Article 5(3) of the trans-European transport network (TEN-T) revision proposal\(^1\) states that, for projects of common interest for which the environmental impact assessment (EIA) has not yet been carried out at the date of entry into force of the Regulation, the EIA should also include an analysis on complying with the Do No Significant Harm (DNSH) principle. The EU Taxonomy\(^2\) Climate Delegated Act\(^3\) published in April 2021 includes technical screening criteria for transport infrastructure that could be used as a reference.

The DNSH requirement is introduced for new infrastructure projects, for which the EIA has not been completed – while not interfering with ongoing projects with a completed EIA. Moreover, the proposal offers flexibility as to when and how to do DNSH assessments. The proposal therefore does not presuppose establishing duplicate structures in the planning and approval phase, but gives the possibility to conduct the analysis based on best available practice and as part of the EIA.

While maintaining infrastructure is and will remain the main responsibility of Member States, it is essential to guarantee in the TEN-T Regulation that the TEN-T will continue to provide high quality services to citizens and businesses. To that end, Article 48(1), lit. a. and c of the proposal requires Member States to ensure that TEN-T infrastructure provides the ‘same level of service’ and safety during its ‘lifetime’ and that a life cycle approach should be followed when planning and procuring infrastructure projects. Member States should also ensure that long-term maintenance plans including information on financing resources are set up.

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