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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (**first reading**)
- Adoption of the legislative act (LA + S)
= Statements

Joint statement by Slovenia and Croatia

In the light of the next review of the Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network (the Regulation), Slovenia and Croatia agree to consider a common study. Taking into consideration the most appropriate alignment of the TEN-T network between the relevant main/core nodes (e.g. Ljubljana, Zagreb, München, Wien), the study would aim to explore the most appropriate alignment of the railway connection between Zagreb and Maribor.

The study would take into account all relevant social, economic, financial, climate and environmental benefits and costs, future transport needs and flows as well as the methodology and objectives set out in the Regulation. The European Commission will be asked to co-finance this study.

Statement by Italy

Italy strongly disapproves of the failure to include the port of Civitavecchia in Annex II of the Regulation on guidelines for the Trans-European Transport Network.

The request to include the port of Civitavecchia in the list of ports of the core network was made repeatedly at both technical and political level. It was also made repeatedly in Parliament.

The port of Civitavecchia serves the primary urban node of Rome, which is not only a capital city but also, based on the European methodology, a MEGA node and a Larger Urban Zone (LUZ) with more than one million inhabitants.

Both Article 47(1) of the Regulation on guidelines and the methodology adopted by the Commission (Annex 2, point 2 of SEC(2011) 101 final of 19 January 2011)¹ sanction the inclusion of the port of Civitavecchia in the core network.

The port of Civitavecchia is at the top of the European rankings in terms of the number of embarkations, disembarkations and transits.

The geographical distance between the port of Civitavecchia and the urban node of Rome is justified by the depth of the navigable channels.

It is an incontrovertible fact that, for historical and geographical reasons, the port of Civitavecchia is the main port serving the city of Rome.

¹ The text of the Regulation on guidelines (Article 47(1), first indent) states that nodes of the core network include "**urban nodes, including their ports and airports**".

Under the Commission methodology (Annex 2, point 2.2, page 25 of the English version), a **primary node** is: "**a capital city of an EU Member State**", "**a Metropolitan Growth Area (MEGA)**" or "**a conurbation (...) which exceeds 1 million inhabitants**".

Civitavecchia is the Port of Rome.

Italy reserves the right to undertake any initiative that may remedy the unjustified failure to include Civitavecchia in the core network.

Statement by the Commission

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 (4), subparagraph (2), point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 (4), recourse to subparagraph (2), point b), cannot be simply seen as a "discretionary power" of the legislator, but must be interpreted in a restrictive manner and thus must be justified.
