

Streamlining the implementation of the Trans-European Transport Network (TEN-T)

Fields marked with * are mandatory.

Background

The common transport policy was created already by the Treaty of Rome of 1957 with the goal of creating a common market and the reinforcement of economic links between the Member States. It has been gradually developed to include an infrastructural component aiming at connecting the MS, their citizens and economies via modern and interoperable connections. Nowadays, the single EU market with four freedoms of movement for goods, persons and services can only prosper if it is linked by up-to-date and efficient infrastructure. Consequently the Trans-European Networks (TEN) policy comprises three main elements – transport links (TEN-T), energy connections (TEN-E) and networks for telecommunications.

The TEN-T policy recognises the importance of a strategic approach to developing a Europe-wide network of transport infrastructure. The TEN-T has a dual layer structure. While the comprehensive network shall ensure connectivity of all regions of the EU the core network consists only of those parts of the network which are of the highest strategic importance. The TEN-T Regulation defines binding timelines for implementation, 2030 for the core network and 2050 for the comprehensive network. The Core Network Corridors are operational tools to facilitate the coordinated and timely implementation of the core network.

Experience with the implementation of the TEN-T projects shows that their effective implementation might be impacted by complex regulatory and administrative arrangements, which in certain cases might contribute to increased costs, delays and uncertainty. The Directorate-General for Mobility and Transport of the European Commission has recently carried out a study[2] to identify barriers in the regulatory and administrative procedures to effective and efficient planning and implementation of TEN-T core network projects. The study recommended addressing these barriers, including by improving the permitting environment for TEN-T projects.

The complexity of procedures sometimes stems from unclear or contradictory requirements or processes which result in duplication of efforts. In addition, imprecise legislation or regulatory framework can lead to sub-optimal investment decisions (e.g. in-house investments versus public private partnership), while legal uncertainty can deter private investment in projects.

This consultation aims at gathering the input of the general public and stakeholders as regards the main problems and proposed solutions for facilitating the implementation of the TEN-T projects.

Agreement on personal data

* 1. Please indicate your preference for the publication of your response on the Commission's website.

- My contribution can be published, with my personal information or name of my organisation included
- My contribution can be published anonymously, without my name or that of my organisation included

* 2. May the Commission contact you, in case further details on the submitted information in this questionnaire are required?

- Yes
- No

Questions about the respondent

* 3. Are you replying as:

- An individual
- An organisation

* 4. Please state your name

100 character(s) maximum

Christine Le Forestier

* 5. Please provide your email address

c.leforestier@fieec.eu

* 6. What type of organisation do you represent?

for organisations only

- A national government
- A regional/ local/municipal authority
- An EU institution
- A project promoter (public or private)
- A company (other than project promoter)
- An industrial interest group, business association, sectoral association
- NGO, civil society, environmental group or charity
- A research organisation (university, public and private institute)
- Other (please explain)

* 7. Please state the name of your organisation

100 character(s) maximum

for organisations only

FIEC - European Construction Industry Federation

* 7.a. Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

* If so, please indicate your Register ID number.

30 character(s) maximum

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* 8. On which mode of transport do your activities focus?

for organisations only

- Road
- Rail
- Inland waterways and ports
- Maritime transport and ports
- Air transport
- Multimodal (combined) transport

* 9. What is your main country of residence or activities?

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain

- Sweden
- United Kingdom
- Iceland
- Liechtenstein
- Norway
- Switzerland
- Other

Please specify 'Other'

500 character(s) maximum

European Union

Main issues and problems identified

The purpose of this section is to verify the main issues and problems identified by the European Commission in the context of the recent [study](#) on [permitting and facilitating the preparation of TEN-T core network projects](#). The relative importance of these issues needs to be assessed, notably to identify any possible additional problems that have not been considered yet.

