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*****I**

REPORT

on the proposal for a decision of the European Parliament and of the Council
on Community guidelines for the development of the trans-European transport
network (recast)
(COM(2009)0391 – C7-0111/2009 – 2009/0110(COD))

Committee on Transport and Tourism

Rapporteur: Brian Simpson

(Recast – Rule 87 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a decision of the European Parliament and of the Council on Community guidelines for the development of the trans-European transport network (recast)

(COM(2009)0391 – C7-0111/2009 – 2009/0110(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0391),
 - having regard to Article 251(2) and Article 156(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0111/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled "Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures" (COM(2009)0665),
 - having regard to Article 294(3) and Article 172(1) of the Treaty on the Functioning of the EU,
 - having regard to the opinion of the European Economic and Social Committee of 4 November 2009¹,
 - after consulting the Committee of the Regions,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts²,
 - having regard to the letter of 11 December 2009 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0030/2010),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,

¹ Not yet published in the Official Journal.

² OJ C 77, 28.3.2002, p. 1.

1. Adopts the position hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments .

Amendment 1

Proposal for a decision Recital 19

Text proposed by the Commission

(19) A Committee should be ***set up at the Commission with tasks which include assisting*** the Commission when it examines the implementation and development of the guidelines laid down by this Decision.

Amendment

(19) A Committee should be ***empowered, in particular, to assist*** the Commission when it examines the implementation and development of the guidelines laid down by this Decision.

Amendment 2

Proposal for a decision Recital 20

Text proposed by the Commission

(20) In the interests of clarity, ***the maps relating to the 10 Member States listed in the 2003 Act of Accession in Annex I to the Decision should be added to the existing maps relating to the 15 countries that were Members of the European Union before the enlargement of 1 May 2004, and the 2010 target date for the plan should be replaced by 2020. This amendment was provided for in Article 1(15) of Decision No 884/2004/EC and it must be made.***

Amendment

(20) In the interests of clarity, ***Annex I of Decision No 1692/96/EC should be replaced with a new Annex containing the maps concerning all of the Member States; this would ensure that the maps already contained in that Decision as last amended by Regulation (EC) No 1791/2006 are supplemented by those contained in the 2003 Act of Accession. Moreover the target date for the plan is 2020 for all of the Member States.***

EXPLANATORY STATEMENT

The proposal is technically speaking a proposal for codification of the legislative text.¹ Nevertheless the Commission was forced to do it via recast procedure as the text contains minor modifications in the Annex.

The necessary amendments consist of adding the maps relating to the 10 Member States listed in the 2003 Act of Accession in Annex I to the Decision to the existing maps relating to the 15 countries that were Members of the European Union before the enlargement of 1 May 2004. In the interests of clarity, it is proposed to replace Annex I to the codified text with a new Annex I which would include the maps concerning the 27 Member States of the European Union. At the same time, in line with Art 1(1) of Decision No. 884/2004/EC, the date is changed to 2020 for all Member States.

Considering the technical nature of this proposal, coordinators decided to give the report to the chair as the real revision of the guidelines is in preparation and will be ready only towards the end of next year.

The Council has agreed on a text and a general approach was taken at the Council meeting on 18 December. Council followed the Commission and has not introduced any substantial modification to the text, just some minor modifications in the recitals (see the 2 amendments) and some technical corrections on the maps².

Following these legal and political reassurances, your rapporteur suggests to agree on the text, including the minor modifications and corrections proposed by the Council and to conclude the file with a 1st reading agreement.

¹ The decision merges and repeals Decision No 1692/96/EC, Decision No 1346/2001/EC, Decision No 884/2004/EC of the European Parliament and of the Council, 2003 Act of Accession, Annex II, point 8.F, Council Regulation (EC) No 1791/2006, Point 6(D) of the Annex only.

² In Volume II:

- 1) Section 2.1 ("Denmark, Germany, Luxembourg, Netherlands, Austria" deleted to align with the corresponding map);
- 2) Section 6.1 ("Denmark, Germany, Luxembourg, Netherlands, Austria" added to align with the corresponding map);
- 3) Map 2.27 ("Londonderry" located between Newcastle and Leeds deleted).

In Volume IV:

- 1) Map 5.1 (Baltic Sea): "Kristianstad" is replaced by "Landskrona";
- 2) Map 5.7 (Cyprus): for reasons of consistency, "Larnaca port" is replaced by "Larnaca".

