Revision of the TEN-T Regulation

This briefing is one of a series of implementation appraisals produced by the European Parliamentary Research Service (EPRS) on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law that is likely to be amended or reviewed, as envisaged in the European Commission's annual work programme. Implementation appraisals aim at providing a succinct overview of publicly available material on the implementation, application and effectiveness to date of specific EU law, drawing on input from EU institutions and bodies, as well as external organisations. They are provided by the Ex-Post Evaluation Unit of the EPRS to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

SUMMARY

Regulation (EU) 1315/2013 (the Trans-European Transport Network (TEN-T) Regulation), has shaped EU transport infrastructure policy by strengthening the network approach. It has furthermore established guidelines for national and EU investment in transport infrastructure, and introduced targeted funding under the Connecting Europe Facility and other relevant EU schemes.

In the context of new technological and social challenges and new policy approaches, the TEN-T Regulation needs to better address present and future needs. To this end, the European Commission has started a revision process that should end with the adoption of a new legislative proposal, planned for the third quarter of 2021.

1. Background

In the 1990s, the European Union adopted its first action plans regarding the trans-European networks (TENs), in three policy areas: transport, energy and telecommunications. Mentioned for the first time in the Maastricht Treaty, the TENs were established to contribute to the development of the internal market, reinforce economic and social cohesion, link islands, landlocked and peripheral regions with the central regions of the EU, and bring EU territory within closer reach of neighbouring states.

Over the years, the EU legislators adopted guidelines to support the objectives, priorities, and identification of projects of common interest that have enjoyed EU budget support through the TEN-budget line, the structural funds and the Cohesion Fund.

The first guidelines in the transport sector were adopted in 1996, through Decision No 1692/96/EC, which set out the general parameters for the overall network. Since then, the TEN-T guidelines have been revised several times, the most recent revision being in 2013, when Regulation (EU) No 1315/2013 on Union guidelines for the development of the trans-European transport network (TEN-T Regulation) was adopted.

The regulation set itself four specific objectives:

- enhancing efficiency of transport infrastructure to facilitate transport flows in the internal market;
- contributing to social, economic and territorial cohesion;
achieving sustainable development of transport modes;
creating benefits for users.

To this end, the TEN-T Regulation put in place a framework for transport infrastructure development that includes: a trans-European transport network comprising a dual-layer structure i) a comprehensive network that will ensure the accessibility and connectivity of all EU regions; and ii) the core network, which is made up of those parts of the comprehensive network that are of the highest strategic importance for achieving the TEN-T objectives); priorities for the development of the trans-European transport network; and measures for the implementation of the trans-European transport network.

The core network includes nine intermodal network corridors, as well as two horizontal priorities: the European Rail Traffic Management System (ERTMS) and Motorways of the Sea, all of which are under the supervision of the European coordinators.

The guidelines allow for defining projects of common interest at European level to develop the network, which would both create new transport infrastructure and upgrade existing transport infrastructure.

The TEN-T policy covers all transport modes: railway lines, roads, inland waterways, maritime shipping routes, ports, airports and railroad terminals. The TEN-T Regulation lists the mandatory targets to be reached, which are defined by key performance indicators (KPIs) for the infrastructure for each transport mode.2

The European transport infrastructure policy is supported by a dedicated funding tool, the Connecting Europe Facility (CEF) for Transport (part of the Connecting Europe Facility,3 the EU's main financial tool for promoting growth, jobs and competitiveness). CEF Transport supports investments that allow reaching the two targeted TEN-T objectives: a core network that would be structured around nine multimodal core network corridors and would be completed by 2030; and a comprehensive network that would be put in place by 2050 for the purpose of facilitating the accessibility of all European regions. CEF Transport is complemented by the European structural and investment funds (Cohesion Fund and European Fund for Regional Development, mainly grants), the European Fund for Strategic Investment (EFSI, loans and financial instruments) and the European Investment Bank (EIB, standard loans and financial instruments).

Recently, the transport sector has faced technological progress (innovation), policy developments (such as liberalisation and standardisation), and societal changes (e.g. growing transport demand), as well as environmental challenges (Europe's 2050 climate-neutrality objective and the growing awareness of climate change). At the same time, the problems and delays in the realisation of the trans-European transport network have led to the adoption, in 2018, of ‘streamlining measures’,4 adopted with the aim of reducing delays, clarifying the rules for public consultations and facilitating private investment.