The purpose of the study was to identify barriers in the regulatory and administrative processes that impact the effective and efficient planning and implementation of TEN-T core network projects, and deliver recommendations on how to address these barriers. The study evaluated existing procedures, and identified the barriers faced by transport projects during their planning and implementation, as well as looked for good practices and opportunities to encourage the adoption of these good practices. Due to their particular complexities, in-depth studies into the frameworks for waterborne and cross-border projects were also conducted. The study identified and analysed options that could address the barriers encountered, and delivered recommendations for the improvement of regulatory and administrative frameworks.

The [study](#) has shown in particular that for TEN-T projects factors of delays, costs and uncertainty in permitting procedures are often rooted in procedural aspects leading to duplication of permits and applications to be submitted by project promoters, duplication of or overlaps in assessment procedures, and significant administrative burden and costs for both the project promoters and permitting authorities.

Moreover, some additional steps in the course of the preparation of the projects also impact their timely and effective delivery, in particular regarding public procurement and/or other regulatory procedures such as State aid clearance.

Preparation stages in the life-cycle of a project

10. In your opinion, which of the steps below have the highest impact for the delivery of a project on the TEN-T?

							Don't know
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	Very high impact	High impact	Medium impact	Low impact	Very low impact	/ No view
Strategic level (incl. development of transport plans and programmes as well as making them subject to Strategic Environmental Assessment) with relevant strategic spatial planning approvals	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Spatial planning (planning permissions)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Environmental Assessments at project level	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Building Consent/construction permits	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Procedures related to compulsory purchase of land	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public procurement for works	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Procedures related to conclusion of a Public Private Partnership or awarding a concession	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
State aid clearance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other, please specify

200 character(s) maximum

Socio-economic benefits should also be taken into account at an early stage of the process.
 PPPs/concessions should not be considered as THE solution but used when and where it makes sense.

Permitting procedures

Permitting procedures generally cover the activities required to prepare an application for development consent. They closely follow on from the project planning phase at strategic level. The "permitting phase" includes the environmental impact assessment procedure (along with other environmental assessments if applicable), the spatial planning decision(s), and all the other permits to be granted. It concludes with the acquisition and/or compulsory purchase of the necessary land. The organisation of the permitting procedures is considered as a critical source of delays in some Member States. TEN-T infrastructure related projects require conducting multiple assessments, making it necessary to obtain a high number of permits. Given the size of projects, these procedures can fall under several jurisdictions if different elements are handled at national, regional or local levels. It entails duplication of efforts and lengthens the duration of the overall authorisation procedure. It concerns several areas, notably the environmental assessments (in extreme cases multiple procedures involving different authorities).

12. To what extent do you agree that TEN-T project are subject to complex and lengthy permitting procedures and other processes?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

13. Which TEN-T projects would you consider as most influenced by regulatory and administrative obstacles related to permitting?

- All transport infrastructure projects are equally impacted
- TEN-T infrastructure projects
- Public-Private Partnership projects
- Cross-border projects
- No opinion

14. To what extent do you agree that permitting procedures are organised in a optimal way, involving all the necessary actors, to allow the project promoter to proceed quickly and efficiently when preparing a project?

for organisations only

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

15. To what extent do you agree that cross-border infrastructure projects face particular challenges in terms of permitting procedures?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

Please add your suggestions on how to improve the permitting procedures:

2000 character(s) maximum

Question 14 is not clear. Permitting procedures should be organised in the described way in order to be efficient, but we consider that it is not yet the case.

Public procurement

Public procurement is a very important step for project implementation aimed to obtain the highest value at the best cost. It can nevertheless bring major challenges to TEN-T projects. Many factors can contribute to delays in the completion of the procurement, such as complex legal frameworks, the

absence of deadlines for the completion of the award procedure and, in particular, the long review procedures to challenge the award decision. Increased costs are directly related to delays but also to the selection of poor quality projects, which may be driven by the lack of capacity of contracting authorities to conduct procurement procedures. Challenges related to legal complexity and administrative capacity also extend to public private partnerships (PPPs), resulting in a reluctance among authorities, promoters and investors to use this mechanism – potentially a lost opportunity to attract additional investment capital to the transport sector.

