

## Proposed Amendments to the Commission's Proposal for a new Regulation on the Trans-European Transport Network (TEN-T)

July 2022

### Executive Summary

We welcome the renewed and even increased focus on urban nodes in the Commission's revised TEN-T proposal. However, the regulation must adhere to the subsidiarity principle and ensure that cities and metropolitan regions are empowered to determine what is best for their electorates; it is crucial that the integrity of local self-governance will be kept intact regardless of the TEN-T requirements. Given that the right of municipal self-governance and planning is constitutionally granted in Germany, we support an opt-in clause whereby following a consultation between Member States and cities, cities can voluntarily choose to serve as an urban node.

We also support the clear signal by the Commission that urban nodes should have the same systemic importance as cross-border projects or long-distance infrastructures. However, we believe the concept of the nodes remains somewhat vague in terms of its function within the overall TEN-T framework. Currently, the proposed changes only partially resolve the ambiguities. The proposed regulation still defines urban nodes very narrowly and builds on a selection criteria of a certain number of inhabitants within the cities' administrative boundaries. This does not take into account the functional area of an urban node, which is often crucial for the practical delivery on sustainability and efficiency goals. Therefore, a clear definition of an urban node as a functional geographical area with access to TEN-T infrastructure, crossing points, and transfer points is needed.

The new obligations and benefits of designated urban nodes also remain unclear in this proposal. A designation as an urban node used to confer benefits on those wishing to seek Connecting Europe Facility (CEF) funding. The future regulation should also provide a fair balance between obligations and privileges. Given the large increase in the number of urban nodes as well as the more ambitious objectives laid out for them in the proposal, we therefore recommend clearer language and commitments to funding opportunities for urban nodes. The obligations listed in the text, in particular the collection of mobility data, is otherwise unfeasible for cities and regions in terms of both time and costs.

### Our main recommendations

- **Define an urban node as a *functional* urban area.**
- Introduce an **opt-in clause** in the selection of affected nodal cities.
- **Synchronise the urban nodes' obligations with implementation needs**, e.g. grant more flexibility in the provisions on statistical information exchange and limit HDV recharging requirements to multimodal mobility hubs where this brings a practical added-value (long distance bus stations).
- **Guarantee a fairer balance between obligations and privileges**, e.g. by specifying responsibilities for the support of nodal authorities and strengthening the funding side of the deal.

## Position by Article

### Articles 3 and 39 plus Annex II – Urban nodes definition, selection and components

The selection criteria for urban nodes – a city with over 100,000 inhabitants or the largest city of a NUTS 2 region – is insufficient to identify urban nodes. Other factors, such as geographical criteria (e.g. location along major transport corridors) and an area’s functionality, must also be considered. Moreover, the binding designation of every major city in the Commission’s new list of urban nodes intrudes on the principle of subsidiarity and Member States’ right to determine their planning needs. As such, we recommend replacing the Commission proposal with an opt-in clause, allowing Member States to name their urban nodes by consulting cities, stating cities’ readiness to be an urban node under the TEN-T regulation at least 12 months after the entry into force.

Furthermore, an urban node capable of fulfilling the new TEN-T obligations cannot be merely understood as the Annex II cities in their administrative borders alone. Rather, an urban node must be seen as a city embedded in, and interdependent on, the surrounding functional transport area – a definition which is also stressed by the Commission’s recent Urban Mobility Framework. Therefore, Article 3(f) and the reference in Article 39(2) should define an urban node as a functional urban area. This approach also provides the necessary flexibility in the case of geographically clustered cities, where neighbouring nodal cities agglomerate in a polycentric region.

Article	EC draft text	Proposed amendment
3 (f)	'urban node' means an urban area where elements of the transport infrastructure of the trans-European transport network, such as (...), located in and around the urban area, are connected with other elements of that infrastructure and with the infrastructure for regional and local traffic	'urban node' means a <b>functional</b> urban area where elements of the transport infrastructure of the trans-European transport network, such as (...), located in and around the urban area, are connected with other elements of that infrastructure and with the infrastructure for regional and local traffic
39, 2.	The urban nodes of the trans-European transport network are listed in Annex II.	The <b>potential core cities of an</b> urban nodes of the trans-European transport network are listed in Annex II. <b>Member states consult these cities concerning their willingness to serve as TEN-T nodal city. The final national list shall be submitted by the member states to the European Commission not later than 12 months after entry into force of this regulation.</b>

#### *Article 40 – Urban nodes requirements*

On a topline level, we welcome the clear requirements outlined in Article 40. The article's formulation requiring Member States to ensure the realisation of each obligation will somewhat reduce the administrative burden on cities. Nevertheless, the question of funding for these new requirements remains a major source of concern. While it is understood that there will be some Connecting Europe Facilities (CEF) funding available, we do not believe it is enough to cover all the necessary projects. Therefore, stronger language is needed, committing Member States to support the cities financially, which are already stretched thin in both personnel and budgetary capacity.

We also support that Member States shall ensure a broad adoption of Sustainable Urban Mobility Plans (SUMPs) across all urban nodes. However, given the time required for the preparation of such comprehensive plans, including time-intensive stakeholder consultations and public participation, the proposed December 31, 2025 deadline is too ambitious. December 31, 2027 would be more realistic, since at least three years are required for substantive planning. In addition, this deadline would correspond with EU financial planning cycles.

