



ΕΒΡΟΠΕΪΣΚΙ ΠΑΡΛΑΜΕΝΤ ΠΑΡΛΑΜΕΝΤΟ ΕΥΡΟΠΕΟ ΕΥΡΟΠΣΚΪ ΠΑΡΛΑΜΕΝΤ ΕΥΡΟΠΑ-ΠΑΡΛΑΜΕΝΤΕΤ  
ΕΥΡΟΠΆΙΣΧΕΣ ΠΑΡΛΑΜΕΝΤ ΕΥΡΟΟΡΑ ΠΑΡΛΑΜΕΝΤ ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT  
PARLEMENT EUROPÉEN PARLAIMINT NA HEORPA PARLAMENTO EUROPEO EIROPAS PARLAMENTS  
EUROPOS PARLAMANTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT  
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN  
EURÓPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET

## The Committee on Transport and Tourism in action



Achieving sustainable,  
efficient and safe transport  
in Europe



# Achieving sustainable, efficient and safe transport in Europe

The Committee on Transport and Tourism  
in action

### Illustration sources:

Cover: European Parliament

p.13 Top: ©shutterstock.com  
Middle: Photo library of the European Commission  
Bottom: Photo library of the European Commission

p.36 Map TEN-T: European Commission, DG TREN

p.39 Top: © istockphoto.com  
Middle: Photo library of the European Commission  
Bottom: © istockphoto.com

p.73 Top: ©istockphoto.com  
Middle: European Commission, DG TREN

p.97 Top: Photo library of the European Commission  
Middle: Photo library of the European Commission  
Bottom: Photo library of the European Commission

p.117 Top: © istockphoto.com  
Middle: © istockphoto.com  
Bottom: © istockphoto.com

### Technical Note

Users of the electronic version will find a hyperlink next to the rapporteur's name. This link is to the European Parliament's Legislative Observatory which provides the final legislative text and documentation for earlier stages in the legislative process in a variety of languages.

Additional information on the Committee's work can be found on the Committee's website:

<http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=TRAN>

Publication drafted by the secretariat of the Committee on Transport and Tourism, Directorate-General for Internal Policies, European Parliament; manuscript updated as of 15 February 2009. The contents of this document do not necessarily represent the official position of the European Parliament.

ISBN 978-92-823-2626-8

doi: 10.2861/2267

© European Communities, 2009

Reproduction is authorised provided the source is acknowledged.

*Printed in Luxembourg*

# Table of Contents

<b>Foreword</b>	<b>7</b>
<b>Improving Interoperability</b>	
<b>Road</b>	
Road infrastructure safety .....	15
Deployment of Intelligent Transport Systems (ITS) .....	16
Intelligent Transport Systems action plan .....	17
<b>Rail</b>	
Compensation for rail freight services .....	18
Promoting the interoperability of the Community's rail system .....	19
Making the Community's railways safer.....	20
Reinforcing the European Railway Agency's role .....	21
Certification of train crews .....	23
Deployment of the European rail signalling system .....	24
<b>Aviation</b>	
Community air traffic controller licence .....	25
Extending the tasks of the European Aviation Safety Agency .....	26
Performance and sustainability of the aviation system.....	27
Aerodromes, air traffic management and air navigation services .....	27
<b>Maritime Transport</b>	
Mutual recognition of seafarers' certificates.....	28
Statistics concerning inland waterways transport.....	29
Minimum level of training of seafarers .....	30
Short sea shipping .....	30
Information for the safety, security and efficiency of inland navigation.....	31
Enhancing port security .....	32
Inland waterway vessels .....	33
Naiades: an action plan to promote inland waterway transport .....	34
Marco Polo II - cutting road congestion.....	35
Proposed revision to simplify procedures and encourage SME participation .....	35
Unifying Europe: Trans-European Networks for Transport .....	36
<b>Enhancing Market Access</b>	
<b>Road</b>	
Ending discrimination in transport rates and conditions.....	41
The EU's freight transport agenda .....	42
Freight transport logistics in Europe - the key to sustainable mobility .....	43
Improving market access for coach and bus services.....	44

Improving market access for road carriage .....	45
Common rules for road transport operators .....	46
Charging heavy goods vehicles for infrastructure use .....	46
Eurovignette III .....	48
Public service requirements for transport by rail and road .....	49
Harmonising certain road transport social legislation .....	50
Enhancing supply chain security .....	51
<b>Rail</b>	
Development of the Community's railways .....	52
The implementation of the First Railway Package .....	53
A European rail network for competitive freight .....	54
<b>Aviation</b>	
Common rules for air transport services .....	55
Airport capacity and ground handling .....	56
Airport charges .....	57
A sustainable future for General and Business Aviation.....	58
<b>International Agreements</b>	
Developing the Community's external aviation policy .....	59
Establishing a European Common Aviation Area .....	60
Relations with Russia and China in the field of air transport .....	61
Air Transport Agreement with the United States.....	62
Euro-Mediterranean Aviation Agreement - Morocco.....	63
Developing a Common Aviation Area with Israel.....	64
Horizontal air services Agreements .....	64
Agreements following the accession of Bulgaria and Romania .....	66
Other international Agreements .....	66
<b>Maritime Transport</b>	
Market access for port services .....	67
A European ports policy .....	68
Application of EC competition rules to maritime transport .....	69
<b>Postal Services</b>	
Application of the Postal Directive .....	70
Achieving an internal market for Community postal services .....	71
<b>Protecting Consumers</b>	
<b>Road</b>	
Motor vehicle frontal protection systems .....	75
Protection of pedestrians and other vulnerable road users .....	76
Towards Europe-wide safer, cleaner and efficient mobility .....	77
Retrofitting mirrors to heavy goods vehicles .....	78

