

# Procedure file

| Basic information  |                                       |
|--|---------------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure)<br>Decision   | 1997/0358(COD)<br>Procedure completed |
| Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8<br>Amending Decision No 1692/96/EC | <a href="#">1994/0098(COD)</a>        |
| Subject<br>3.20.09 Ports policy<br>3.20.11 Trans-European transport networks   |                                       |

| Key players  |  |   |            |
|--|--|---|------------|
| European Parliament  | Committee responsible                                    | Rapporteur                                    | Appointed  |
|  | <b>DELE</b> EP Delegation to Conciliation Committee      |   | 25/10/2000 |
|  |  | PSE <a href="#">PIECYK Willi</a>              |            |
|  | Former committee responsible                             |   |            |
|  | <b>RETT</b> Regional Policy, Transport and Tourism       |   | 13/10/1999 |
|  |  | PSE <a href="#">PIECYK Willi</a>              |            |
|  | <b>TRAN</b> Transport and Tourism                        |   | 04/02/1998 |
|  |  | PSE <a href="#">PIECYK Willi</a>              |            |
|  | Former committee for opinion                             |   |            |
| <b>BUDG</b> Budgets  |  | The committee decided not to give an opinion. |            |
| <b>ENVI</b> Environment, Public Health and Consumer Protection |  | The committee decided not to give an opinion. |            |
| Council of the European Union                                  | Council configuration                                    | Meeting                                       | Date       |
|  | <a href="#">Agriculture and Fisheries</a>                | <a href="#">2343</a>                          | 24/04/2001 |
|  | <a href="#">Economic and Financial Affairs ECOFIN</a>    | <a href="#">2326</a>                          | 19/01/2001 |
|  | <a href="#">Economic and Financial Affairs ECOFIN</a>    | <a href="#">2268</a>                          | 05/06/2000 |
|  | <a href="#">Transport, Telecommunications and Energy</a> | <a href="#">2191</a>                          | 17/06/1999 |
|  | <a href="#">Transport, Telecommunications and Energy</a> | <a href="#">2169</a>                          | 29/03/1999 |

| Key events |   |               |         |
|------------|---|---------------|---------|
| 10/12/1997 | Legislative proposal published                          | COM(1997)0681 | Summary |
| 13/03/1998 | Committee referral announced in Parliament, 1st reading |               |         |
| 17/02/1999 | Vote in committee, 1st reading                          |               | Summary |

|            |  |   |         |
|------------|--|---|---------|
| 17/02/1999 | Committee report tabled for plenary, 1st reading         | <a href="#">A4-0074/1999</a>  |         |
| 09/03/1999 | Debate in Parliament                                     |    |         |
| 10/03/1999 | Decision by Parliament, 1st reading                      | T4-0164/1999  | Summary |
| 29/03/1999 | Debate in Council  | <a href="#">2169</a>  |         |
| 17/06/1999 | Modified legislative proposal published                  | COM(1999)0277   | Summary |
| 05/06/2000 | Council position published                               | <a href="#">06658/1/2000</a>  | Summary |
| 15/06/2000 | Committee referral announced in Parliament, 2nd reading  |   |         |
| 12/09/2000 | Vote in committee, 2nd reading                           |   | Summary |
| 12/09/2000 | Committee recommendation tabled for plenary, 2nd reading | <a href="#">A5-0232/2000</a>  |         |
| 02/10/2000 | Debate in Parliament                                     |    |         |
| 03/10/2000 | Decision by Parliament, 2nd reading                      | <a href="#">T5-0413/2000</a>  | Summary |
| 19/01/2001 | Parliament's amendments rejected by Council              |   |         |
| 27/02/2001 | Formal meeting of Conciliation Committee                 |   |         |
| 27/02/2001 | Final decision by Conciliation Committee                 |   | Summary |
| 13/03/2001 | Joint text approved by Conciliation Committee co-chairs  | <a href="#">3609/2001</a>   |         |
| 23/03/2001 | Report tabled for plenary, 3rd reading                   | <a href="#">A5-0111/2001</a>  |         |
| 04/04/2001 | Debate in Parliament                                     |  |         |
| 05/04/2001 | Decision by Parliament, 3rd reading                      | <a href="#">T5-0189/2001</a>  | Summary |
| 24/04/2001 | Decision by Council, 3rd reading                         |   |         |
| 22/05/2001 | Final act signed   |   |         |
| 22/05/2001 | End of procedure in Parliament                           |   |         |
| 06/07/2001 | Final act published in Official Journal                  |   |         |

