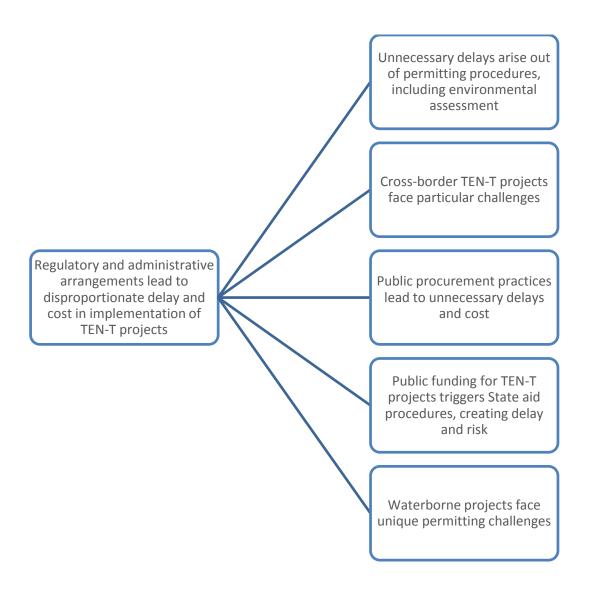
ANNEX 2 GENERAL PROBLEM DEFINITION

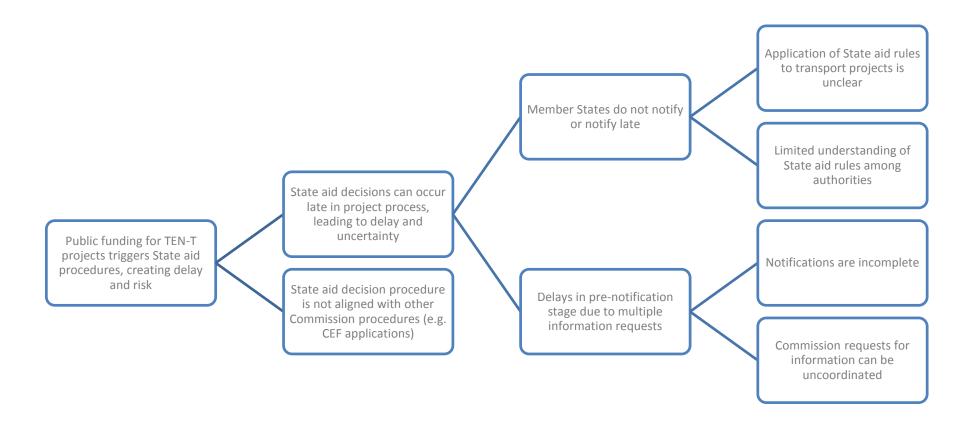


ANNEX 2.1 GENERAL PROBLEM DEFINITION – PERMITTING Overlapping / duplicated procedures Changing legal framework Legal uncertainty and complexity Lack of understanding of legal framework Lack of binding timelines for permit procedures Legal appeals suspend final decision Insufficient capacity of competent authorities Lack of coordination between promoters and authorities Lack of coordination Different timings and scope for procedures Unclear share of responsibilities between different authorities (including other MS) Lack of binding timelines for assessments Unnecessary delays arise out of permitting procedures, including environmental assessment under the SEA and EIA Directives Poor quality of environment Long assessment procedures report Poor coordination of procedures Poor timing of consultation (too late, too short) Stakeholders' concern on compensation Long and/or ineffective consultationsPoor communication of information to stakeholders Fragmented consultations Poor information on ownership in some Member States Complexity of land acquisition procedures

Long negotiations with landholders

ANNEX 2.2 GENERAL PROBLEM DEFINITION - PUBLIC PROCUREMENT Lack of capacity of the CA Lenght of period to take a decision CA has no time-limit to take a decision In some MS decision is suspended until a final Length of the award decision on appeals procedure Decision can be challenged by tenderers In some MS there is no time limit for review Transposition and gold-Complex legal framework plating of EU Directives No motivation for international competitors Form of procedure can reduce interests of some competitors Insufficient competition Perceived lack of transparency Unrealistic terms of reference Procedure prioritises cost The project selected is of criteria over other criteria low quality or high costs (e.g. quality) Insufficient room for innovation Public procurement practices lead to Inaccurate assessment of unnecessary delays and costs and benefits cost Inappropriate or Lack of competent ineffective sharing of risk authority capacity Ineffective drafting and management of Lack of competent procurement contracts authority capacity Ineffective management of contract leads to increased cost/delay Assymetrical negotiation position between public and private partners Contractors lack incentives Contract and/or Lifecycle costs are not to optimise CAPEX/OPEX procurement method optimised balance. poorly structured Uncertainty about statistical treatment of EUROSTAT rules are public funding creates risk unclear and delay Allocation of risk specifically demand risk is challenging PPPs face specific problems Renegotiation of contracts increases costs Procurement procedures do not encourage the use of PPPs when appropriate Limited interest from subscriptions due to high promotoer risks

ANNEX 2.3 GENERAL PROBLEM DEFINITION – STATE AID



ANNEX 2.4 GENERAL PROBLEM DEFINITION – CROSS-BORDER PROJECTS Absence of a procedural framework for There are unnecessary costs cross-border procurement, dealing with and delay in cross-border issues such as choice of language, legal public procurement. seat, etc. Permitting is not coordinated to allow for sequencing of works Cross-border projects can be subject to multiple, potentially inconsistent, permitting arrangements Inconsistent permitting procedures can require duplication of efforts At the government level, cross-border Cross-border TEN-T projects coordination between authorities is face particular challenges challenging (particularly at local and regional levels) Institutional arrangements delay the implementation of cross-border projects At the project level, project governance arrangements for cross-border projects can lead to delays and inefficiencies Cross-border projects are particularly vulnerable to changes in policy Competing policy or political Negotiations with multiple authorities on objectives of different route options result in long delays authorities Members States display differing approaches to prioritising projects

ANNEX 2.5 PROBLEM DEFINITION – WATERBORNE PROJECTS