Seats and head restraints in motor vehicles .....	79
Driving licences.....	79
Halving the number of road accident victims .....	80
Using eCalls to reduce the severity of road injuries .....	81
Mid-term review of European road safety action programme .....	82
Inland transport of dangerous goods .....	83
Penalising traffic offences committed abroad .....	84
Rights of passengers in bus and coach transport .....	85
<b>Rail</b>	
International rail passengers' rights and obligations.....	86
<b>Aviation</b>	
Promoting air passenger safety .....	87
Informing air transport passengers about the operating carrier .....	88
The rights of persons with reduced mobility when travelling by air .....	89
Common rules in the field of civil aviation security .....	89
Computerised Reservation Systems (CRS) .....	91
<b>Maritime Transport</b>	
International Safety Management Code within the Community.....	92
The Third Maritime Package.....	93
Liability of carriers of boat passengers in the event of accidents .....	94
Rights of passengers when travelling by sea and inland waterway.....	95
<b>Promoting Sustainability</b>	
<b>Road</b>	
Keep Europe moving - mid-term review of the White Paper .....	99
Green Paper on urban mobility .....	100
A Parliamentary action plan on urban mobility .....	101
Moving towards a sustainable European transport policy .....	102
Greening of transport and the internalisation of external costs .....	103
Conclusion of Transport Protocol to the Alpine Convention .....	104
<b>Maritime Transport</b>	
Towards a future maritime policy for the Union .....	105
An integrated maritime policy for the European Union .....	106
Funding to deal with pollution caused by ships .....	107
Banning single-hull oil tankers.....	108
Civil liability and financial guarantees of ship-owners.....	109
Compliance with the obligations of Flag States .....	110
Introducing criminal sanctions for ship-source pollution .....	111
Penalising ship-source pollution .....	112
Vessel traffic monitoring system .....	113

Investigating accidents in the maritime transport sector .....	114
Port State control of ships using Community ports .....	115
Classification Societies .....	116
<b>Tourism</b>	
Prospects and challenges for sustainable European tourism .....	119
A stronger partnership for European tourism .....	120
<b>Comitology</b>	<b>123</b>
<b>Opinions</b>	<b>125</b>
<b>Annexes</b>	
Members of the Committee .....	135
Committee's responsibilities.....	145
Hearings, studies and delegations .....	147

# Foreword

by Paolo Costa,  
Chairman of the Committee on Transport and Tourism

This booklet looks back on the last five years' work of the Committee on Transport and Tourism and seeks to draw lessons for the future. Had it been written only a few months ago, the context would have been the unprecedentedly high price of oil and its impact on transport costs and traffic together with deep concern about climate change and transport's unwelcome contribution to CO<sub>2</sub> production. Today the defining reference has to be the financial, economic and social crisis that is affecting the global economy.

## Transport and the economic crisis

As recession, triggered by the US "financial crunch", is taking hold, demand for transport is weakening, but no one can predict by how much and for how long this trend will last. What is very clear, however, is the need for urgent, internationally-coordinated action to mitigate the economic downturn and save jobs by substituting public spending for the shortfall in private consumption and investment. And, if Member States and the European Union were to take active steps to combat unemployment and the general economic recession, transport infrastructure should occupy a prime place in any list of investments that could, in the short run, help overcome the private sector's current reluctance to consume and invest, and, in a medium term perspective, help boost European competitiveness.

Investment in sustainable infrastructure does not merely have a one-off impact but generates returns far into the future. Thus, countries like China, India and the US are right to foresee spending large sums, representing significant proportions of their stimulus packages, on infrastructure projects. Regrettably the same cannot, so far, be said about European recovery plans.

## Building a European transport policy: still work in progress

It is worth recalling that, in 1982, Angelo Carossino, MEP, wrote a report "On the common transport policy" that paved the way for Parliament to take Council to the Court of Justice for a "failure to act" concerning the adoption of a common transport policy. This led to the Court's ruling of May 1985, which recognised Council's infringement and resolved a legislative deadlock that had existed since 1957.

That report deplored the way that "...Community legislation in the matter so far has been a disjointed and unsystematic jumble of isolated measures, and in no way can it be claimed that the transport sector operates within the framework of a common transport policy...". This situation stemmed from the "original sin" concerning transport in the Treaty of Rome. In the 1957 Treaty, transport's crucial importance in the construction of the common market is affirmed as one of the "principles", but it was regulated by a specific Title, Title V, which, at the time, included only road, rail and inland waterway transport. The extension of Community competence to maritime and air transport was subject to a subsequent unanimous decision of the Council.

