



PUBLIC CONSULTATION QUESTIONS TO THE STAKEHOLDERS

Introduction

BUND/ FoE Germany welcomes this public consultation on the extension of the Trans-European Transport Networks (TENs-T) to the EU's neighbours¹. However, answering the following questions is not easy because we consider them not the most relevant questions at this time. Thus, we miss what we think are quite fundamental questions/issues regarding the need to better connect the EU and its neighbours such as:

- The contribution of an extension of the TENs-T to the EU's Neighbouring Countries with regard to the objectives of the European Neighbourhood Policy and the principles laid down in the Lisbon and Gothenburg strategies aiming for a dynamic and socially and environmentally sustainable economy.
- The intended decision-making process on the TENs-T extension under consideration, mainly the question of public participation
- A Strategic Environmental Assessment of the extended TENs-T
- How to extract and learn the lessons from past TENs-T extensions, in particular on how to avoid the possible environmental damage of priority projects in terms of fragmentation of habitats, loss of biodiversity and water resources in countries where environmental protection standards are not at the level of those in the EU.
- The conditionality of EU funding in non-EU Member States regarding the application of EU legal requirements on nature (Habitats and Birds Directive) and water protection (Water Framework Directive) as well as on public participation (Aarhus Convention and transposing EU Directives) and for assessing environmental impacts (Environmental Impact Assessment and Strategic Environmental Assessment Directives) as well as social and employment standards

At the time of the last TENs-T guideline revision and extension 2003-4, environmental NGOs² made a series of key **recommendations** for improvements to current TEN-T policy, many of which are still relevant now. They have all been copied below for information:

- **A full Strategic Environmental Assessment of the whole network and all future extensions (TEN-T and TINA) must be carried out** – coordinated by the Commission, with

¹ 25 neighbouring countries and regions: Albania, Herzegovina, Croatia, Egypt, former Yugoslav Republic of Macedonia, Georgia, Israel, Jordan, Lebanon, Libya (as observer), Morocco, Moldova, Palestinian Authority, Russia, Serbia & Montenegro, Kosovo (under UNMIK administration), Switzerland, Syria, Tunisia, Turkey and Ukraine.

² BirdLife International, T & E and WWF

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the full cooperation of the Member States. This is vital to ensure that negative environmental impacts are minimised.

- **Local networks must be prioritised.** Local and regional transport systems should be maintained and improved, before national and EU funds are allocated to trans-national transport infrastructure.
- **Cost-benefit analysis must be improved.** The TEN-T revision should make consideration of the 'zero' (no new investments) option compulsory. Improved methods of cost-benefit analysis must be developed, which integrate social and environmental costs.
- **Transport growth and GDP growth must be decoupled.** The Community's Sixth Environmental Action Programme and the conclusions of the Gothenburg EU Council set as an objective the significant decoupling of transport growth from economic growth. The TEN-T guidelines should refer to this objective.
- **Integrate the needs of the Natura 2000 network into the TEN-T.** The Natura 2000 network sites designated under the EU Habitats and Birds Directives protect Europe's most important areas for wildlife. There must be no net loss to the ecological integrity of the Natura 2000 network as a result of transport infrastructure developments.
- **The TEN-T extension must fully respect the provisions of the Water Framework Directive.** The requirements of Good Ecological Status via integrated river basin management and taking into consideration the specific value of wetlands for water management along European rivers must be implemented
- **The European Investment Bank (EIB) should not be given a new mandate of providing a special fund for TEN-T until it improves its access to information and environmental procedures.** The EIB should present a set of clear rules allowing affected citizens to get timely access to project information. The Bank must also increase its capacity to verify the environmental impacts of its investments, and not leave this entirely up to the project promoter.

Which are the major axes?

1) What are the main transport axes, including motorways of the sea, connecting the European Union to the neighbouring countries or broader regions today?

We are not the most suited stakeholder group to answer this question. However, the Commission's DG TREN has already defined Pan-European Corridors and Areas as well as other axes (in its public consultation working document), which gives a first indication on the answer to this and the following question. The "missing" questions and NGO recommendations highlighted above, could be used as some of the criteria to take into account when identifying the main transport axes connecting the EU to its Neighbouring Countries or broader regions today.