To cope with all challenges and transformations, but also to adapt the TEN-T policy to future needs, the European Commission has decided to revise it. The process started in 2019;5 a new legislative proposal is expected in the third quarter of 2021.6

2. EU-level reports and evaluations

Evaluation of the TEN-T Regulation by the European Commission

The recently published staff working document presented the results of the evaluation carried out by the European Commission. The evaluation focused on three main elements: whether the implementation of the core and comprehensive networks by the 2030 and respectively 2050 milestone was on track; and whether the TEN-T objectives and related standards and requirements were still relevant and coherent in the current and future environmental and climate-change policies in the EU.
The evaluation covered the following key areas: the form/design of the network, the features/quality requirements of the network, the identification of infrastructure needs from the perspective of private and commercial users, the status of TEN-T implementation at the moment of the evaluation, and the prospects for achieving the network completion targets.

With regard to all the evaluation criteria, the findings highlighted some important strengths of the regulation, such as: all four specific objectives of the regulation remain relevant, both individually and as a package; the number of projects (more than 2000 projects along the nine core network corridors between 2013 and 2020, and around 3000 projects identified for the current and future period) indicated an effective functioning of the regulation; the coordination between core network corridors (focusing on infrastructure development) and rail freight corridors (focusing on operational aspects) improved efficiency; the integration of the regulation with all relevant transport policy areas, as well as the links with relevant financial instruments (especially CEF, ESIF and EIB loans and financial instruments) are examples of the coherence of the regulation, which also has a widely recognised added value, ensuring an ‘EU-wide basis for the identification of “projects of common interest” and ..., for the alignment of planning and implementation efforts of a wide range of actors is a clear and widely recognised added value’.

At the same time, the evaluation highlighted several aspects that ‘worked less’, including: the TEN-T Regulation appeared insufficiently relevant, especially as regards the 2030 and 2050 policy objectives, and in particular as regards the objective of ‘sustainability’; effectiveness is affected by delays in a number of projects; future efficiency could be affected by an obvious shortage of capacity/resources in relation to the coordination challenge at hand; a major potential coherence issue was identified in the field of infrastructure for low- and zero-emission transport and mobility.

Overall, the assessment concluded that both the work on the core network corridors and the relevant procedures in the Member States had shown the suitability of the planning and decision-making process on the TEN-T for achieving the policy’s objectives, while specific reinforcements were still needed. In addition, assessing the state of implementation of the projects to be completed by 2030 (notably the projects located on the core network) appeared to be necessary.

Inception impact assessment (2020), European Commission

The revision of the TEN-T Regulation takes place in the context of the European Green Deal and builds on the strategy on sustainable and smart mobility.

The inception implementation assessment (IIA) identified three main problematic issues:

- insufficient effectiveness of TEN-T to stimulate zero and low emission transport;
- a lack of preparedness of the TEN-T for the digital transition in transport (the policy has focused on the development of a ‘physical’ infrastructure network);
- insufficient resilience of the TEN-T infrastructure in the context of increasingly frequent and extreme weather events and new risks with regard to safety, security and public order;

as well as the objectives to be reached by addressing them:

- with regard to the first issue: the whole transport system should be more sustainable both within modes and as regards modal distribution; greenhouse gas (GHG) emissions should be reduced in line with the 2050 climate-neutrality objective; the quality levels of TEN-T infrastructure to overcome gaps and inefficiencies and to fully align it with evolving objectives and commitments of EU transport policy overall should be adjusted; gaps and bottlenecks on the TEN-T at the level of the network design; addressing changing transport flows and new developments in TEN-T cooperation with third countries; ensuring timely completion of core and comprehensive networks through stronger instruments;
with regard to the second issue: advancing the framework for the digital dimension of TEN-T infrastructure within and between all transport modes; accommodating infrastructure needs to enable automation and innovative technologies in transport; strengthening synergies with trans-European network initiatives in the field of digitalisation;

with regard to the third issue: enhancing the resilience of TEN-T infrastructure, notably in fields such as adaptation to climate change (especially for waterborne transport and bridges), safety, security (civilian-military dual use requirements) and civil protection; ensuring high structural infrastructure quality in light of ageing assets.