This solution was an alternative to deferring the signature of the Treaty of Rome, until a compromise could be found on the content of the common transport policy. Consideration was even given to removing transport from that Treaty and postponing it to a future Treaty. As a result, transport was included neither in Title I, on

the free movement of goods, nor in Title III, on the free movement of persons, services and capital. A “trap” that the common transport policy only overcame after the Court of Justice’s 1985 ruling and through the “procedural” provision (Article 71) which authorises the Community to act on transport matters, including laying down “any other appropriate provisions”. This provided the legal basis for several proposals that have been presented during the laborious development of a common policy for this sector.

It is useful to recall the history of this special and “temporary” framework, needed owing to the importance and variety of national interests in the field of transport, because it has survived through all the revisions of the Treaty and is repeated almost entirely in the Treaty of Lisbon.

Neither the definition nor the completion of the common transport policy has yet been finalised. If, in some cases, new European legislative measures consist of revision and reformulation, with the objective of improving established sectoral rules, in other cases there is new regulation that can be more or less courageous. The EU-enlargement toward the East in 2004 justifies, partially, the extension of the transitory period; the national interests are the other reason that it is difficult to establish European legislation in place of the 27 different national rules. It is not by chance that road freight hauliers from one Member State can only transport goods between two points within another Member State (cabotage) “on a temporary basis” and that hauliers from some new Members States are still excluded from performing any cabotage; or, even worse, that the Commission will only submit a report by 31 December 2012 on the future “potential” opening of national rail passenger markets.

Therefore, it seems right, bearing in mind the great number of European legislative acts approved by Parliament and Council through the co-decision procedure in the 2004-2009 legislature, to ask the same question as that of Carossino. One should undoubtedly recall that, fortunately, the period from the early 1990s has been a productive one for European transport. This is due to the 1992 Treaty of Maastricht, which added a new Title, covering Trans-European Networks, and to the benefit the common transport policy gained from the vigorous conceptual redefinition set out in the 2001 White Paper and the mid-term review of 2006.

In the last five years we have seen a jumble of unrelated measures. Can we claim to have followed a consistent approach in constructing a common transport policy, one that is adapted to new needs and times?

Although I think we should have done much more, the answer, fortunately, is yes. We can say that, in the last five years, we have achieved good results with Parliament playing its role by contributing, in almost all cases, to improving the Commission’s proposals, taking a more pan-European, rather than national, perspective and also sometimes by fighting with Council, in the “third reading” conciliation committee until the very last moment.

### **The objective: an internal market through liberalisation and interoperability**

After more than 50 years of Community responsibility for a common transport policy in order to establish a single market, we must conclude that this objective has still not been fully achieved, as the above mentioned cases of road freight transport and rail passenger traffic dramatically show. On the other hand, it must be recognised that transport is far from being the only policy area where there has been a gap between the EU’s ambitious targets and the results actually delivered. Moreover, to be fair, we must also acknowledge the progress that has been made, particularly during the past five years, along the lines of both increasing technical interoperability and market liberalization and connecting national infrastructure networks.

The situation differs somewhat between the various transport modes. As far as **rail** is concerned, only freight transport has been completely liberalised in the EU since the start of 2007, for both national and international services. By contrast, only international passenger services will be liberalised from 1 January 2010. Nevertheless, progress has been made in removing obstacles and technical barriers. The adoption of the legislative package on the cross-acceptance of railway rolling stock will allow the free movement of trains across the EU as well as harmonising and enhancing safety rules and reinforcing the role and responsibilities

of the European Railway Agency. It should not be forgotten that many of the package's crucial elements were only included as a result of Parliament's determined efforts.

By contrast, much of the internal **road** market framework has been established for longer. Some of the existing rules are currently being updated, simplified and supplemented including those on market access for coach and bus drivers. Improved cabotage rules are also being discussed. During the current legislative term a Directive on road infrastructure safety was adopted. This will ensure that safety is integrated in all phases of the planning, design and operation of road infrastructure forming part of a Trans-European Network.

The internal **air** market has been a reality since the 1990s. The rules have been updated and consolidated in one Regulation, which will ensure more competition and higher standards. It requires airlines to include all taxes and charges in their published ticket prices, helping European passengers to compare offers more easily. We have also adopted legislation progressively extending the responsibilities of the European Aviation Safety Agency (EASA). Similarly, air space management was addressed by the first Single European Sky legislation adopted in 2004. However, air traffic management in Europe remains highly fragmented which hinders optimal capacity use and imposes an unnecessary financial burden on aviation. This problem is being addressed through the Single Sky II legislation, which we hope will soon be adopted.

As regards **maritime** transport, sea journeys from one Member State to another are still considered as external due to international regulations. This prevents the EU from optimising its internal traffic and simplifying internal trade. There is still a long way to go before achieving a single EU maritime space, governed by common rules on safety, security and environmental protection, although we have made some progress through the very recent adoption of the "Third Maritime Package". Inland waterway transport, which can make an important contribution to reducing road congestion, has been developed by the Marco Polo programme. A further simplification of this programme, which should encourage SME participation, is expected to be adopted shortly.

Following the rejection of the Commission's proposals on access to port services, we yet have to establish a successful ports policy that ensures sound competition and transparent access. The Commission's intention to submit a legislative proposal to create a barrier-free European maritime transport area is therefore welcome.

**Postal services** have been progressively liberalised whilst ensuring that all European citizens will have collections and deliveries at least five days a week. Funding for these universal services has been guaranteed.