Also see answer to question 7)

2) What will these axes be with a time horizon of 2020?

The development of transport volumes as such, per axes and per mode very much depend on the political objectives of the European Commission, its Member States and the Neighbouring Countries as well as the policies or instruments these parties intend to apply.

A policy aiming to develop strong and independent economies in the Neighbourhood Countries requires not only more investment in local and regional transport infrastructure, but also in other facilities such as universities and research institutions, education, health services, energy supply and transparent and reliable political institutions and administration. Such a policy would reduce the need for long-distance transport and for huge transport infrastructure projects.

On the other hand side, a policy aiming to maximize the exploitation of possible differences in labour costs, social and environmental legislation in order to geographically separate production patterns requires more investment in long-distance transport infrastructure. Such a policy has hardly shown to be effective in generating long-term economic benefits so far. The US transportation research board concluded in 1997³ that putting more resources into education and training is likely to offer better returns than transport infrastructure investments. The Danish economist Bent Flyvbjerg claimed in 'Megaprojects and Risks'⁴ that the substantial regional, national and international development benefits commonly claimed by the project promoters typically do not materialize.

BUND/ FoE Germany is clearly in favour of developing independent local and regional economies rather than promoting an economic system focused on the exploitation of economic differences. BUND/ FoE Germany requires that the objective to promote and extend European internal market principles to neighbouring countries must be based on an equal consideration of the economic, social and environmental pillars of sustainable development. Therefore, it is crucial that the TEN-T policy and its extension to the neighbourhood must be conditioned with the application of the environmental (e.g. Habitats, Birds, Environmental Impact Assessment,

³ Transportation Research Board, 1997, 'Macroeconomic Analysis of the Linkages between Transportation Investments and Economic Performance'

⁴ 'Megaprojects and Risks; an anatomy of ambition, Flyvbjerg, Bent, Niels Bruzelius and Werner Rothengatter, Cambridge 2003.

Strategic Environmental Assessment and Water Framework Directive), public participation and social regulation agreed on within the EU.

3) What is the balance between the different transport modes?

So far, with regard to the Neighbourhood Countries in the East, rail freight has a much higher share than in the EU (looking mainly at the “old” Member States). The development of transport in the new Member States over the last decade shows a substantial shift of freight transport from rail to road. This development is clearly against the objectives of the European Commission’s White Paper on the common transport policy from 2001⁵ which aims to stabilise rail freight at the level of 1998. It is very likely that such a shift to road transport will also happen once the EU internal market principles will be extended to Neighbourhood Countries. A problem of the rail network in both new EU Member States and Neighbourhood Countries is that it needs to be upgraded. However, some new Member States even have difficulties with maintaining existing networks without the extra effort of upgrading them (e.g. Poland plans to close one third of its rail network). Indeed hundreds of kilometers of railway lines are being closed in CEE because of bad management and insufficient funding for maintenance and refurbishment.⁶ At the same time, inefficient use of existing infrastructure can lead to bottlenecks in the network and decrease the overall attractiveness of this transport mode. If the management issues are not tackled first, new lines will have to overcome the same image problems. This shows that focussing on developing a few trans-European corridors clearly fails to respond to the transport needs of the new Member States and Neighbourhood Countries.

4) What are the current traffic volumes, both passenger and freight, on the proposed axes?

The European Commission should be in charge of providing this kind of information and making it easily accessible for concerned stakeholders and EU citizens.

5) What is the amount and share of international traffic to/from the Union or between the neighbouring regions?

The European Commission should be in charge of providing this kind of information and making it easily accessible for concerned stakeholders and EU citizens.

6) How will these traffic volumes develop by 2020?

See response to question 2) above.

7) Are there particularly environmentally sensitive areas that must be taken into account when identifying major axes?

It is generally acknowledged that environmentally sensitive areas must be protected against negative impacts caused by human activities, including transport. However, there is no generally

⁵ White Paper: European Transport Policy for 2010: Time to decide, COM(2001)370 final

⁶ Length of railways decreased by 5% in the EU’s 10 new Member States during the pre-accession period. Source: TERM 2002, Paving the way for EU enlargement.

approved definition of what can be described as a particularly sensitive area, in particular from a transport point of view.

