**ORDINARY LEGISLATIVE PROCEDURE – First reading**

**European Parliament legislative resolution on the 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. Rapporteur:** Dominique RIQUET (ALDE / FR)

**2. Reference numbers:** 2018/0138 (COD) / A8-0015/2019 /P8\_TA-PROV(2019)0109

**3. Date of adoption of the resolution:** 13 February 2019

**4. Legal basis:** Article 172 of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Transport and Tourism (TRAN)

**6. Commission's position:**

The text adopted by the European Parliament contains 51 amendments, most of which are acceptable to the Commission.

In particular, the Commission welcomes the possibility for the Member States to extend the scope to the comprehensive TEN-T network (amendment 16). The Commission also welcomes the various clarifications brought to the text of the regulation (such as amendments 19, 23, 28, and 39).

In amendment 4 the European Parliament stipulates that the Member States that do not have national legislation providing for priority treatment for certain project categories based on their strategic importance for the Union, should adopt rules to provide for priority treatment. In line with the principle of subsidiarity, the Commission does not support the current wording, since it deals with national legal frameworks of the Member States, which are defined locally. The Commission concurs with the objective to have priority treatment in all Member States and could support text which encourages Member States to adopt such procedures, without having a legal obligation.

In amendment 6 as well as in amendment 24, the European Parliament states that the Union should put in place a common, simplified and centralised procedure, which fulfils the requirements of the different environmental assessments necessary which arise from various European directives and national rules. For the Commission it is important to ensure that the wording remains within the scope of this proposal and is without prejudice to the existing environmental legislation.

In amendments 3, 15 and 16 the European Parliament agrees to the scope covering projects of common interest on the core network of the TEN-T, as proposed by the Commission, and goes further to provide for the possibility for the Member States to extend the application of the proposal to projects of common interest on the comprehensive network of the TEN-T. Furthermore, amendment 15 specifies the inclusion of pre-selected projects on the core network of the TEN-T network, including the pre-selected projects listed in Part III of the Annex to the Regulation establishing the ‘Connecting Europe Facility’ 2021-2027 (the CEF Regulation). The Commission can agree with these suggestions. 16

Moreover, amendment 44 links the effective implementation of this regulation to the evaluation and selection process of projects under the Connecting Europe Facility 2021-2027. The proposed link with CEF funding may trigger faster and more effective implementation of the proposed rules and thereby advance the positive outcomes of the regulation. This is in line with the Commission objectives, but since the present proposed regulation does not amend the CEF Regulation, this new article in its current drafting goes beyond the scope of the proposal*.*

Through amendments 9, 21, 33 and 46 the European Parliament allows for establishing a joint competent authority in charge of facilitating the permit granting procedures related to cross border projects of common interest. The joint authority is to be established by mutual agreement between the single competent authorities from two or more Member States, or from one or more Member States and one or more third countries. While this would be a positive proposal that could lead to enhanced cooperation between countries and assist the timely completion of such cross-border projects, establishing a joint authority was not part of the initial proposal, because Member States bear individual responsibility for decisions taken in implementing EU law – for instance, for environmental assessments. Moreover, the existence of a joint authority would raise legal difficulties, in particular with regard to third countries, which would have to be addressed by the provisions of the proposed regulation, such as the judicial review of decisions of such an authority (see judgment in case C-562/12). Therefore, amendments 9, 21, 33 and 46, on a joint authority, are problematic form the legal standpoint.

Through amendments 35, 36, 37. 42 and 43 the European Parliament goes further than the Commission with regard to the deadlines proposed for the permit granting procedure. While this would provide for a quicker and more efficient permit granting procedure some actors view the timeframes proposed by the Commission as very challenging therefore shortening deadlines may be counterproductive. Amendment 35 provides for 18 months for the pre-application phase (instead of two years as provided by the Commission), amendment 36 gives one month (instead of two) for the single competent authority to accept or reject the notification by a project promoter thereby launching the permit granting procedure. Amendment 37 provides the single competent authority with two months (instead of three) to establish and communicate to the project promoter a detailed application outline. Amendment 42 gives the project promoter 15 months (instead of 21) to submit the application file and amendment 43 establishes that the single competent authority shall assess the application and adopt a comprehensive binding decision within 6 months (instead of the 1 year proposed by the Commission).

Amendment 26 introduces the obligation to establish the single competent authority no later than 31 December 2020, but the legal drafting needs to be clarified to have a single clear deadline. Amendment 51 provides more clarity regarding the entry into force of individual elements of this regulation, explaining that Articles 4 to 7 enter into force after the designation of the single competent authority. This amendment is partially unacceptable since it implies that the date of application of Articles 4 to 7 will depend on a decision of each Member State and since the rules on the public procurement (Article 7) should enter into force as soon as possible.

Through amendments 7, 27 and 38 the European Parliament provides more precision to the rules on the delegation of powers of the single competent authority to another authority at the appropriate regional, local or administrative level. However, under amendment 27 it is not possible to delegate the power of the taking the comprehensive decision and this is to be limited to the single competent authority. The Commission would encourage a more flexible approach catering for the needs of federal Member States or largely decentralised administrative set-ups. 17

Under amendment 34 the single competent authority is obliged to inform the Commission of the start date of the permit granting procedure and the comprehensive decision. The Commission does not need to be informed about the start of the permit granting procedure for each project; and unnecessary administrative burden should be avoided.