### **Trans European Networks for Transport (TEN-T)**

Another "historic" element of EU transport policy is the TEN-T programme, which was originally intended to provide the physical infrastructure for the internal market. The programme's objectives are to establish a single, multimodal transport network that connects Europe's regions in a technologically advanced, sustainable way.

The existing TEN-T guidelines establish a list of 30 priority projects which are to be completed by 2020. For the most important and problematic projects, the Commission has designated European coordinators who are doing a remarkable job in promoting the implementation of their respective projects. Parliament's Committee on Transport and Tourism has organised annual exchanges of view with the coordinators.

The TEN-T guidelines will soon be revised to take into account the changing economic conditions, the EU's latest climate change targets, the eastward expansion of the EU, the necessity of connecting TEN-T to the rest of the world via major ports and airports and that of strengthening the EU's transport connections with neighbouring countries. The review should also focus on environmentally-friendly solutions. The "Motorways of the Sea" concept, which aims to introduce new intermodal, maritime-based logistics chains in Europe, can also contribute to this goal.

It is estimated that the total cost to complete the core priority project network amounts to around €330 billion, which is in stark contrast to the mere €5.3 billion of EU funding allocated under the 2007-2013 financial framework. Given the budgetary constraints many countries face, a greater involvement of the private sector through various types of carefully-designed Public Private Partnerships is required. These issues are considered in more detail in the relevant section of this booklet.

### **Reinforcing the international dimension**

Our transport policy will need to look beyond our borders and think globally. The first aim must undoubtedly be to better connect Europe with worldwide markets to strengthen our competitiveness. Maritime and air transport will play a particularly important role in this context. In the future we will need an “international common transport policy”, with the required instruments and institutional setting, to complement the European one.

There is a particular need for greater development of cross-border cooperation with neighbouring countries, especially those of the southern Mediterranean rim, by extending TEN-T. Motorways of the Sea and the Marco Polo programme (which should be extended to neighbouring countries) need to be upgraded to facilitate the movement of goods coming from the new southern Mediterranean hub ports. This would bring Europe closer to its neighbours and help to rebalance freight traffic flows. In the near future, transport services and infrastructure will also become important tools for building peaceful and fruitful relations with “the neighbours of our neighbours” in Central Asia and Sub-Saharan Africa.

### **New challenges ahead: promoting sustainability**

One of the key future challenges facing European transport is environmental sustainability. The internalisation of external costs is crucial as it allows environmental objectives to be pursued in two ways. It creates appropriate incentives by reducing demand for polluting forms of transport. Additionally, it generates revenue that can (and should) be used to promote and finance alternative, more efficient and environmentally-friendlier transport infrastructure.

The “user pays principle” has been in operation for some time but greener transport requires that this be supplemented by the “polluter pays principle”. In addition to charging for infrastructure costs, users should also be charged for the external costs they create through pollution, congestion and the emission of greenhouse gases. Since the transport sector is one of the main greenhouse gas emitters, it must make its full contribution if Europe is to meet its climate change commitments. So far, only aviation has been included in the EU’s greenhouse gas emissions trading scheme from 2012. In the future, we must find ways to address the other transport modes.

Urban mobility is also crucial in the quest to make transport more sustainable. Urban transport is a major, and growing, source of CO<sub>2</sub> emissions and creates noise, which affects city dwellers’ health and quality of life. Following a Commission Green Paper on urban mobility, Parliament set out its views and called for orchestrated action involving all governmental levels – European, national and local. The Commission Green Paper promised an action plan on urban mobility by autumn 2008. As the plan has yet to be delivered, Parliament decided to draw up its own report. This will include proposals for specific measures to boost sustainable urban mobility.

### **Protecting consumers**

Another key issue is consumer protection, including safety and security, where we can be proud of the considerable progress that has been made. The establishment of a regularly-updated Community blacklist of air carriers who are banned from operating in Europe is an important milestone. In addition, we are currently discussing a Commission proposal to extend the European Aviation Safety Agency’s responsibilities to cover the safety of aerodromes and Air Traffic Management. These are vital components from a safety point of view.

We have also adopted a new framework Regulation establishing basic principles and common rules for civil aviation security.

The recently adopted “Third Maritime Package”, following intense negotiations with the Council, marks the end of a long journey towards greater maritime safety, which began with the shipwreck of the oil tanker ‘Erika’ off the coast of Brittany in 1999. This package must be considered a great success for the Parliament. Not only did we enable all of the Commission’s proposals to be adopted, including two which had originally been blocked by Council. We also succeeded in considerably strengthening the substance of the legislation, despite initial resistance from Council.

Finally, the EU should establish a complete set of rights to ensure that passengers receive the same basic standards of treatment, applicable to all modes of transport, wherever they travel in the Union. Special attention should be paid to ensure that disabled people and others with reduced mobility have necessary facilities and are accepted as travellers. A set of rights has already been established at the Community level for air and rail travel. For bus and coach transport and for transport by sea and inland waterways, the gap should soon be closed, as Commission proposals are currently under discussion in first reading.

The Committee has also been attentive to its responsibilities regarding tourism, which has a significant role to play in the Lisbon strategy for growth and jobs. It has recognised the important interactions between transport policy – in particular sustainability, passenger rights and consumer protection – and tourism policy, calling for improved statistical information, enhanced electronic tourist services and greater attention to the growing role of health and thermal tourism.