### Technical information

|                            |  |
|----------------------------|--|
| Procedure reference        | 1997/0358(COD)   |
| Procedure type             | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype          | Legislation  |
| Legislative instrument     | Decision   |
|                            | Amending Decision No 1692/96/EC <a href="#">1994/0098(COD)</a> |
| Legal basis                | EC Treaty (after Amsterdam) EC 156                             |
| Stage reached in procedure | Procedure completed  |
| Committee dossier          | CODE/5/13928   |

| Documentation gateway   |  |   |            |        |         |
|---|--|---|------------|--------|---------|
| Legislative proposal  |  | <a href="#">COM(1997)0681</a><br><a href="#">OJ C 120 18.04.1998, p. 0014</a>     | 10/12/1997 | EC     | Summary |
| Economic and Social Committee: opinion, report  |  | <a href="#">CES0630/1998</a><br><a href="#">OJ C 214 10.07.1998, p. 0040</a>      | 29/04/1998 | ESC    |         |
| Committee of the Regions: opinion   |  | <a href="#">CDR0101/1998</a><br><a href="#">OJ C 373 02.12.1998, p. 0020</a>      | 16/09/1998 | CofR   |         |
| Committee report tabled for plenary, 1st reading/single reading                           |  | <a href="#">A4-0074/1999</a><br><a href="#">OJ C 153 01.06.1999, p. 0004</a>      | 17/02/1999 | EP     |         |
| Text adopted by Parliament, 1st reading/single reading                                    |  | T4-0164/1999<br><a href="#">OJ C 175 21.06.1999, p. 0098-0114</a>                 | 10/03/1999 | EP     | Summary |
| Modified legislative proposal   |  | COM(1999)0277   | 17/06/1999 | EC     | Summary |
| Council position  |  | <a href="#">06658/1/2000</a><br><a href="#">OJ C 228 09.08.2000, p. 0001</a>      | 05/06/2000 | CSL    | Summary |
| Commission communication on Council's position  |  | SEC(2000)1008   | 08/06/2000 | EC     | Summary |
| Committee recommendation tabled for plenary, 2nd reading                                  |  | <a href="#">A5-0232/2000</a><br><a href="#">OJ C 146 17.05.2001, p. 0005</a>      | 12/09/2000 | EP     |         |
| Text adopted by Parliament, 2nd reading   |  | <a href="#">T5-0413/2000</a><br><a href="#">OJ C 178 22.06.2001, p. 0023-0053</a> | 03/10/2000 | EP     | Summary |
| Commission opinion on Parliament's position at 2nd reading                                |  | COM(2000)0768   | 15/12/2000 | EC     | Summary |
| Joint text approved by Conciliation Committee co-chairs                                   |  | <a href="#">3609/2001</a>   | 13/03/2001 | CSL/EP |         |
| Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading |  | <a href="#">A5-0111/2001</a>  | 23/03/2001 | EP     |         |
| Text adopted by Parliament, 3rd reading   |  | <a href="#">T5-0189/2001</a><br>OJ C 021 24.01.2002, p. 0254-0304 E               | 05/04/2001 | EP     | Summary |

| Additional information |                         |
|------------------------|-------------------------|
| European Commission    | <a href="#">EUR-Lex</a> |

| Final act  |
|--|
| <a href="#">Decision 2001/1346</a><br><a href="#">OJ L 185 06.07.2001, p. 0001</a> Summary |

## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

**OBJECTIVE:** to clarify the position of seaports, inland ports and intermodal terminals in the trans-European transport network (TEN).  
**SUBSTANCE:** Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network (TEN) provides a broad framework for the establishment of an integrated, multimodal infrastructure network. This proposed amendment is intended to clarify and reinforce the position of seaports, inland ports and intermodal terminals in the TEN in particular with a view to a better allocation of resources. The main modifications proposed relate to the identification of 300 seaports, 210 intermodal terminals and 35 inland ports in the outline plans (schematic maps) in Annex I of the decision. The proposal thus strengthens the position of interconnection points in the TEN but

does not change the scope of the infrastructure covered by Decision 1692/96/EC. The other proposed modification seeks to take account of the Dublin European Council decision (13/14 December 1996) under which Project No 8 in the list from the Essen European Council should be the multimodal link between Portugal and Spain and the rest of Europe. ?

## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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In the conciliation procedure in 1996 on the TENs no agreement could be reached on the way in which ports were to be incorporated in the networks. It was agreed that the Commission would submit a proposal at a later stage. Although he criticizes the fact that this proposal has been presented at a very late stage, rapporteur PIECYK welcomes its approach and structure. The Commission intends to clarify and reinforce the position of seaports, inland ports and intermodal terminals in the Trans-European Networks. These interconnection points are the precondition for interchange between different transport modes. The identification of intermodal interconnection points is also intended to improve the coordination of infrastructure development in general and of projects of common interest in particular. Some 300 seaports, 210 intermodal terminals and 35 inland points in the networks schemes will be considered. The rapporteur takes the view that including inland ports and intermodal terminals is sensible since seaports and interconnection points in the "hinterland" affect each other and are also a significant factor in developing intermodal transport. On behalf of the Committee on Transport and Tourism a number of amendments have been tabled on eligibility criteria and specifications for seaports, inland ports and intermodal terminals. Multimodal link Portugal/Spain with the rest of Europe At the European Council of Essen in December 1994 the Council endorsed a list of 14 TENs priority projects, of which project No 8 is the multimodal link Portugal/Spain with the rest of Europe. It emerged during the conciliation procedure that the Spanish and Portuguese governments intended to alter this project. Parliament insists that an amendment of the project be under the codecision procedure. It is regarded as extremely odd that the Commission should deal with this project No 8, although there is no legal basis for it. ?

## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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At first reading under codecision procedure, the European Parliament approved the proposal for a European Parliament and Council decision amending decision 1692/96/EC as regards seaports, inland ports and intermodal terminals as well as project 8 in Annex III. The report by Willhelm Ernst Piecyk (PSE,DE) proposes amendments, notably in the following areas: - rejecting the idea of a White Paper on the TEN guidelines and instead requiring the Commission to submit a report in 1999 on the existing guidelines, followed by suitable legislative proposals where appropriate; - providing that the strategic environmental impact assessment referred to in decision 1692/96/EC should incorporate ports and intermodal terminals; - removing references to the Commission's communication of 29/05/97 on "Trans-European Rail Freight Freeways"; - providing that the inland ports included in the network shall have a total annual traffic volume of at least 500,000 tonnes of freight or be equipped with transshipment installations for intermodal transport; - requiring that the seaports included in the network provide connections with other trans-European transport routes detailed in the decision's Annex I; - requiring that total annual traffic volume for the seaports included must be no less than 1.5 million tonnes of freight (rather than 1 million as proposed by the Commission); - extending the exception for the islands of the Aegean and Ionian seas (allowing them to include domestic traffic in calculating total annual traffic volume) to include the outermost regions as defined by the Treaty on European Union; - extending the decision to cover railways and inland waterways suitable for combined transport and shipping which, combined where appropriate with the shortest possible initial and/or terminal road haulage, permit the long-distance transport of goods; - defining "intermodal transport" within the meaning of the proposed decision; - inclusion on the map of the outline plan for combined transport of the Elbe-Lübeck and Twente Mittelland canals as well as special indication of those inland ports which also perform a seaborne role and those which are not intermodal but have an annual volume of freight transshipment of over 500,000 tonnes; - providing a detailed definition of port infrastructure inside a port area; - indicating that enterprise-related port superstructure investments and operating aids for this purpose are not eligible for Community TENs funding, with the exception of regions eligible for Structural or Cohesion Funds, provided this does not impair fair competition between and within Community seaports; - extending eligible actions beyond electronic data interchange (IDA) to include other intelligent management systems for freight and passenger traffic using integrated technologies; - extending eligible actions to include creation or restructuring of centres for transshipments between modes of land transport, with the infrastructure pertaining to them; - regarding project 8 in Annex III, specifying that a multimodal link between Portugal/Spain and the rest of Europe should be achieved by completing and structuring rail, road, sea and airtransport links in the 3 principal Iberian corridors.?

## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The Commission's amended proposal integrates, either partially or wholly, 11 of the 22 amendments adopted by the European Parliament in its first reading. In the light of these amendments, the Commission proposes in particular for ports situated on islands (and those hosing liaison services between the mainland and islands) should also be included, on condition that they reach a threshold of 200,000 passengers on national and international journeys and that the distance between the mainland port and the island port is greater than 5 km. As a result of this modification, around 45 additional ports will fall within the scope of the decision. The Commission also accepted: - to place greater emphasis on the development of infrastructures rather than merely on the improvement of the service itself; - to introduce the terms 'shortest possible initial and/or terminal road haulage', thus emphasising an essential objective of combined transport; - to include the term 'shipping routes' as one possibility for intermodal transport and the definition of intermodal transport as 'combined unitised transport (containers, trailers, swap bodies, etc.); - to delete the specific eligibility condition for port projects; - to clarify the eligibility conditions for projects in connection with transshipment centres; - to provide a more precise description of the various aspects of project no. 8 and to mention the main corridors which are going to be improved in agreement with the authorities of the Member States concerned.?

## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The Council common position comprises a number of amendments to the Commission's amended proposal, and the main amendments relate in particular to: 1) seaports: as the Commission proposal limits the number of ports included in the network, the common position, on the other hand, includes a higher number of seaports in the network. More importantly, the common position provides for the seaports to be classified

into categories: - category A: seaports whose total annual traffic volume is no less than 1 million tonnes freight or 200 000 passengers; - category B: seaports with a total annual traffic volume of no less than 500 000 tonnes or 100 000 passengers; - category C: seaports located on islands not connected to the mainland by fixed links. 2) inland ports in the combined transport network: as the Commission proposal sets out four selection criteria for including inland ports in the network, the common position offers an alternative solution for this criterion. It provides that if a port is not equipped with transshipment facilities for combined transport it may nevertheless be included in the network if its annual freight traffic volume is not less than 300 000 tonnes. Thus, the common position adds 200 ports to the 35 inland ports identified by the Commission proposal. 3) intermodal terminals and trans-European rail freight freeways: the common position does not endorse the provisions in the Commission proposal concerning intermodal terminals as the Council states that the question of the designation of the intermodal terminals is still being studied at national level. Furthermore, the Council believes that to integrate these freeways would depart from the purpose of the proposal. ?

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## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The objective of the amending proposal is to complement Decision 1692/96/EC on Community guidelines for the development of the trans-European transport network (TEN-T) by clarifying and reinforcing the position of seaports, inland ports and intermodal terminals in the network. On the whole, the Council's common position follows the main idea and structure of the Commission proposal. However, it makes several modifications to the proposed provisions on inland ports and seaports, and it does not take up the parts on intermodal terminals and the trans-European rail freight. In conclusion, the Commission agrees to the common position insofar as it builds on the underlying idea of the Commission proposal, in particular with regard to the provisions on the seaports. The Commission maintains, however, its proposal regarding the part on intermodal terminals which has also been supported by the European Parliament but which was not included in the common position.?