On one side, international agreements and European legislation (e.g. Habitats, Birds, and Water Framework Directives) define protected areas, where a balance must be found between protection and the use of the area and its resources. On the other side, the entire planet could be deemed as “sensitive”. Thus the question, how to define sensitive areas that are not already designated as legally protected areas but where economic, environmental and social goals might clash, either within the areas themselves or between neighbouring areas. This aspect is particularly important with regard to the EU’s Neighbourhood Policy, as the affected countries are not yet obliged to comply with the relevant EU Directives to protect sensitive areas.

Many of these countries are, nevertheless, bound via EU Neighbourhood Policy Action Plans or other political agreements to harmonise certain standards with those of the EU and this extends to the environmental acquis. However, having in mind the EU experience with protected area designation and management (the Natura 2000 network) as well as with the implementation and enforcement of other relevant EU environmental legislation, we fear that most of the damage to sensitive areas and the environment in general will be irreversibly done once these countries “catch up” with EU legislation (or equivalent), if ever. Further, the European Commission – if it had the required human resources available, which is NOT the case - and the European Court of Justice will have no remit there and the only pressure that could be exerted by the EU will be “political” and not “legal”.

It is thus vital to require that these countries inventorise as a matter of urgency potential areas for designation as Natura 2000 or equivalent, looking at the efforts already made under national legislation (e.g. National parks) and International Conventions (e.g. Ramsar, Bern, Bonn. etc.). This should be part of the initial identification of TENs-T axes/priority projects.

The lessons from the past TENs-T extensions must be learnt now⁷. We do not want to end up, for example, in a situation as experienced now in EU-25 and Accession countries with regards to the latest extension of the inland navigation component of the TENs-T Corridor VII (the Danube river), where several so-called navigation “bottlenecks” have been identified for removal (in order to make navigation possible) and which correspond 100% to the last remaining high ecological value stretches of the river⁸.

From the point of view of environmentally sensitive areas and environmental protection in general, the extension of the TENs-T to Neighbouring Countries must, therefore, at the very least:

- a) Be subject to the application of (identical or equivalent) provisions of EU Directives on the protection of habitats, birds and water as well as on public participation (Aarhus Convention and transposing EU Directives) and for assessing environmental impacts (Environmental Impact Assessment and Strategic Environmental Assessment Directives), including the internalisation of environmental externalities in any cost-effectiveness tests

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http://www.birdlife.net/action/change/europe/ten-t_case_studies.pdf

⁸ See maps and WWF Danube shipping report at <http://www.panda.org/downloads/freshwater/DanubeReport.pdf>

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- b) Be subject to relevant discussion, dialogue and cooperation between Ministries with responsibility for Environmental Protection/Nature conservation/Water management and Transport
- c) Be subject to public scrutiny and be assessed by an independent body, including at the transboundary level
- d) Not go ahead until – at least – all relevant areas for the protection of endangered species and habitats have been inventorised/identified, protected and suitable management plans are in
- e) place. This should include areas that are already designated under national law and International Conventions and, whenever possible, be extended to all “environmentally sensitive areas” that could easily be affected by TENs-T projects. The European Commission should require this information from Neighbourhood Countries as a condition sine qua non for the identification and development of any TENs-T axes/priority projects
- f) Only developed once the European Commission can ensure that it has enough human capacity and political power to be able to monitor progress in the way the country respects the standards/criteria mentioned under a)-d) above and to enforce them. This should include the establishment of a penalty system (preferably relating to withdrawal of EU investments in those countries) for lack of compliance

Which investments and how?

1) Which are the most pressing congestion, traffic safety or geographical bottlenecks on the major axes that could justify investments?

Without knowing the traffic volumes in detail (see responses above to questions 5 and 6), congestion does not seem to be a problem yet with regard to the axes relevant to Neighbouring Countries.

Traffic safety is a relevant issue and surely requires investments in maintaining and up-grading the existing road transport infrastructure as well as the use of safer transport modes such as rail and water transport. Again, transport safety requires more investments in local and regional networks rather than in a few prestigious trans-European corridors. In addition, it is important that EU legislation with regard to labour conditions, working and rest-time as well as existing road codes are applied, strengthened and thoroughly enforced in the EU Member States and Neighbourhood Countries. The working conditions of truck drivers in new Member States and in the neighbourhood are very poor, which represents a considerable risk for road safety.

