



Houses of the  
**Oireachtas**  
Tithe an Oireachtais

## **An Comhchoiste um Iompar, Turasóireacht agus Spórt**

**COM (2018) 277**

**Togra le haghaidh Rialachán ó Pharlaimint na hEorpa agus ón gComhairle maidir le bearta cuíchóirithe chun dul chun cinn a dhéanamh maidir leis an ngréasán tras-Eorpach iompair a chur i gcrích**

**Iúil 2018**

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## **Joint Committee on Transport, Tourism and Sport**

**COM (2018) 277**

**Proposal for a Regulation of the European Parliament and of the Council on Streamlining Measures for Advancing the Realisation of the Trans-European Transport Network**

**July 2018**

# JOINT COMMITTEE ON TRANSPORT, TOURISM AND SPORT

Report under Dáil Standing Order 114 and Seanad Standing Order 116 on:  
COM (2018) 277 - Proposal for a Regulation of the European Parliament and of the Council on Streamlining Measures for Advancing the Realisation of the Trans-European Transport Network

## 1. Introduction

1.1 The principle of subsidiarity is defined in Article 5(3) of the Treaty on European Union (TEU) as follows:

*Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.*

Article 5(3) also gives specific responsibility to national Parliaments to ensure that EU institutions apply the principle in accordance with Protocol 2 on the application of the principles of subsidiarity and proportionality.

1.2 The test established by Article 5(3) TEU is, in effect, a “comparative efficiency” exercise, involving a *necessity* test and a *greater benefits* test:

- (i) **Necessity** - Is action by the EU necessary to achieve the objective of the proposal? Can the objective of the proposal only be achieved, or achieved to a sufficient extent, by EU action?
- (ii) **Greater Benefits** - Would the objective be better achieved at EU level – i.e. would EU action provide greater benefits than action at Member States level?

1.3 To assist national Parliaments in their evaluation of subsidiarity compliance, Article 5 of Protocol 2 provides that

*Any draft legislative act should contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. This statement should contain some assessment of the proposal's financial impact and, in the case of a directive, of its implications for the rules to be put in place by Member States...*

1.4 Therefore, any new draft legislative act

- must be supported by a sufficiently ‘detailed statement’ to allow a judgment to be made by national Parliaments on its compliance with the principle of subsidiarity

- must clearly satisfy both the *necessity* and *greater benefit* tests
- must, under the principle of conferral set down in Article 5(2) of the TEU, show that the Union is acting '*only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein*'.

## **2. Scrutiny by the Committee**

The Joint Committee on Transport, Tourism and Sport ("the Committee") scrutinised this proposal at its meeting of 4 July 2018, concluding with a decision to issue a reasoned opinion.

## **3. Background to the Proposal**

On 17 May 2018, the European Commission published a proposal on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T). According to the Commission,

"Notwithstanding the necessity and binding timelines, experience has shown that many investments aiming to complete the TEN-T are confronted with complex permit granting procedures, cross-border procurement procedures and other procedures. This situation jeopardises the on time implementation of projects and in many cases results in significant delays and increased costs."  
(European Commission, 2018)

This proposal seeks to reduce delays and uncertainty encountered in the implementation of TEN-T infrastructure projects through harmonised action at the level of the EU.

## **4. Opinion of the Committee**

The Committee has had specific regard to the Treaty provisions and is of the opinion that the proposal does not comply with the principle of subsidiarity. The reasons are set out in the following paragraphs.

- The Committee believes that the proposal unnecessarily limits the provision for national decision-making. Consequently, the scope for Member States to choose how to implement the proposal's objectives at national level, and in accordance with established national systems, is constrained.


- The Committee believes that the actions in this proposal do not sufficiently restrict themselves to those necessary to fulfil its stated objectives and, therefore, are not proportionate to the objectives of this proposal.
- The Committee is further of the opinion that this proposal does not adequately take into account local and regional considerations and has the potential to have far reaching implications on well-established national arrangements in place in Ireland. The Committee also notes that the proposal, as it is currently worded, does not address cross-border TEN-T infrastructure projects with third countries, which will be the post-Brexit status of the UK.

The Committee is satisfied that the above points, taken together, clearly demonstrate that the proposal does not comply with the principle of subsidiarity.

## **5. Recommendation of the Committee**

The Committee agreed this Report under Dáil Standing Order 114 and Seanad Standing Order 116 on 4 July 2018.

The Committee, pursuant to Dáil Standing Order 114(3)(b) and Seanad Standing Order 116(3)(b), recommends the reasoned opinion contained in section 4 above, for agreement by Dáil Éireann and Seanad Éireann.



**Fergus O'Dowd, T.D.**

Chairman

Joint Committee on Transport, Tourism and Sport

*4 July 2018*