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## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The committee adopted the recommendation for second reading (codecision procedure) by Wilhelm PIECYK (PES, D) amending the Council's common position on amending Decision 1692/96/EC as regards seaports, inland ports and intermodal terminals as well one of the Annexes. The committee essentially retabled a number of amendments from first reading that were not taken up in the common position. With regard to the traffic volume of inland ports, Council had adopted Parliament's criteria laying down an annual traffic volume as an alternative to intermodal transshipment facilities. However, it had reduced this volume from 500 000 tonnes, as advocated by Parliament, to 300 000 tonnes. The committee accordingly reinstated the figure of 500 000 tonnes, arguing that the TEN could not include every inland port in the EU. It also retabled its first reading amendments on port infrastructure and superstructure, stating that port superstructure was not eligible, apart from exceptions falling under the structural and cohesion funds. Another amendment reiterated Parliament's previous position whereby the traffic volume for the highest category ports should be increased from 1m to 1.5m tonnes. Lastly, the committee reinstated Parliament's first reading position on including intermodal terminals in the TENs, on the grounds that these were extremely important for environment-friendly sustainable mobility and for reducing traffic congestion.?

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## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The report drafted by Wilhelm Ernst Piecyk (PES, Germany) on seaports and inland ports, was adopted by the European Parliament subject to amendments relating to the following: - re-stating intermodal terminals; - increasing the size of inland ports entitled to aid to cover those able to handle a minimum annual freight traffic of 500,000 tonnes rather than 300,000 tonnes. Finally, as far as seaports are concerned, the European Parliament takes the view that the freight figure should be 1.5 million tonnes rather than 1 million tonnes and only cover seaports with connections to other trans-European transport routes, but with special rules to take account of the needs of islands and remote regions.?

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## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The Commission notes that the European Parliament, in its amendments, has not accepted a number of the changes that were proposed by the Council, and accepted by the Commission. However, the Commission believes that the positions of the Parliament and the Council are close and that, while the form and quantitative thresholds in the Parliament's amendments might differ from those in the Council's common position, the overall content still complies with the spirit of the proposal. The Commission feels that a compromise is possible which incorporates the main wishes of all institutions. With this in mind, the Commission finds most of the amendments proposed by the Parliament wholly, or in part, acceptable. The amendments adopted in their entirety concern: - amending the title of the proposal, to re-introduce intermodal terminals; - reintroducing the references to intermodal terminals in the preamble, and specifying that all interconnection points are subject to Strategic Environmental Assessment; - removing the reference to the different categories of ports in the preamble; - strengthening the criteria for Inland Ports; - amending the provisions on Combined Transport; - reintroducing maps for intermodal terminals; - introducing minor changes to text on criteria for Projects of Common Interest in Combined Transport; - correcting the name of a port. The following amendments are partly acceptable: - reintroducing the seaports characteristics proposed by Commission, but with tougher criteria; - strengthening the criteria for Inland Ports; - rejecting the categories of ports and projects. The following amendments are acceptable in principle, but need to be redrafted: - deleting the table of eligible Projects of Common interest in seaports; - introducing slightly more generous criteria for ports in islands and the outermost regions. On the other hand, the Commission cannot accept the amendment which seeks to introduce a new paragraph defining 'superstructure' projects that are not eligible for Community finance. The Commission therefore modifies the proposal to take account of the above-mentioned amendments. ?

