



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the Commission's legislative proposals concerning the TEN-T policy and the EU funding of infrastructure in the fields of transport, energy and telecommunication (the "Connecting Europe Facility") {COM(2011) 650 and COM(2011) 665 final} and apologizes for the long delay in replying.

The Commission notes that in the field of transport, the Bundesrat supports the most important innovations proposed namely:

- The creation of a two-layer network structure – consisting of comprehensive and core network – which shall be completed by 2050 and 2030 respectively, and which shall be implemented gradually on the basis of measurable sub-goals.
- The integration of all transport infrastructures as well as corresponding traffic management, positioning and navigation systems into a single network.
- The introduction of a genuine infrastructure policy, with better connected and integrated transport modes as a basis for a resource efficient and sustainable transport system.
- The implementation of EU-wide infrastructure standards which promote interoperability and contribute to more safety and quality of the European transport network.
- The role of the "Connecting Europe Facility", which besides a concentration on core network projects, creates synergies between transport, energy and telecommunications sectors.

The Bundesrat gives particular attention to the TEN-T policy's contribution to the climate change objectives of the transport sector. The Commission is confident that the proposed measures (in the fields of both network planning and project prioritisation in the "Connecting Europe Facility") will help creating a sound and future-oriented basis for the support of the CO₂ reduction objectives. The inclusion of innovative infrastructure equipment in the new TEN-T Guidelines will stimulate the development and deployment of low-carbon transport technologies. Furthermore, network integration and interconnection will promote efficient transport solutions across transport modes.

In relation to the climate change objectives, the Bundesrat questions the planning of the core network in terms of underlying traffic forecasts. The Commission has designed the TEN-T and in particular the core network, on the basis of a single methodology. This methodology combines territorial and economic criteria in a way that the most important nodes – capital

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and other big cities, economic areas, ports and border crossing points with third countries – have been interconnected. Forecasted traffic volumes for passengers and freight have also been taken into consideration. Detailed information about the planning methodology has been published on the Commission's internet site

http://ec.europa.eu/transport/infrastructure/doc/web_methodology.pdf

The TEN-T Guidelines set standards in the fields of interoperability, quality and safety, but not in the field of capacity. On the one hand, it is difficult from a methodological perspective to forecast Europe-wide TEN-T relevant traffic flows since these superpose regional and local traffic flows. On the other hand, one of the key objectives of the new network policy is the efficient use of infrastructure in the framework of a competitive transport market. The proposed TEN-T (both comprehensive and core networks) are based on Member States' planning – in the case of Germany on the "Bundesverkehrswegeplan". During many bi- and multi-lateral consultations during the planning phase, the Commission has furthermore ensured coherence along cross-border connections.

As regards the "Connecting Europe Facility" (CEF), the Commission has pre-selected core network projects for possible EU financing during the period 2014 – 2020 in the field of transport. These projects go beyond the core network corridors. These corridors must not be understood as another planning layer but rather as an instrument for the coordination of activities on core network sections – in the interest of an efficient use of natural, economic and financial resources.

In the field of telecommunications, the Commission wishes to clarify that indeed broadband projects (backbone, backhaul, last mile with minimum download speeds of 30 Mbps) need not be of a cross-border nature. The CEF will create European added-value by allowing citizens and business to connect to the Digital Single Market.

It will indeed be possible to combine support from the CEF and Cohesion funds, for example a credit-enhanced project with an "equity contribution" from the Cohesion funds. The availability of grant support, as opposed to credit-enhancement, will eventually depend on the budget available for CEF Telecommunications. Public entities on the local, regional or national level will be eligible to receive funding under CEF.

The Commission wishes to clarify that there will be no national or regional quota for CEF projects. However, Member States will elaborate together with the Commission the Annual and/or Multi-annual Work Programmes, setting out the priorities and funding modalities.

Regarding the questions of the Bundesrat, which relate to the respect of the subsidiarity principle, the Commission would like to reiterate that any project which has been included into the TEN-T Guidelines' proposal is covered by relevant national procedures. Concerning projects in Germany, planning is based on the "Bundesverkehrswegeplan". At the implementation level, any TEN-T project will have to undergo the relevant national financing procedures – in Germany as in any other Member State.

Concerning the choice of the legal form – a Regulation – the Commission's proposal reflects the fact that the new policy concept, which is largely supported by the Bundesrat, significantly broadens the field of action. It includes a range of areas which may go beyond the responsibility of Member State authorities – for example innovative, intelligent transport

systems. This calls upon a wide range of relevant actors. A Regulation, which is of general application, therefore provides more coherence between content and form.

The Commission hopes that these clarifications address the concerns raised by the Bundesrat in its Opinion and look forward to continuing our political dialogue on these important issues.

Yours faithfully,

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Vice-President*