

Consultation of the European Commission on the revision of the policy regarding Trans-European transport networks

- Position of the Dutch cabinet

Introduction

In 2009, with the release of the Green Paper, the European Commission initiated a discussion about the future of the trans-European transport network (TEN-T). The Dutch cabinet welcomed this discussion in its response to this Green Paper.

Since the start of the TEN-T programme, many thousands of kilometres of railway tracks, roads, and waterways in the various Member States have been linked to one another. Investments have been made in important airports and seaports, and work has been done on the application of intelligent transport systems. The Green Paper, however, also states that many projects that in 1996 had been stamped as priority projects by the government leaders have not yet been realised. A fundamental revision of the EC's TEN-T policy is therefore needed to be able to realise the ambition of a truly integrated European transport network.

Now that the EU 2020 strategy has been drawn up, the overarching goals of the EU for the decade ahead are clear. The seven flagship initiatives which emerge from this, in particular industrial policy for the globalisation era and resource efficient Europe also point the way for a revision of TEN-T policy.

Various steps have been taken since the publication of the Green Paper. More than 300 organisations and citizens have participated in a public consultation. Based on the outcomes of this consultation, transport sector experts have taken another step forward and set down a number of considerations for revising the policy. The Commission presented these considerations in the document entitled 'Consultation on the Future Trans-European Transport Network Policy'. This cabinet response follows the line set out in the working document: (1) TEN-T planning, (2) realisation of TEN-T, and (3) legal framework.

TEN-T planning

Based on the responses the Green Paper solicited, there appears to be a clear preference for a TEN-T network that consists of a **core network** supported by an underlying comprehensive network (based on the current TEN-T network). The Netherlands too is a staunch supporter of this concept and of the idea behind it involving an integrated, multimodal network approach.

The Commission describes the core network as a connection between:

- The biggest or most important nodes, such as MS capitals, other cities or agglomerations of supra-regional importance in administration, economy, social and cultural life and transport;

- Gateway ports, intercontinental hub ports and airports, connecting the EU with the outside world, and the most important inland ports and freight terminals.

The Netherlands also regards the realisation of a core network that is focused on the multimodal connection of the most important economic and population centres of Europe, as the main task of the TEN-T policy in the years ahead. A crucial role in this network is reserved for intermodal hubs like the major seaports, inland shipping ports and airports. Seaports fulfil a key role in transshipment from the sea to the European hinterland and they are thus of great value to the European economy. Not only good links with the hinterland are essential in this respect; the inbound and outbound connections to the sea are equally important. Within this framework, the Netherlands attaches importance to clearly set priorities, based on realistic transport prognoses. The aim is to contribute to an efficient handling of goods flows. By concentrating on transport and other economic activities, gains can be made from an economic as well as an environmental viewpoint.

According to the Netherlands, the efforts to arrive at an efficient European transport network should be mainly focused on tackling the bottlenecks that hinder cross-border transport and on improving access to the network. The revision of the TEN-T policy should also be in good keeping with existing initiatives like the development of a goods transport oriented rail network.

Finally, as the Commission rightly notes, innovative infrastructure measures will play a major role in the development of a more efficient transport system in Europe. A key case in point is the rollout of ERTMS on the international rail network. The Netherlands regards such technological solutions as equally applicable for other modalities like ITS in road transport, RIS in inland shipping and SESAR in air traffic management.

Realisation of TEN-T

Defining the core network is the first step towards a more effective TEN-T policy. Once the scope of this network has been determined, an investigation should then be conducted into where the biggest bottlenecks lie. At what points is the available capacity insufficient to be able to meet the expected demand? Supplementary research is required to determine where the use of resources (in tackling the bottlenecks) will deliver the greatest return (quick wins). In this regard, an investigation needs to be carried out not only into the necessary investments in hard infrastructure, but also into flanking (source) policy, in particular in the areas of air quality and noise. In the decision-making on investments, the sustainable integration of infrastructure, focused on the quality of the living environment, climate resistance and the protection of biodiversity, is an important selection criterion. The application of innovative utilisation measures like ITS can play a major role in this. To achieve the EU 2020 goals, the modification of existing infrastructure is also necessary in order to facilitate the use of alternative fuels and drive technologies (like electric vehicles).

The realisation of a core network also creates obligations for Member States, in realising projects within the set timeframes as well as in safeguarding the quality of the network.

This means investing not only in construction, but also in maintenance. The coordination between the Member States should be improved, for example by following a common approach in conducting cost-benefit analyses. In addition, in the future too, a prominent role is reserved for the TEN-T coordinators as a catalyst for the further development of multimodal European transport corridors.

Various financial resources are available for the realisation of the network. The Netherlands would like to consider the use of these resources in connection with the discussion that will be conducted within the framework of the new Financial Perspectives.

Legal framework

In the consultation document, the Commission makes five recommendations for the legal framework of the future TEN-T policy. These five proposals are examined below.

(1) The combination of TEN-T Guidelines and the TEN Financial Regulation

The Commission proposes combining the TEN-T Guidelines and the Financial Regulation, both of which are based on Article 171 of the TFEU. The aim is to simplify the regulatory framework and to strengthen the link between TEN-T policy priorities and financial resources.

The Netherlands supports the pursuit of simplification and harmonisation of legislation.

(2) A new regulation as the common legal act for the Guidelines

The current regulatory framework for TEN-T is, as described above, made up of two instruments: the TEN-T Guidelines and the TEN Financial Regulation. The first is in the form of a decision, the second, a regulation. By combining the Guidelines and the Financial Regulation, the Commission is opting for a single legal instrument, viz. a regulation.

In principle, the Netherlands can agree with this approach. However, further substantiation of the choice of a regulation is necessary before the Netherlands can adopt a final position in this regard.

(3) The possible addition to the Treaty basis of Articles 91 and 100 TFEU

In addition to the articles on the TEN (171 and 172 TFEU), the Commission proposes the possible addition to the Treaty basis of Articles 91 and 100 TFEU. Given that the future TEN-T policy covers not only hard infrastructure but also the implementation of new technologies, performance standards and co-modal services, the Commission considers Articles 91 and 100 TFEU to be of importance.

The Netherlands supports the ambition of further encouraging the use of new technologies on the European transport network. It is, however, unclear why the current Treaty basis for TEN-T policy needs to be expanded with the addition of Articles 91 and 100 TFEU.

(4) Delegated acts

The Commission proposes to include in the new regulation a precise definition of the objectives, content, scope and duration of the power delegated to the Commission in accordance with Article 290 TFEU in order to *supplement and amend general, non-essential elements of the regulation*.

The Netherlands would like to consider, in dialogue with the other Member States, the European Parliament and the Commission, which specific powers can be delegated to the Commission pursuant to Article 290 TFEU. The Netherlands believes that wide support is an important condition for a successful TEN-T policy. The Netherlands therefore calls on the Commission to closely involve the Member States in the further development of this policy.

Furthermore, the opinion of the Netherlands is that in addition to delegated acts, implementing powers as described in Article 291 TFEU should also be transferred to the Commission. For example, comitology would be the appropriate framework for decision-making regarding the awarding of TEN-T subsidies.

(5) A clarification of the responsibilities of Member States

According to the Commission, the new regulation should include a clarification of the responsibilities of Member States during the implementation of various phases of TEN-T projects (planning, financing, implementation, review).

The Netherlands can support a clear description of the responsibilities of all parties involved in the implementation of TEN-T projects, including the Member States.