Regarding geographical bottlenecks, please note the comments made in relation to environmentally sensitive areas (question 7 above).

2) What kind of improvements (rehabilitation, new construction) to the infrastructure would be needed to remove the bottlenecks?

Given the fact that there are hardly any congestion problems, developing institutional capacity for integrated transport planning, rehabilitation, maintenance and up-grading existing

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infrastructure, improving public transport and safety of light-traffic (relatively high share in traffic accidents) should have priority. As a general rule, the objectives should be met with the most cost-effective measures

3) What is the time horizon for the realisation of such a project?

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4) What would the economic, environmental and safety benefits of such project be?

This is a fundamental question that cannot appropriately be answered in this form. It should be in the interest of the European Commission and all the Member States and its citizens that taxpayers' money must be used in the most efficient manner as possible. Including that it is not used for damaging the environment, which would actually result in socio-economic costs from the impaired ecosystem functions⁹ from which humans would not be able to benefit anymore (e.g. water purification, flood control). Investments in huge transport infrastructure hardly deliver what they promise. The final benefits are often half as high as the forecasts and the costs double the estimates that served as a basis for the political decision to go ahead with the projects (see Flyvbjerg¹⁰ and response to question 2) first part above).

The European Commission should, therefore, demand for all TENs-T projects within the EU and in its Neighbouring Countries a comprehensive assessment of all the economic, social and environmental impacts (including internalisation of the environmental externalities, e.g. economic valuation of ecosystem functions). This should be subject to public scrutiny and be assessed by an independent body, including at the transboundary level. The entire TENs-T extended network should be subject to a Strategic Environmental Assessment.

5) Are there alternative technical or modal options to remove or alleviate the bottleneck?

The application of transport telematics for road and rail and interoperability of rail infrastructure increases the capacity of existing infrastructure.

The establishment of a level playing field within transport modes contributes also to a more efficient use of transport infrastructure. This includes the application of the "user pays" and "polluter pays" principles for all transport modes.

Furthermore, the differences of labour conditions should be reduced between transport modes. Currently, road transport workers are exploited due to production patterns which demand transport at the lowest possible costs. This situation is particularly worrying in new Member States and in the Neighbourhood Countries. Therefore, labour conditions in the road sector must be improved, social dumping reduced and the sector should be helped in the needed reconstruction to make it more sustainable. These efforts would effectively reduce long distance road transport and also contribute to road safety.

⁹ Read more on freshwater ecosystem functions and their economic value in WWF Living Waters Programme; 2004; *The Economic Values of the World's Wetlands*, available at <http://www.panda.org/downloads/freshwater/wetlandsbrochurefinal.pdf>

¹⁰ 'Megaprojects and Risks; an anatomy of ambition, Flyvbjerg, Bent, Niels Bruzelius and Werner Rothengatter, Cambridge 2003.

The rail freight market should also be further liberalised in order to become more competitive and extend its capacities.

A considerable part of the budget allocated to the TEN-T extension should be earmarked for funding innovative intermodal projects and catalyst actions in the Neighbouring countries analogue to the EU's Marco Polo Programme.

Also the EU energy policy like managing its oil demand (EU-Russia Energy Dialogue) has considerable impact on future transport demands both within the EU and between the EU and its Eastern neighbourst (Russian oil exports).

6) How can the project best be financed? What could be the role for private sector involvement and user charges?

The hope of public-private partnerships being developed to finance transport infrastructure with private money has been hardly met so far. This is another indication that most large infrastructure projects are not sufficiently viable/feasible for investment from the private sector. Unusual instruments such as loan guarantees to reduce the risk for private investors just undermine the advantage of the private sector to properly assess projects and to eliminate (economically) unfeasible ones.

Private investments must be made entirely at private risk.

The application of the "user and polluter pays principle" should become a rule for transport as it is common sense for most other goods in a market economy. Providing the use of transport infrastructure for free gives wrong price incentives and leads to a waste of resources. However, user charges and financing of projects should be separated. It is also a waste of resources to build expensive transport infrastructure and make the user pay for it afterwards if there are less expensive measures to reach the same objectives. The Oresund bridge linking Denmark and Sweden and the Channel tunnel linking the UK and France are only two of the most obvious examples showing the limits of private financing and user charges to finance transport infrastructure. Realistically, such projects have so far proven to have to be paid for by public budgets in any case.