The IIA also indicated the main policy measures that will support the achievement of the above-mentioned objectives.

Progress report on the implementation of the TEN-T network (2020), European Commission

In accordance with Article 49(3) of the TEN-T Regulation, the Commission has to publish, every two years, a progress report on the implementation of the trans-European transport network. The first such report was published in 2017 and the most recent in 2020. The latter covered the years 2016 and 2017.\(^7\)

This most recent report took stock of the state of implementation of the TEN-T transport infrastructure at the level of the core network corridors, in terms of its compliance with the requirements of the TEN-T Regulation. Overall, the report concluded that progress had been made both in terms of compliance with the regulation, and as regards the financial investments.

Compliance rates for technical implementation vary between 81 % and 100 % for most (10 out of 13) of the available indicators, while for the remaining three requirements they vary from 11 % to 67 %. Even if the progress is obvious in 2017 compared to 2016, as the report noted, the results should be taken with caution, because the undertaken analysis 'needs to be put in the context of partly limited technical TEN-T standards compared to the real needs on the ground. These standards might therefore need to be further specified and developed in the upcoming revision of the TEN-T Regulation in order to better capture the actual potentials and limitations of the network'.

Financial investments in 2016 and 2017 amounted to more than €91 billion, the big majority being national investments (73 %), and the highest share went to the core network (71 %).

Territorial impact assessment (2020), European Committee of the Regions

In support to the work of its Commission for Territorial Cohesion Policy and EU Budget (COTER), the Committee's secretariat prepared an assessment of the trans-European transport network, with a focus on the regional authorities, which are the entities responsible for delivering mobility services and for spatial planning, planning approval and permits issuance in their regions.

The assessment identified several political options that could contribute to a successful TEN-T policy, taking a triple perspective: EU level, national level and regional and local level.

According to the assessment, there should be more coordination between different pieces of EU legislation, policies and approaches (such as TEN-T and the Alternative Fuels Infrastructure Directive, TEN-T and the environmental aspects of the cohesion policy, and TEN-T and the European Green Deal). At the same time, at the national level, fiscal coordination, in particular on fuel taxation\(^8\) should be increased and Member States should not be a barrier for enhanced interregional cooperation; in this respect, the creation of the European cross-border mechanism appears to be of great importance. Finally, at the regional and the local level, the assessment noted that the regions
and the municipalities should both express their needs and concerns and further engage in cross-border and interregional cooperation.

3. European Parliament resolutions/MEPs' written questions

In its 2021 resolution on the revision of the TEN-T guidelines, the European Parliament highlighted the added value of the multimodal core network corridors, while recalling the benefits and achievements of the TEN-T policy and TEN-T Regulation. At the same time, the Parliament expressed its conviction that 'the revision of the TEN-T regulation is an important chance to make the network future proof in order to ensure the good functioning of the EU internal market and the further realisation of the Single European Transport Area, as well as the EU's global competitiveness for the decades ahead and to support its transition towards smart, sustainable, efficient and safe mobility'. While pointing out that this policy needs to develop, the Members called on the Commission to take action with regard to a number of specific issues, such as: the urgent need to prioritise, with regard to the TEN-T, the full deployment of alternative fuels for all modes of transport, especially renewable fuels, in order to achieve climate neutrality by 2050; the urgent need to strengthen the Commission's oversight in the implementation of the TEN-T; the need to regularly adopt binding periodic targets for the deployment of the ERTMS; the need to promote transport links in and urban nodes; the need to draft a roadmap for inland waterways development; and the urgent need to recognise the wider role of ports, beyond purely transport functions, etc.

The EP also called on the Member States to strengthen the coherence between their national transport plans and the TEN-T networks. It urged the Member States that had not yet sufficiently aligned their national transport plans and programmes with the objectives of the TEN-T to address this shortcoming without undue delay.

The Members of the European Parliament (MEPs) also expressed their interest in the topic by addressing related written questions to the European Commission. Some of them are presented below.

**Written question** by Jörgen Warborn (EPP, Sweden), 16 November 2020

The question concerned the revision of the TEN-T network, more specifically the probability of an extension of the Baltic-Adriatic TEN-T corridor over the Baltic Sea to Sweden.

