility Plans without prescribing their content and orientations.

Finally, single cross-border entities for the management and implementation of cross-border projects, such as the TELT (Tunnel Euralpin Lyon Turin) for the Lyon-Turin link, have demonstrated significant benefits so far. Moreover, the European Court of Auditors clearly pointed out that delays in the implementation of cross-border projects is often due to a lack of coordinated management on both sides of the border. The provision in Article 8(5) to require Member States by means of an implementing act to establish a single entity for the construction and management of cross-border projects of common interest is thereby fully in line with Article 170 to 172 of the Treaty on the Functioning of the European Union, as it addresses only projects of common interest that are of cross-border nature and thus go beyond the single national responsibility. In addition, it mainly regards cross-border projects that receive European Union funding.

The Sénat's Reasoned Opinion has been made available to the Commission's representatives in the ongoing negotiations of the co-legislators, the European Parliament and the Council, and will inform these discussions.

In this regard, the Commission thanks the French Presidency for the good progress made under its lead and remains hopeful that further progress will be made during the upcoming Presidencies. It looks forward to a fruitful political debate leading hopefully to an agreement on this legislative proposal during 2023.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Sénat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

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Vice-President*

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Member of the Commission*