## Conclusion

EU transport policy has gone some way during the last five years towards reaching its historic objectives of creating a single market with interoperable transport systems and a highly effective network that strengthen internal European cohesion. However, much remains to be done. Part of the future challenge will be to work towards fully achieving the objectives that have existed since 1957: “building the single internal market”. However EU transport policy must also address new challenges, including the fight against climate change and to protect the environment, to assure safety and security in transport and to enhance consumer protection.

In this perspective the future common transport policy will have to rely more and more on “non-transport” legal bases: those that justify bold European action on environment, security, or consumer protection; policy areas where subsidiarity has to be envisaged in the unconventional terms of “not doing in 27 Member States what can be better done in Brussels!” But what should and, I hope, will characterise the new season of the European common transport policy will come from the need to set everything in a global perspective, with transport policy enhancing Europe’s connections to the rest of the world.

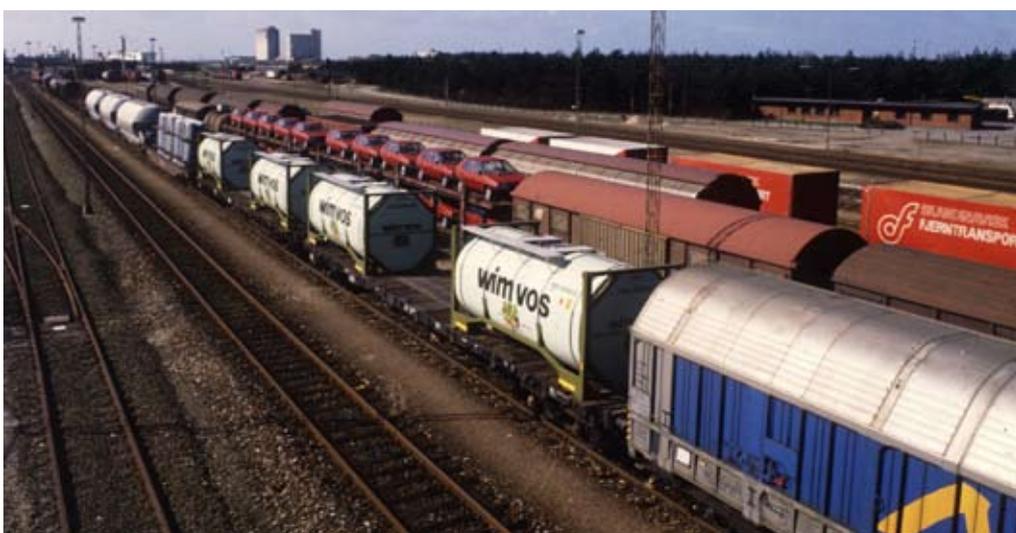
Both European and international targets will be attained only if another historical goal will be achieved: lifting the financial constraints. Too many common policies collapse as a result of the lack of resources. Long term transport infrastructure investments of undisputed “common interest” need and deserve European financial resources provided by European debt, through “Eurobonds” guaranteed, at least temporarily, by the Union.

While we have started to meet these challenges, they will keep us busy for some time to come.





# Improving Interoperability





One of the keys to the smooth running of transport activities, especially the safe and efficient transport of people and goods is that different transport modes are interconnected and interoperable throughout Europe. The Committee on Transport and Tourism committed itself to establishing common rules to improve the interoperability of railways, road infrastructure and air traffic - to name only a few - and to do everything possible so that crew members, seafarers and other transport workers could also become interconnected by being allowed to exercise their profession throughout the Union, based on certain qualifications that would be mutually recognised.

Another feature of interoperability is organising efficient linkages between different transport modes in order to ensure that the whole transport chain becomes more environmentally-friendly by integrating railways, inland waterway and short sea transport, and generates cost savings. The intermodal transport of goods and people needs a European framework which the Committee helped to develop.

Having in mind the European vision of unifying people and territories, the Trans-European Networks for Transport (TEN-T) are the backbone which enables the free movement of people and goods within the Union and towards its neighbouring countries. The Committee pushed hard to get the TEN-T on track and to convince Member States to invest more in order to ensure that economic growth, territorial cohesion, the creation of jobs and the fight against climate change progress together.

## Road

### Road infrastructure safety

---

Rapporteur: Helmuth Markov (GUE/NGL, DE) – 2006/0182(COD)

Adopted at first reading

#### Improving road infrastructure safety management

The physical features of a road network, together with associated traffic volumes, contribute significantly to accidents. Infrastructure safety is therefore an important pillar of a comprehensive road safety policy. Consequently, the Commission proposed a Directive to ensure that safety is integrated in all phases of the planning, design and operation of road infrastructure forming part of the TEN-T.

This would be achieved through a comprehensive system of road infrastructure safety management consisting of four major elements. First, safety impact assessments should be carried out to inform decision makers about the safety implications of new roads or major changes to existing roads. Moreover, road safety audits should provide for an independent control and technical verification of the design of either a new road or a rehabilitation of an existing road. Thirdly, remedial measures should be taken with regard to road sections with a high concentration of accidents. Finally, Member States should make safety inspections in order to identify and reduce the risk of accidents through cost-efficient measures. These procedures should be carried out in accordance with the specifications laid down in the annexes of the proposed Directive.