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## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The Conciliation Committee confirmed the agreement reached at the triologue of 16 January 2001 on the joint text of the decision. Under the compromise, all Parliament's main amendments from second reading were accepted. Stricter criteria were agreed, as Parliament had proposed, for allowing port installations to be included in the TENs: a traffic volume of 1.5 million tonnes and 200,000 passengers plus a connection with another trans-European network. In the case of inland ports, Parliament's criterion of 500,000 tonnes was also adopted. The seaports included in the network would now fall into three categories: category A for international seaports, category B for smaller Community seaports and category C for regional ports, mostly situated in the island, peripheral or outermost regions. At the urging of the Parliament delegation, the Elbe-Lübeck Canal and the Twente-Mittelland canal were added to the list of inland waterways. Finally, it was agreed that Project N° 8 in the list of 14 specific TEN projects designated by the 1994 Essen Council should be changed from "Lisbon-Valladolid motorway" to "Multimodal link Portugal/Spain with the rest of Europe". ?

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## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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The European Parliament voted to endorse the compromise reached with Council in conciliation on the criteria to be used for deciding whether seaports, inland ports and intermodal terminals should receive funding from the Trans-European Transport Networks (TENs). All the main amendments from second reading were accepted. The report was drafted by Mr Wilhelm Ernst PIECYK (PES, D). (Please refer to the previous document).?

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## Trans-European transport network: seaports, inland ports, intermodal terminals and project No 8

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**PURPOSE:** to clarify the position of seaports, inland ports and intermodal terminals in the trans-European transport Network (TEN).  
**COMMUNITY MEASURE:** Decision 1346/2001/EC of the European Parliament and of the Council amending Decision No 1692/96/EC as regards seaports, inland ports and intermodal terminals as well as project No 8 in Annex III. **CONTENT:** the aim of the decision is to clarify and strengthen the position of seaports, inland ports and intermodal terminals in the TEN-T. The identification of these interconnection points in the TEN-T shall improve the co-ordination of the development of the infrastructure in general, and of the projects of common interest in particular. It should also help public and private sectors to take decisions in terms of long term investment. The decision provides a certain level of selection in order to ensure a coherent development and co-ordination of the Ten-T. Seaports shall permit the development of sea transport and shall constitute shipping links for islands and the points of interconnection between sea transport and other modes of transport. They shall provide equipment and services to transport operators. Their infrastructure shall provide a range of services for passenger and goods transport, including ferry services and short- and long-distance shipping services, including coastal shipping, within the Community and between the latter and non-member countries. The seaports included in the network shall correspond to one of the categories, A, B or C, defined below: a) international seaports: ports with a total annual traffic volume of not less than 1,5 million tonnes of freight or 200 000 passengers which, unless it is an impossibility, are connected with the overland elements of the trans-European transport network and therefore play a major role in international maritime transport; b) Community seaports, not included in category A: these ports have a total annual traffic volume of not less than 0,5 million tonnes of freight or between 100000 and 199999 passengers, are connected, unless it is an impossibility, with the overland elements of the trans-European transport network and are equipped with the necessary transshipment facilities for short-distance sea shipping; c) regional ports: these ports do not meet the criteria of categories A and B but are situated in island, peripheral or outermost regions, interconnecting such regions by sea and/or connecting them with the central regions of the Community. The trans-European combined transport network shall comprise: - railways and inland waterways which are suitable for combined transport and shipping which, combined where appropriate with the shortest possible initial and/or terminal road haulage, permit the long-distance transport of goods, - intermodal terminals equipped with installations permitting transshipment between railways, inland waterways, shipping routes and roads, - suitable rolling stock, on a provisional basis, where the characteristics of the infrastructure, as yet unadapted, so require." Projects of common interest must relate solely to infrastructure open to any user on a non-discriminatory basis. In addition to projects relating to the connections and inlandports mentioned in Annex I, projects of common interest will be deemed to include any infrastructure project corresponding to one or more of the following categories: 1) access to the port from waterways; 2) port infrastructure inside the port area; 3) other transport infrastructures inside the port area; 4) other transport infrastructures linking the port to other elements of the trans-European network. It should be noted that the Project No 8 in the list from the Essen European Council should be the multimodal link between Portugal and Spain and the rest of Europe. ENTRY INTO FORCE : 09/07/01?