**Answer** given by Ms Vălean on behalf of the European Commission

In the context of the review of the TEN-T Regulation, the changes in passenger and freight transport flows, including between Eastern Europe and Scandinavia across the Baltic Sea, will be given consideration. Moreover, the Commission will assess the need for adjustments of the network.

The Commission also recalled that the corridor alignments are defined in the Connecting Europe Facility (CEF) Regulation and its revision is still to be adopted by the EU co-legislators.9

**Written question** by Marek Belka (S&D, Poland), 2 September 2020

Mr Belka recalled that the TEN-T network does not include Eastern Partnership countries, even though an extension of the TEN-T was adopted in the framework of the 20 Deliverables for 2020 plan for the development of the Eastern Partnership, adopted in 2018. In this respect, the MEP asked the Commission how it intends to achieve the investments in TEN-T, in order to reach the targeted objectives for roads and railways for 2020 and 2030. Belka also asked the Commission about the link between these investments and a better integration of rail transport in the eastern part of Europe, and in particular Poland, with the countries of the Eastern Partnership, in the context of energy efficiency and adaptation to climate change.

**Answer** given by Ms Vălean on behalf of the European Commission

The Commission underlined that the focus of the EU in the transport sector were, according to the joint communication on the future of the Eastern Partnership, the long-term priority investments in order to further strengthen connectivity between the EU and the partner countries and among the
partner countries. In this respect, an indicative TEN-T investment action plan guides the implementation of projects on the indicative core TEN-T network. The investment needs will be covered from various financing sources: national budgets of the partner countries, loans from international financial institutions, the private sector and possible EU grants.

As regards the environmental aspects, the prioritisation of TEN-T projects included an assessment of their environmental footprint; a shift to more sustainable transport modes was given highest priority; and environmental impact assessments will be required for each project. At the same time, the Commission supports Eastern partners’ efforts to cope with environmental challenges through different projects.

**Written question** by several non-attached (NI) Members, 18 February 2020

The MEPs asked the Commission about the possibility to include Foggia and Brindisi in the Baltic corridor, in the context of the TEN-T core network review, as well as to carry out a feasibility study in view of the review of the core network.

**Answer** given by Ms Vălean on behalf of the European Commission

The Commission recalled that the airport of Foggia and the airport and port of Brindisi were part of the TEN-T comprehensive network, as they did not meet the criteria to be included in the core network. Even though the question could in principle be reconsidered in the context of the TEN-T revision, integration in a TEN-T corridor is subject to the inter-institutional negotiations on the CEF 2021-2027, which are now closed. The Commission also pointed out that the work plans of the European coordinators do not foresee future arrangements on the current alignment of corridors, but that the Commission plans to analyse the development of the corridors as they stand.

4. European Court of Auditors

In recent years, the European Court of Auditors (ECA) has published several relevant reports in relation to the trans-European transport network. One of its latest reports, the 2020 special report on the EU transport infrastructures, focused on eight cross-border transport megaprojects in 13 Member States. The findings revealed delays in their construction and launch, which had an impact on the functioning of the TEN-T corridors (in five cases out of nine). At the same time, the ECA highlighted that it was unlikely that the EU core transport network would reach its full capacity by 2030, implying that the expected network effects of the EU transport network would not be delivered on time. The ECA attributes the poor results to i) the differences in the national dynamics (the Member States have their own priorities and different procedures, as well as different speeds of implementation); and ii) to problems at the European level (on the one hand, the TEN-T Regulation contains provisions that, even binding, allow Member States to diverge from the plan to be achieved by the 2030 deadline, and, on the other hand, the Commission does not have enough enforceable legal tools at its disposal).

5. European Economic and Social Committee

In an information report from 2020 on the evaluation of the TEN-T guidelines 2013-2020, the European Economic and Social Committee (EESC) draws attention to the risk of not implementing the TEN-T projects on time, due to constant changes within the national political priorities. The committee expressed concerns regarding the maintenance of TEN-T infrastructures and called for ‘urgent national plans for ordinary and extraordinary maintenance funding’, while also expressing its conviction that ‘it is appropriate to implement a core network monitoring plan at the European level’. Moreover, the EESC shared stakeholders’ doubts about the completion of the core network by 2030 and highlighted the need of better linkages between the core network corridors and the regional, urban and local dimensions.
6. Stakeholder opinions and academic papers

Stakeholder opinions

Different categories of stakeholders expressed their views on the topic in various occasions. Some of their opinions are briefly presented below.