## Leaving the details for the Member States

The Committee on Transport and Tourism initially took the view that the proposed Directive would not add any value and would be too prescriptive and therefore on 4 June 2007 voted to reject the proposal by a narrow margin. Instead, the Commission should come forward with a recommendation providing for an exchange of best practice between Member States.

However, after Plenary had referred the matter back, the Committee reconsidered its position and, on 26 February 2008, adopted a report with 58 amendments to the Commission proposal. Most importantly, the Committee voted to make the annexes of the Directive non-binding. Thus, while Member States are still obliged to carry out road safety impact assessments, road safety audits and safety inspections, they will have flexibility in how to do them. In other words, the specifications laid down in the annexes would rather serve as a set of guidelines.

Given the considerable degree of convergence between the position adopted by the Committee and Council's general approach of 20 September 2007 (which also provided for non-binding annexes), the Institutions started informal negotiations with the aim of concluding a first reading agreement. In the course of these negotiations, Parliament insisted successfully on a number of amendments, which strengthen the Directive as compared to the text foreseen by Council.

Thanks to Parliament, the agreed text includes a paragraph providing for the establishment of a coherent system for the exchange of best practice on infrastructure safety management and road safety technology between Member States in order to also improve the safety of roads which do not form part of the trans-European network. Another Parliamentary amendment accepted by Council ensures that signs are in place to warn road users of infrastructure segments that are undergoing repairs and which may thus jeopardise safety. Finally, Parliament succeeded in adding numerous elements which Member States should take into account when carrying out road safety impact assessments, road safety audits and safety inspections (e.g. the presence of sufficient safe parking areas, vulnerable road users and intelligent road signs).

## Deployment of Intelligent Transport Systems (ITS)

---

Rapporteur: Anne E. Jensen (ALDE, DK) – 2008/0263(COD)

First reading expected in April 2009

### Specifications for interoperable ITS applications

ITS are advanced applications which use Information and Communication Technologies for transport and provide innovative services on transport modes and traffic management. While ITS applications have proven their effectiveness, by making transport more efficient, safer, more secure and cleaner, their benefits for European users and infrastructure were not optimised. In order to meet the challenges of using ITS better, the Commission decided, at the end of 2008, to adopt an action plan on ITS and to accompany this with a legislative instrument.

The proposal Directive aimed to accelerate the adoption of specifications on ITS in four main priority areas: information and data; traffic management; road safety and security; and vehicle-infrastructure integration. Measures would be implemented at the EU level by a European ITS Committee (EIC) using the regulatory procedure with scrutiny (RPS).

The proposal foresaw obligations for Member States to ensure the coordinated deployment and use of interoperable ITS applications and services. It was provided that Member States' ITS deployment

should take into account key principles such as effectiveness, cost-efficiency, geographical continuity and interoperability.

The four priority areas where common specifications would be provided, corresponded to four priority action areas proposed in the ITS action plan. Their core elements were specified in an annex. An advisory group of ITS high-level experts was proposed to assist the Commission.

### **Enhancing safety and rapid deployment of ITS**

During its February meeting, the Committee debated the draft report. The rapporteur supported the main objective of the proposal which was the rapid deployment of ITS. It was suggested that the compliance with key principles of the ITS deployment should be binding obligations.

Other proposals included measures to enhance interoperability and backward compatibility and provisions concerning vulnerable users, liability and the use of anonymous data and data protection. It was also proposed that the ITS advisory group should have an adequate representation of stakeholders, ensure transparency in its work and issue technical opinions.

Regarding the regulatory approach taken by the Commission for the adoption of specifications using the RPS, the rapporteur favoured limiting the scope of this comitology committee. New specifications were put forward to cover safety of vulnerable road users with Advanced Driving Assistance Systems and solving liabilities issues from Human-Machine-Interface.

## **Intelligent Transport Systems action plan**

---

Rapporteur: Anne E. Jensen (ALDE, DK) – 2008/2216(INI)

Resolution expected to be adopted in April 2009

### **Filling the gap with a rapid deployment**

At the end of 2008, the Commission adopted a Communication on an action plan for the Deployment of Intelligent Transport Systems (ITS) in Europe. This provided a comprehensive strategy with specific actions for the deployment of ITS in road transport, including interfaces with other transport modes. It was accompanied by a Directive aiming in great part at the implementation of the action plan.

While ITS contribute to transport efficiency, sustainability, safety, security and competitiveness, their deployment remains slow and fragmented and is accompanied by a lack of continuity and coherence. The Commission noted that, while several applications had been developed for different transport modes, there was no coherent European framework for interconnection between road and the other transport modes.

The action plan addressed issues of geographical continuity, interoperability of services and systems and standardisation by setting six priority action areas with specific actions and target dates: the optimal use of road, traffic and travel data; continuity of traffic and freight management ITS services in European transport corridors and conurbations; road safety and security applications of ITS; integration of the vehicle into the transport infrastructure; data security and protection, and liability issues; and European ITS cooperation and coordination.

### **Accelerating ITS deployment and clarifying EU actions**

In the draft report, the rapporteur welcomed the proposed action plan but criticised the delay in setting up a common framework ensuring a more effective deployment of ITS in the Union. The report supports increased cooperation between the public and private sectors and calls questions about liability to be clarified.