Differences in public procurement practices across sectors and Member States can create particular problems in handling the procedures for complex cross-border projects. Although the main rules in public procurement are the same in all Member States, differences in carrying out public procurement exist between them.

16. Some projects are implemented across two or more EU Member States. What would you consider to be the biggest challenge in procuring for cross-border projects?

- Application of different national legislations
- Difficulties in agreeing on the applicable national legislation
- Language rules
- Remedies procedures
- Lack of experience of contracting authorities
- Insufficient promotion of best practices
- Insufficient guidance by the Commission or public authorities
- No opinion
- Other applicable legislation, please specify

17. Please add your suggestions on how to improve the public procurement procedures for works:

2000 character(s) maximum

State aid

Given their links to the financial structure of an investment, State aid procedures are a potential source of risk and uncertainty for TEN-T projects. Important progress was recently made to clarify the rules with the modernisation of the EU State aid policy, however, given the specific and not repetitive nature of certain significant transport infrastructure projects (e.g. beyond the thresholds of the General Block Exemptions Regulation), there may still be some difficulty for public authorities and project promoters to address State aid issues.

18. To what extent do you agree that State aid rules may raise difficulties for the implementation of TEN-T projects?

- Fully agree
- Rather agree
- Rather disagree

- Fully disagree
- No opinion

19. In your opinion, what are the main issues:

500 character(s) maximum

It brings uncertainty as regards funding options.

20. Taking into consideration the recent modernisation of the State aid policy, do you consider that there is room for improvement in rules applicable to the TEN-T projects?

- Yes
- No
- No opinion

21. Please add your suggestions on how to improve the State aid regime applicable to infrastructure projects:

2000 character(s) maximum

Public participation in the preparation of infrastructure projects

Public acceptance is critical for the implementation of infrastructure projects. Ineffective and poorly-timed public consultations and the absence of sufficient involvement of stakeholders in the decision-making process may lead to additional delays in the permitting phase.

22. To what extent do you agree that certain TEN-T projects may raise controversies leading to their limited public acceptance?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

23. According to your knowledge and experience, what may be the reason for a lack of public acceptance of certain transport infrastructure projects?

- Poor strategic planning
- Insufficient involvement of the general public in the whole project planning
- Poorly timed public consultations
- Ineffective ways of communicating information on the project from the project promoters
- Lack of useful information provided by project promoters during the public consultations
- Lack of understanding of common benefits from transport project for the society
- Other, please specify

Other, please specify

500 character(s) maximum

The impact on public finances

24. From your experience, what are the best practices that should be generalised or promoted to improve public acceptance of transport infrastructure projects?

- Involvement of the general public at different stages of project preparation
- More extensive use of new ICT technologies for communication on projects (e.g. specific websites, social media, etc.)
- Focus on local benefits
- Promotion of local employment and SMEs
- Common designing by different involved actors of compensatory measures
- Strategic approach in the public procurement to involve local companies and create locally based jobs
- No opinion
- Other suggestions, please specify

25. Please add your suggestions on how to improve the public consultation in the preparation of infrastructure projects:

2000 character(s) maximum

Possible solutions

The purpose of this section of the questionnaire is to gather views and concrete feedback on the following solutions which were preliminarily identified by the European Commission as well as proposed in the [study](#)

26. Should the EU take action to address inefficiencies in the permitting procedures in case of TEN-T projects?

- Yes
- No
- No opinion

27. In your opinion, what would be the main benefits of an action by the EU:

750 character(s) maximum

Permitting: Integration of procedures

Delays in permitting often occur due to complex procedures, involving multiple steps and multiple authorities. One of the ways forward may be the establishment of a single permitting authority for TEN-T projects (including for all environmental assessments), the so-called 'one-stop-shop'. This authority would centralise all the information and procedures related to the permitting phase of a given project.

