



EUROPEAN COMMISSION

*Brussels, 11.12.2018
C(2018) 8419 final*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Regulation on streamlining measures for advancing the realisation of the trans-European transport network {COM(2018) 277 final}.

The Commission appreciates that the aim of this proposal, which is to support the efficient and on-time implementation of the trans-European transport core network, is shared by the Bundesrat. The quick delivery of a high-quality and state-of-the-art European transport infrastructure is a pre-requisite to achieving the overall goals of the European Union's transport policy, such as decarbonisation, digitalisation and deployment of innovative solutions.

The planning and implementation of Union projects of common interest in the areas of energy, transport and telecommunication infrastructure should be coordinated at the Union level to generate synergies. This concerns also the procedures necessary for the implementation of the projects of common interest. The Commission notes that according to the principle of subsidiarity any action at the level of the European Union shall be taken only if the objectives of the proposed action can be better achieved at Union level by reason of the scale or effects of the proposed action. In this respect, the measures proposed by the Commission target the core trans-European transport network, the transnational and European-wide importance of which is clear.

The Commission agrees that the trans-European transport network includes national or regional transport networks and that the action of Member States significantly contributes to the delivery of the network. At the same time, permit granting procedures greatly differ across Member States; this leads to coordination challenges and impacts the pace of the network's implementation. It is therefore the Commission's opinion that the proposal is in line with the principle of proportionality, where the content and form of the proposal does not exceed what is necessary to achieve the objectives of the Treaties.

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In this context, the development of a trans-European network requires a concerted approach. This is why the Commission's role is to promote a European Union-wide approach to synchronise the delivery of the elements of the whole network. Only by completing the whole trans-European transport network can the European Union – its citizens and companies – draw all the benefits of the network, which means that all parts of the network have to be treated with appropriate attention.

In some Member States, streamlined procedures are applied as regards important transport infrastructure projects, and these procedures provide important benefits. Some Member States already apply integrated procedures, as in the scheme proposed by the Commission. In such cases, the permit granting process is managed by one competent body acting as a leader while other authorities concerned by the project may provide their opinion as input to the procedure, in accordance with national legislation. This contribution shall then be taken into account by the single competent authority in making the final decision.

The Commission sees value in promoting and extending these good practices and concepts across the European Union. This aims at incentivising changes and reforms in those Member States that face more problems and delays in this field and at ensuring a more coherent approach across Member States. This also explains the Commission's choice for the instrument of a Regulation that would not require transposition measures when the national organisation is already compliant. The initiative is expected to benefit the whole European Union as the network effect will also positively contribute to the neighbouring Member State by resolving issues of complex procedures with multiple stages and duplications of efforts, which stakeholders and project promoters are still being confronted with.

As regards public procurement, providing for the use of a single legal framework would reduce the current procedural complexity which results in delays and legal uncertainties for project promoters.

The Commission would also like to draw the attention of the Bundesrat to the streamlined permitting procedures, which are already applicable for the Projects of Common Interest in the energy sector as provided for by Chapter III of the relevant Regulation¹. This legislative act, in force since 2013, contains similar permit granting procedures for the project of common interest in the energy sector, similar to those proposed in the transport sector, and has proven to be quite effective. According to recent assessments, in terms of energy transmission projects the expected time for clearing the permit granting procedures has been brought down from 10 to 3.5 years².

¹ Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009.

² Commission Staff Working Document Accompanying the document Commission Delegated Regulation amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest, SWD(2017) 425 final, based on the report of the Agency for the Cooperation of Energy Regulators.

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

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Violeta Bulc
Member of the Commission*