Enhancing interoperability and backward compatibility and standardisation were considered to be horizontal issues that needed to be addressed. The need for a coordinated implementation of various existing initiatives, actions or adopted measures in order to ensure a smooth and coherent deployment of ITS across all EU Member States was stressed in the resolution.

While endorsing the content of the actions proposed by the Commission in the six priority areas, the rapporteur outlined the following additional actions and/or measures:

- the need for a critical mass of information, minimum universal traffic information services for the TEN-T;
- the need to respect privacy and intellectual property rights, and to consider data security and protection issues;
- the inclusion of ITS aspects in urban mobility, cross-border cooperation and traffic management;
- the promotion of the Advance Driving Assistance Systems, the mandatory application of e-Call by 2010, the prevention of speeding, alcohol driving and driving without seatbelt, the protection for vulnerable road users and ensuring parking places for lorry drivers,
- a road map for common platforms architecture for standardised interfaces, with the participation of the private and public sectors, training, a forum for exchanging information and addressing ITS issues; and
- better governance from EU and Member States with regard to EU assets such as Galileo.

Finally, the resolution called on the Commission to provide a full explanation of the funding of the action plan and its programming, and on Council to secure sufficient funding.

## Rail

### Compensation for rail freight services

---

Rapporteur: Roberts Zile (UEN, LV) – 2004/0050(COD)

Rejected at first reading

Part of Third Railway Package

#### **A uniform system of quality requirement and liability for European rail freight**

On 3 March 2004, the Commission adopted this proposal as part of the “Third Railway Package”, together with three other pieces of legislation: on the opening of passenger rail transport to international competition; the rights of passengers using international services; and on establishing a certification system for locomotive drivers (see subsequent points).

This proposal for a Regulation aimed to create a regulatory framework for compensation in rail freight, based on the principles of the provisions contained in the Uniform Rules (CIM) annexed to the Convention concerning international carriage by rail (COTIF). It would have applied to national and international rail freight services. The railway undertaking would have paid compensation in the case of loss of or damage to the goods being transported or when a maximum transport time was exceeded.

The proposed EU Regulation defined not only a liability system, including liability limitations and the responsibilities of rail infrastructure managers, but also a quality monitoring scheme.

Quality requirements for rail freight services would have been defined in agreements, between rail operators and customers, which respected a certain number of minimal quality requirements. In parallel, the proposal for a Regulation would have defined liability, compensation levels and fall-back rules for responsibilities of operators and customers. Through this piece of legislation, the Commission aimed to make mandatory compensation a feature of contracts negotiated between rail operators and their freight customers.

### **Parliament rejected the proposal**

After the Committee on Transport and Tourism rejected the proposal by a clear majority, Parliament confirmed the rejection in Plenary in September 2005. The Committee argued that it would have increased costs for rail freight services and would have distorted competition with road transport. They did not believe that a compensation system of this type would have improved standards in the industry. Existing international legislation was already imposing rules for rail which were stricter than those for road transport.

Parliament also considered that enhancing market access for new rail companies and improving railway infrastructure should instead be emphasised.

## **Promoting the interoperability of the Community's rail system**

Rapporteur: Josu Ortuondo Larrea (ALDE, ES) – 2006/0273(COD)

Adopted at first reading

### **Enhancing and simplifying rules on cross-acceptance of rolling stock**

In 2005, the Commission's Task Force on the cross-acceptance of rolling stock presented guidelines for facilitating the placing in service of existing rolling stock. National procedures for the approval of locomotives were considered to be one of the main barriers hindering the creation of new railway undertakings and the interoperability of the European railway system.

On 13 December 2006, the Commission adopted, following wide consultation, a proposal on the interoperability of the Community rail system which sought to ensure the free movement of trains across the EU and to complete rules on cross-acceptance of rolling stock. Under the same proposal, the two interoperability Directives on high speed (Directive 96/48/EC) and Conventional (Directive 2001/16/EC) rail systems were merged in one legislative instrument in order to simplify the EC regulatory framework in line with the "better regulation objective."

The proposal was adopted alongside two other initiatives, namely a proposal to amend the Railway Safety Directive and a proposal to extend the responsibilities of the European Railway Agency (ERA). All proposals were primarily directed at resolving problems of rolling stock (locomotives or sub-systems) which were authorised to be placed in service in one Member State but were not automatically accepted in another Member State.

The scope of the proposed Directive was limited geographically to the TEN-T network while providing the possibility of extending it to the whole rail system and to vehicles that were not yet covered.

### **Streamlining and accelerating procedures for authorisations**

On 11 September 2007, the Committee on Transport and Tourism adopted a report which welcomed the Commission's approach while proposing amendments to restructure the proposal including by incorporating provisions of the authorisation of existing rolling stock governed by the Railway Safety Directive 2004/49/

EC. Other amendments sought to speed up authorisations for vehicles to be put in service and to reduce costs by simplifying procedures.

A new authorisation procedure, applying to existing, upgraded or new railway vehicles, e.g. locomotives, passenger coaches or wagons, was introduced. The amended text provided for the principle of mutual recognition and technical harmonisation, set clear time limits and criteria for granting authorisation to railway vehicles. . It also introduced an automatic authorisation if there was no decision by the competent safety authority, whilst a substantial safety risk would have to be demonstrated by the national safety authority to justify any refusal.