28. Should a single permitting authority (a 'one-stop-shop') be entrusted to apply standardised procedures to TEN-T projects?

- Yes
- No
- No opinion

29. In your opinion, what would be the main benefits of the EU taking action:

750 character(s) maximum

30. If the permitting procedures are to be integrated, which ones of the listed below should be handled in a single procedure?

for organisations only

- Spatial planning (planning permissions)
- All environmental assessments at project level
- Final Development consent/construction permits
- Procedures related to compulsory purchase of land
- Assistance and counselling at national level on State aid control for instance by national competition authorities)

Other, please specify

200 character(s) maximum

31. To what extent do you agree that a one-stop-shop would facilitate and accelerate the permitting of TEN-T projects?

for organisations only

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

32. In your opinion, what would be the main benefits:

500 character(s) maximum

33. What level of authority should a one-stop-shop have in the permitting of TEN-T projects?

for organisations only

- Extended decision making power, e.g. the possibility to take a single administrative decision (a one single permit) where appropriate
- Coordination powers only
- No opinion
- Other

Time limits for the completion of the permitting phase

Time limits for obtaining the necessary permits for projects often exist at national level, but they generally apply to specific parts of the procedure rather than to the completion of the whole permitting procedure. An overall time limit for the permitting procedure (from the application to the first permit to the final decision authorising construction) could accelerate the permitting procedure by setting a time-limit and requiring that efforts are made in order to comply with it.

34. To what extent do you agree that an overall time-limit for the permitting of TEN-T projects would be useful in accelerating the permitting process?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

35. In your opinion, what would be the main benefits:

500 character(s) maximum

36. What would you consider an appropriate overall time-limit for the permitting of TEN-T projects?

- Beyond three years
- Between two and three years
- Shorter than 2 years
- Other, please specify

Technical assistance

Project promoters, but also sometimes public authorities, are often exposed to the complexities of not-standard large infrastructure projects. In such cases, dedicated experts who regularly work with such projects that must comply with multiple procedures, can be helpful in ensuring that procedures and associated documentation are compliant with all requirements.

Some TEN-T projects already receive such support from the JASPERS (Joint Assistance to Support Projects in European Regions) programme. Others may benefit from the support of the European

Investment Advisory Hub. However, this assistance is not designed for the implementation of TEN-T projects but linked to funding and financing instruments and focus on the effective spending of available funding and financing.

37. To what extent do you agree that there is need for more targeted technical assistance measures for project promoters in the field of permitting?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

38. If yes, in which particular areas:

- Technical design
- Environmental assessments
- Public procurement
- Financing structure (incl. designing of PPPs)
- State aid
- Implementation phase of complex projects (technical supervision)
- Other, please specify

Other measures for the streamlining of permitting procedures

39. Are there any additional measures that would facilitate and accelerate permitting procedures of TEN-T projects?

- Yes
- No

Please add any comments regarding the risks and benefits related to the implementation of these measures in your Member State:

200 character(s) maximum

Public procurement

40. How would you assess the effectiveness of possible streamlined rules for TEN-T cross-border projects in the field of public procurement?

	Very high impact	High impact	Medium impact	Low impact	Very low impact	Don't know / No view

Common set of rules at EU level to be applied to cross-border projects	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Common set of rules at EU level to be applied to cross-border projects benefitting from EU financial support	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mandatory application of the national provisions of the Member State where the joint entity is carrying out its activity for clearly identified TEN-T cross-border projects.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirement to opt for the national provisions of the Member State where the joint entity is carrying out its activity in order to benefit from EU funding for the respective cross-border projects.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support from the voluntary ex-ante assessment mechanism on the possibilities to apply specific public procurement rules in accordance with the EU Directives for clearly identified TEN-T cross-border projects.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer:

500 character(s) maximum

Inclusive process for project consultation

41. To what extent do you agree that certain general principles can be established at EU level to ensure effective and well-designed public consultation processes for certain projects?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

Please explain your answer:

500 character(s) maximum

The question is not clear.

