



**Position of the European Sea Ports Organisation**  
**on the**  
**Commission's proposal on streamlining measures for**  
**advancing the realisation of the TEN-T network**

**1 October 2018**

## **1. Introduction**

Within the third “Europe on the move” mobility package, the European Commission adopted on 17 May 2018 the proposal for a regulation on **streamlining measures for advancing the realisation of the trans-European transport network COM(2018) 277**. The proposal aims to reduce delays in the implementation of the TEN-T core network and to increase the legal certainty for project promoters, as well as the attractiveness for investors.

In some Member States, the preparation of a TEN-T project and application for CEF funding can be very complex, especially when the permitting procedures require the project promoter to obtain various permits from different competent bodies. ESPO therefore strongly supports the objectives of the European Commission to facilitate and to streamline the permitting procedures for the TEN-T core network.

ESPO believes that especially the proposed **integration of environmental permitting procedures** and the **‘one-stop-shop’** for project promoters will facilitate the application process considerably. Both objectives should be achieved within one single procedure which covers all relevant legal requirements and where one authority acts as the leading authority. However, ESPO believes that this authority could be a different one depending on the respective transport project. The regulation should not oblige Member States to identify a single authority on national level, as this would lead to unnecessary bureaucratic burden and would cause conflict with existing administrative structures.

## **2. Priority treatment of State aid notifications**

The process for the selection of a TEN-T project application by the Commission (INEA) is currently a separate procedure from the process of state aid notification and clearance. If a Member State plans to provide co-funding to a TEN-T project, State aid rules apply to the amount of funding which the Member State plans to provide. Thus, TEN-T projects are in most cases subject to two procedures on Union level.

These separate procedures can cause unnecessary delays and can jeopardise the timely project implementation. The Commission's proposal foresees the possibility to give priority treatment to state aid clearance for TEN-T core network projects.

In addition, the current proposal for a Council Regulation COM(2018) 398 foresees that the Commission may exempt Member States from the state aid notification requirement, if the Member States' financing is channeled through, or supported by EU centrally managed financial instruments.

ESPO welcomes the objective of the proposal to streamline the TEN-T project approval with state aid clearance and strongly calls for the **exemption for approved TEN-T projects from the state aid notification requirement**, which would considerably facilitate a swift project approval.

### 3. Time limits for permitting process

The Commission's proposal introduces a maximum limit of three years for the entire permitting process in order to reduce delays. The text further breaks down the time limits into the pre-application phase (2 years) and the period for the assessment of the application, including the decision by the competent authority (1 year).

ESPO fully supports the aim to shorten the permitting procedures and to increase the planning reliability for project promoters. However, ESPO is concerned that a one-size-fits-all time limit does not do justice to the complexity and diversity of transport projects.

The proposal foresees that the project promoter submits the full application within 21 months of receiving the detailed application outline, which specifies the permits and financing needed. The time necessary for the preparation of the required documents varies profoundly for projects of different complexity.

Additionally, in practice it is not always feasible to make a clear distinction between the different phases since public authorities are often involved in the project preparations and TEN-T applications in the transport sector.

ESPO believes that in order to develop well-prepared projects, applicants should be able to **take as much time as needed to prepare the project thoroughly and that project-specific time limits should be applied once the application for the permits has been submitted**.

### 4. Simplification of the underlying legislation

The proposed prioritising of TEN-T projects, the integration of permitting procedures where possible and the better cross-border coordination will support the implementation of the TEN-T core network. However, more efficient permitting procedures can only enhance the application process up to a certain extent. ESPO believes that **for more fundamental efficiency gains a simplification of the underlying legislation is necessary** and that the respective legislation should be reviewed against the objective of completing the TEN-T network.

In that respect, ESPO would like to refer to the Position Paper of the European Sea Ports Organisation (ESPO) and the European Federation of Inland Ports (EFIP) on permitting and facilitating the preparation of TEN-T core network projects of 31 August 2016.