We are most concerned about the annual collection and submission of urban mobility data as proposed by the Commission. The required annual data collection is both time- and cost-intensive. German cities have neither the financial nor employee capacity to collect such data; modal split analyses are in particular resource intensive. Furthermore, the collection of some of the urban mobility data listed by the Commission are not a responsibility of German cities, but rather German federal states (e.g. environmental data). Finally, data uniformity poses an issue. If cities must conform their data collection to EU standards, their ability to measure progress based on past data sets that were evaluated differently will be lost. With these concerns in mind, we therefore propose striking the enumerated types of urban mobility data from the article, instead replacing them with a broader call for statistical information sharing every three years. This will allow the time to collect and share data. Synergies with existing national or common data collection methods must also be ensured. As the Commission stressed that the aim of this provision is statistical monitoring on mobility performance only, not any form of data re-use, the term "data" in the regulation should also be changed into "statistical information."

Concerning the requirement for having a multimodal digital mobility service (MDMS) in place, we would like to point out that delivering on such an obligation might not be directly and/or fully in the hands of a given city administration. Seeing Member States as mainly addressed by Article 40, this obligation should rather be limited to MDMS for long-distance passengers or be shifted to the additional priorities in Article 41.

The requirements for a heavy-duty recharging station at a multimodal passenger hub only make sense if the hub includes a long-distance bus station (which, according to the definition in Art. 3 (I), is not necessarily the case). Therefore, the obligation should be limited to this specific case. Heavy-duty vehicles for logistics should not be seen as "target group" for this provision, because from a mobility planning perspective, it is desirable, for various reasons, to keep large trucks out of the city center (where the passenger hub is typically located) whenever possible.

Given their function, multimodal freight terminals need not necessarily be placed within the administrative boundaries of a nodal city; therefore, we strongly support the formulation of a terminal's location in the "vicinity" of an urban node, as currently proposed in the regulation draft. In

a polycentric region with several nodal cities, for example, it may be more economically viable to serve several of the nodal cities through just one multimodal freight terminal.

Article	EC draft text	Proposed amendment
<p><b>40 (b)</b></p>	<p>by 31 December 2025: (i) adoption of a sustainable urban mobility plan (SUMP) in line with Annex V that includes notably measures to integrate the different modes of transport, to promote efficient zero-emission mobility including sustainable and zero-emission urban logistics, to reduce air and noise pollution and that takes long-distance trans-European transport flows into consideration; (ii) collection and submission to the Commission of urban mobility data per urban node covering at minimum greenhouse gas emissions, congestion, accidents and injuries, modal share and access to mobility service, as well as data on air and noise pollution. Thereafter these data shall be submitted every year;</p>	<p>(i) by 31 December 2025: <b>establishing a system for the collection and submission to the Commission of statistical information on urban mobility data per urban node covering at minimum greenhouse gas emissions, congestion, accidents and injuries, modal share and access to mobility service, as well as data on air and noise pollution. Thereafter these data shall be submitted every year; to the Commission on a regular basis at least every three years;</b> <b>(ii) by 31 December 2027:</b> adoption of a sustainable urban mobility plan (SUMP) in line with Annex V that includes notably measures to integrate the different modes of transport, to promote efficient zero-emission mobility including sustainable and zero-emission urban logistics, to reduce air and noise pollution and that takes long-distance trans-European transport flows into consideration;</p>
<p><b>40 (c) (iv)</b></p>	<p>the development of multimodal passenger hubs to facilitate first and last mile connections which are equipped with at least one recharging station as defined in Article 2, point (43), of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure] dedicated to serve heavy-duty vehicles;</p>	<p>the development of multimodal passenger hubs to facilitate first and last mile connections. <b>which are Where those hubs encompass a terminal for long-distance bus transport, they shall be</b> equipped with at least one recharging station as defined in Article 2, point (43), of Regulation (EU) [...] [on the deployment of alternative fuels infrastructure] dedicated to serve heavy-duty vehicles;</p>

*Article 41 – Additional priorities for urban nodes*

In general, we welcome the ambition of the Commission’s proposal in the additional priorities laid out in Article 41. The listed items, like mitigating the negative externalities of transport or supporting the modal shift to public transport and active mobility, are profoundly relevant for a sustainable mobility transition and therefore at the heart of cities’ transport policies. Understanding this article as the “privilege”-side of the deal and assuming that these priorities are used to grant cities’ access to respective CEF and other funding, we propose clearer language in the phrasing preceding the priorities (e.g. “Member States shall support,” rather than “attention shall be given to”) and to indicate in which context such attention will be given.

Article	EC draft text	Proposed amendment
41	In the promotion of projects of common interest related to urban nodes, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following: (...)	In the promotion of projects of common interest related to urban nodes, and in addition to the general priorities set out in Articles 12 and 13, <del>attention shall be given to the following</del> <b>member states shall support:</b> (...)

*Annex V – SUMP*s

We welcome the SUMP-approach, which is a strategic and holistic tool to operationalize multimodal mobility, deliver on EU climate protection goals, ensure accessibility to transportation, and address the connectivities between long-distance and local traffic flows. Given these complex topics, flexibility is required to develop tailored solutions on the ground as well as to incorporate the SUMP-approach into existing urban/mobility plans. Annex V in its current form, given its precise listing of priorities while allowing for flexibility, does exactly this. The usage of SUMP for “functional urban areas” (not merely within the political boundaries of a city administration) is particularly accurate, given the frequent case of commuter mobility extending beyond political or administrative borders. As mentioned previously, urban nodes are diverse; for the many areas in Germany that are polycentric in nature, supra-municipal or regional SUMP may also be helpful. Finally, we underscore that high-quality SUMP and their respective processes need sufficient resources in workforce, time and money. As the respective support frameworks differ greatly between member states, we see a need for additional funding here.

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