Procedures at EU level

Some procedures are either handled at EU level entirely (such as State aid control) or require the involvement of the EU institutions to allow the project to go ahead. In other cases, EU action is required only in certain and well-defined situation (e.g. in case actions of overriding public interest having negative impact on Natura 2000 sites). If EU funds are involved in the delivery of projects, some financial instruments also require an approval from the Commission (CEF or ESIF for major projects under cohesion policy).

42. To what extent do you agree that procedures that are handled at EU level create problems in the preparation and implementation of projects?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

44. To what extent do you agree that these procedures can be better coordinated or further integrated at EU level?

- Fully agree
- Rather agree
- Rather disagree
- Fully disagree
- No opinion

Scope of measures

To facilitate the permitting and preparation of TEN-T projects, a new framework could be introduced for certain projects of particular interest for the development of the TEN-T network.

The TEN-T Regulation (Regulation (EU) 1315/2013) currently defines a Project of Common Interest (PCI) as a project contributing to at least two of the four overall TEN-T objectives (cohesion, efficiency, sustainability, and benefits for users), which can be considered economically viable on the basis of a socio-economic CBA, and which demonstrate European Added Value. PCIs are eligible to Connecting Europe Facility (CEF) funding.

This raises the question of the scope of such a streamlined framework or facilitated procedures and to which projects it would apply.

45. Should a simplified framework or facilitated procedures apply to specific categories of TEN-T projects, e.g. of particular EU relevance?

- Yes
- No
- No opinion

Please explain your answer:

500 character(s) maximum

It should apply to TEN-T projects of the Core Network.

46. The more favourable simplified framework may be applied for certain categories of projects only. For which of the following categories of project would such a simplified framework have the highest positive impact?

	Very high impact	High impact	Medium impact	Low impact	Very low impact	Don't know / No view
All projects on the TEN-T network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
All projects on the TEN-T core network	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
All projects on the TEN-T core network over a set financial threshold (e.g. over 500m EUR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Projects receiving EU financial assistance over a certain threshold (EU contribution to eligible cost, e.g. over 250m EUR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Projects pre-identified in an implementing act adopted accordingly to the TEN-T Regulation (art. 47(2))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Projects pre-identified in the core network corridors work plans presented by the European Coordinators	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please state)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answer:

500 character(s) maximum

Available instruments for facilitating the permitting of TEN-T projects

47. There are a number of options and instruments available for adopting measures to facilitate the permitting and preparation of TEN-T projects. How would you assess the effectiveness of the following instruments to facilitate the permitting and preparation of TEN-T projects?

	Very effective	Effective	Medium effect	Limited effectiveness	Very limited effectiveness	Don't know / No view
An EU Directive establishing the framework conditions for the permitting procedures and other elements of preparation of priority status TEN-T projects, which would need to be transposed in national law for its implementation.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
An EU Regulation on the permitting procedures and other elements of preparation of priority status TEN-T projects, which would be directly applicable in Member States.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU guidelines on the permitting and preparation of priority						

status TEN-T projects, which would not be legally binding on Member States.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conditionality to use certain rules when using of EU funds.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
None of the above, explain below	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please add any comments on your answer:

500 character(s) maximum

48. Please indicate/upload any reports or other sources of information that provide evidence to support your responses. Please provide the title, author and, if available, a hyperlink to the study/report.

750 character(s) maximum

Useful links

[Consultation page \(https://ec.europa.eu/transport/themes/infrastructure/consultations/2017-ten-t-implementation_en\)](https://ec.europa.eu/transport/themes/infrastructure/consultations/2017-ten-t-implementation_en)

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