In Volume V:

- 1) Map 6.0 (Europe): The airport of Tallinn is marked as Community connection point, in order to align with map 6.4.
- 2) Map 6.4 (Estonia): The airport of Tallinn is marked as Community connection point.

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Subject: *Proposal for a decision of the European Parliament and of the Council on Community guidelines for the development of the trans-European transport COM(2009)0391 of 27.7.2009 – 2009/0110(COD)*

Dear Chairman,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 87 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement the committee responsible intends also to submit amendments to the codified parts of the Commission proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsperson, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal or in the opinion of the Consultative Working Party and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

Furthermore, pursuant to Rules 87, the Committee on Legal Affairs considered that the technical adaptations suggested in the opinion of the abovementioned Working Party were necessary in order to ensure that the proposal complied with the recasting rules.

In conclusion, after discussing it at its meeting of 11 November 2009, the Committee on

Legal Affairs, by 19 votes in favour and no abstentions¹, recommends that your Committee, as the committee responsible, proceed to examine the above proposal in keeping with its suggestions and in accordance with Rule 87.

Yours faithfully,

Klaus-Heiner LEHNE

Encl.: Opinion of the Consultative Working Party.

¹ Klaus-Heiner Lehne (Chairman), Raffaele Baldassarre, Sebastian Valentin Bodu, Antonio López-Istúriz White, Tadeusz Zwiefka, Luigi Berlinguer, Lidia Joanna Geringer de Oedenberg, Bernhard Rapkay, Evelyn Regner, Alexandra Thein, Diana Wallis, Cecilia Wikström, Jiří Maštálka, Francesco Enrico Speroni, Kurt Lechner, Sergio Gaetano Cofferati, Edit Herczog, Edvard Kožušník, Sajjad Karim.

**ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL
SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE
COMMISSION**

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a decision of the European Parliament and of the Council on Community
guidelines for the development of the trans-European transport
COM(2009)0391 final of 27.7.2009 – 2009/0110(COD)**

In the light of the Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, particularly point 9 thereof, the consultative working party of the legal services of Parliament, the Council and the Commission held a meeting on 8 September 2009 for the purpose of considering the abovementioned proposal by the Commission.

On examining¹ the proposal for a decision of the European Parliament and of the Council intending to recast Decision 1692/96/EC of the European Parliament and the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport, the working party noted by common accord that:

(1) The text of recital 19 should be amended to read as follows: *‘A Committee should be set up with tasks which include assisting the Commission when it examines the implementation and development of the guidelines laid down by this Decision’.*

(2) In Article 10(3), second sentence, the reference to Directive 2001/16/EC of the European Parliament and of the Council should be replaced by a reference to Directive 2008/57/EC of the European Parliament and of the Council.

Having considered the working document, the working party was thus able to establish, without dissent, that the proposal does not involve any substantive changes other than those identified as such in the text itself or in this opinion. The working party also concluded, as regards codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal is indeed confined to straightforward codification and does not substantially alter the acts in question.

¹ The working party was able to refer to the English, French, and German versions of the proposal and based its proceedings on the French original version of the working document.

PROCEDURE

Title	Community guidelines for the development of the trans-European transport network (recast)	
References	COM(2009)0391 – C7-0111/2009 – 2009/0110(COD)	
Date submitted to Parliament	27.7.2009	
Committee responsible Date announced in plenary	TRAN 14.9.2009	
Committee(s) asked for opinion(s) Date announced in plenary	JURI 14.9.2009	
Rapporteur(s) Date appointed	Brian Simpson 3.9.2009	
Discussed in committee	25.1.2010	22.2.2010
Date adopted	23.2.2010	
Result of final vote	+: 37 -: 1 0: 0	
Members present for the final vote	Magdalena Alvarez, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Dieter-Lebrecht Koch, Werner Kuhn, Eva Lichtenberger, Marian-Jean Marinescu, Vilja Savisaar, Olga Sehnalová, Brian Simpson, Dirk Sterckx, Silvia-Adriana Țicău, Giommaria Uggias, Peter van Dalen, Dominique Vlasto	
Substitute(s) present for the final vote	Charalampos Angourakis, Jean-Paul Besset, Philip Bradbourn, Derk Jan Eppink, Tanja Fajon, Michael Gahler, Anne E. Jensen, Petra Kammerevert, Bogdan Kazimierz Marcinkiewicz, Dominique Riquet, Anna Rosbach, Corien Wortmann-Kool, Janusz Władysław Zemke	