In a recent position paper (April 2021), the UIRR (Union internationale pour le transport combiné route-rail) expressed its belief that the TEN-T revision would be an ideal opportunity to address, at the legislative level, the changes needed in the field. In this context, for UIRR, the most important changes for the combined transport sector would be: the clarification of the TEN-T technical parameters for the railway infrastructure; the review of the railway line codification for the 4-metre loading gauge; the introduction of parameters to guide the upgrading of transhipment terminals; and the introduction of the ‘freight preferred railway line’ category.

In April 2021, ESPO (European Sea Ports Organisation) also expressed its views on the revision of the TEN-T Regulation. In its position paper, ESPO declared its support to Europe’s transport infrastructure policy framework, seeing in the revision of the TEN-T Regulation a good opportunity to make the network more robust. To this end, from the sea ports’ perspective, additional infrastructure is needed (to accommodate off-shore activities and services to off-shore platforms), and seaports should be considered cross-border actors, while port projects, which create value for society that extends beyond national borders, should be prioritised on an equal basis with cross-border land transport infrastructure projects.

In a position paper from June 2020, CER, the organisation that represents the European railways, presented the main expectations of the sector. Their concerns cover different specific issues, such as: the core network criteria need more specification and interpretation, in order to allow for common approaches and procedures; a harmonised loading gauge (currently not included in the TEN-T Regulation); removal of bottlenecks, completion of missing links and cross-border projects and optimisation of interconnection and interoperability of national networks; better integration of urban nodes; and sufficient financing.

Academic papers

Since the adoption of the TEN-T Regulation, several academic papers have been published on a variety of related topics, from its implementation by individual Member States, such as the Netherlands, through specific elements like the sustainability approach in the context of the major transport corridors and the stakeholders’ contribution to the governance of major transport corridors, to more general issues such as the cost of non-completion of the TEN-T. This last mentioned publication made a quantitative assessment of the cost of not completing the TEN-T by 2030 (it was assumed that the implementation remained at the status of 2015, when the study was prepared). By using a mathematical model, the authors tried to evaluate the economic impact of non-completion, with a focus on the effects on GDP and employment. The findings showed a significant impact on both elements: EU GDP would remain 1.8% lower in 2030, while about 730 000 jobs would not be created in 2030 if the core TEN-T is not in place.

7. Public consultations

A first public consultation was organised by the European Commission between November and December 2020 on the roadmap for the revision of the guidelines provided for by the TEN-T Regulation. A second one followed, between April and May 2021, as part of the impact assessment that will support the revision of the regulation. Its objective was to give a say to stakeholders groups and the general public, neither of which are directly involved in shaping the TEN-T policy.
MAIN REFERENCES

European Parliament, Revision of the Regulation on the trans-European transport network (TEN-T), Legislative train schedule.


ENDNOTES

1  For a more detailed overview on TENs, see also the EP Fact Sheets on trans-European networks.
3  Initially adopted for the period 2014-2020, the programme was renewed to cover the 2021-2027 period.
4  For details, see M. Pape, Measures to advance the realisation of the trans-European transport network. Integrated and faster project procedures, EPRS, European Parliament, 2019.
5  The roadmap is available here.
6  Worth pointing out here, as it is of relevance to the TEN-T regulatory framework, is that the European Parliament’s Committee on Transport approved the proposal for a directive on streamlining measures for advancing the realisation of the trans-European transport network on 28 June. The Council adopted its position on 14 June.
7  For an updated and more comprehensive picture (corridors-wise), see the work plans of the European coordinators, available for each corridor on the Commission’s website.
8  A number of relevant legislative acts should be revised in the context of the Fit for 55 package.
9  The Connecting Europe Facility 2.0 was adopted by the Council in June. The act now needs to be adopted by the European Parliament at second reading.
10  See the 2016 special report on rail freight transport, the 2018 special report on the European high-speed rail network, and the 2020 special report on the EU core road network.

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