The availability of EU funds in New Member States and neighbouring countries very often trigger project ideas that otherwise would not even be on a pre-assessment agenda. They tend to be inadequate, over dimensioned and generally controversial. Here EU funding conditions, like minimum investment requirements, project selection criteria, objectives and other project pre-requisites are crucial for shaping the project proposals and counterproductive from the perspective of integrated and sustainable transportation planning.

How to ensure seamless and efficient use of the axes?

1) What are the main technical and administrative bottlenecks on the axes?

With regard to rail networks, the lack of technical interoperability is a major bottleneck. In relation to the neighbouring countries in the East, there is in addition to the difference of the power

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supply, the safety and rail management systems also a difference with regard to the gauges. Interoperability should in any case be prioritized before any other infrastructure investments are being made.

Furthermore, railways suffer from a more than 100 hundred years history as nationalised monopolies which still create administrative hurdles at the border. This represents a competitive disadvantage with road transport which has no obstacles within the EU at all although this does not apply to the same extent to neighbouring countries.. The main bottlenecks at the borders with Neighbouring countries are not posed by interoperability problems but merely by customs and administrative difficulties- which are similar for the railway sector and come on top of the interoperability problems.

Due to lack of adequate human resources there is very low administrative capacity for integrated transport planning in new EU- Member states and neighbouring countries. Increasing institutional and human capacity for more integrated approaches to transportplanning and management would also reduce bottlenecks.

2) Are there problems of interoperability when crossing borders or changing modes?

Re. interoperability see above question 1.

Intermodality and linking different modes together should have a main priority in order to ensure that existing networks are used most efficiently.

3) Is safety or security a major concern along an axis?

Re. safety: see above question 4. Road safety is clearly an issue which requires better labour conditions, better enforcement and strengthening of existing legislation.

Security is not a major issue in transport nor in other areas, but rather diverts from the real challenges of a global economy which is socially and environmentally respectful.

4) What could be done to solve the bottlenecks today and with a time horizon of 2020?

- First, clearly define the objectives.
- Second, make sure that these objectives do not contradict other EU Policy objectives.
- Third, assess potential measures with regard to their expected contribution to achieve the objectives
- Fourth, implement those with the best cost-benefit (effectiveness) ratio based on a comprehensive assessment of all economic, social and environmental impacts.

All these steps require the participation of organisations representing the interests of the citizens, taxpayers, employees, environmental interest groups etc. in the process. It is particularly important to include such organisations from Neighbouring Countries. The regional spread of the benefits is often misunderstood. Huge projects linking central and peripheral regions together bring often more benefits to the central regions and not those expected to the peripheral regions.

5) How can intermodal transport be facilitated?

Intermodal transport should be facilitated in order to use existing infrastructure more efficiently. The following measures seem important to improve intermodal transport:

- Improving the links between rail and maritime transport
- Improving information and communication systems with regard to managing intermodal services
- Guaranteeing reliability and quality of service
- More competitive and market oriented rail services
- Avoiding parallel infrastructure development for different modes

6) What common market rules should be implemented to facilitate and speed up transport along an axis?

This question is in so far unclear as speeding up transport should not be an objective in its own. Thus it makes no sense to implement rules aiming to this objective.

7) Which policies or administrative procedures should be better integrated?

Social, environmental and regional development objectives should be integrated in the definition of transport objectives.

Social issues are directly relevant to the TEN-T. While peripheral areas suffer from a lack of connections, central areas could be blocked with congestion, along the TEN-T corridors. More infrastructure condensed in the central regions would only increase the gap, instead of achieving the TEN-T goal of social cohesion.

Regarding environmental protection objectives, see answer to question 7) above on environmentally sensitive areas.

We strongly believe that relevant existing legislation must be applied and enforced within the EU and in the Neighbouring Countries. This concerns nature and water protection, public participation, environmental impact assessments but also social and employment standards in the transport sector.

8) What could be the role of the private sector?

The private sector should provide efficient customer-oriented services. It should follow existing social and environmental rules and stigmatise service providers that do not abide by these rules.