Between the vote in the Committee and in Plenary, the delicate issue of the so-called automatic authorisation was resolved by means of informal trilogues, thus paving the way for a first reading agreement. Railway vehicles, after their first authorisation of placing in service, would be automatically authorised to be placed in service in another Member State in the absence of a decision by a national safety authority within the prescribed time limits.

The agreement, voted by Parliament on 11 December 2007, confirmed the text that had been endorsed by the Committee for authorising the placing in service of railway vehicles that comply with Technical Specifications of Interoperability (TSI) based on two separate criteria: whether or not the vehicle conformed to the TSI or whether it concerned a first or an additional authorisation for placing the vehicle on EU tracks.

The Commission would report by 19 July 2011, and every three years after, on the progress made towards interoperability and by 19 July 2013 on the improvements of the cross-acceptance of vehicles including options concerning the cooperation between national safety authorities and the ERA.

The Directive entered into force on 19 July 2008, while the deadline for the transposition of its main provisions by the Member States was fixed as 19 July 2010.

## **Making the Community's railways safer**

---

Rapporteur: Paolo Costa (ALDE, IT) – 2006/0272(COD)

Adopted at second reading

### **Placing in service of existing rolling stock**

The proposal, put forward by the Commission on 13 December 2006, formed part of the package on the cross-acceptance of railway rolling stock and aimed to improve the regulatory framework and to facilitate the free movement of trains.

By amending certain articles of Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive) and by attributing specific tasks to the European Railway Agency (ERA), it was specified which part of an authorisation of a vehicle would be mutually recognised and which part would be strictly linked to the compatibility of the vehicle in question with the infrastructure referred to.

To supplement the principle of mutual recognition, the proposal sought to reduce the possibility of an authority imposing additional requirements by asking the ERA to develop a reference tool making clear which elements would be eligible for mutual recognition. Other modifications proposed included the definition of the term "keeper", in conformity with the Convention concerning International Carriage by Rail (COTIF) 1999, the relationship between railway undertakings and wagon keepers on maintenance and the establishment of a maintenance certification system for keepers.

## Consistency of cross-acceptance provisions and maintenance certification

After analysing the policy options and for reasons of consistency, on 11 September 2007, the Committee on Transport and Tourism decided to transfer the provisions on authorisation of existing rolling stock from the Railway Safety Directive to the Interoperability Directive. Hence, all provisions relating to authorisations of existing, upgraded or new vehicles were brought together under one legislative instrument.

The Committee also endorsed amendments attributing responsibility for operating safety to the railway undertaking and specifying that, for each vehicle, a keeper or a railway undertaking had to be designated for maintenance. Another key point was the introduction of a mandatory maintenance certification system for keepers of vehicles which aimed to create a level-playing field for railway safety by 2010. The Plenary vote on 11 November 2007 confirmed the Committee's position.

On 3 March 2008, Council adopted a Common Position incorporating only the Parliamentary amendments deleting the provisions on the authorisation of existing vehicles (whose content was included into the first reading agreement of the Interoperability Directive). While negotiations with Council on the remaining elements of the cross-acceptance package were under way, the Committee voted its recommendation for second reading on 29 May 2008. This reinstated amendments from the first reading, in particular the mandatory certification scheme for all vehicles in contrast to the voluntary approach endorsed by Council.

After intensive negotiations, Parliament and Council reached an agreement at second reading. The text voted by Parliament on 9 July 2008 foresaw the adoption of a mandatory maintenance certification system for all railway vehicles in two steps: for freight wagons by 24 December 2010 and for all other vehicles by 24 December 2018. For some specific cases (local system specifications, a different track gauge, vehicles registered in a third country or military equipment), the use of alternative measures would be allowed.

The text provided that, for each vehicle, an entity in charge of maintenance would be designated and be responsible for its maintenance. This entity would be a railway undertaking, an infrastructure manager or a keeper, in this way the text did not exclude operators from the railway market. As proposed by the Committee, heritage, museum and tourist railways were excluded from the scope of the Directive.

The Directive entered into force on 24 December 2008 and the deadline for transposition was set as 24 December 2010.

## Reinforcing the European Railway Agency's role

Rapporteur: Paolo Costa (ALDE, IT) – 2006/0274(COD)

Adopted at second reading

### Simplifying the certification of railway rolling stock

In the context of the package on cross-acceptance of rolling stock outlined (see two preceding points) the Commission proposal of 13 December 2006 aimed to amend Regulation 881/2004 establishing the European Rail Agency (ERA).

The ERA would be asked to identify the different national procedures and technical rules in force and to draw up and update a list of requirements that had to be verified only once. To this end the technical and safety rules in force in each Member State would be classified into three groups and presented in a reference document. It was proposed that the ERA facilitate this classification and provide ad hoc technical opinions on specific aspects of projects (e.g. interoperability) for which an application for a Community financial aid had been submitted.

The proposal foresaw that the Agency would be further asked to monitor the quality of the work of the bodies notified by the Member States and to coordinate their work and assess the relationship between railway undertakings and keepers of rolling stock, especially with regard to maintenance aspects. In addition, provisions specified that the Agency was authorised to carry out tasks consistent with its mission including those in relation to the Directive on the certification of train crew (Third Railway Package).

The ERA would also assume the role of systems authority for developing and implementing the European Rail Traffic Management System (ERTMS) and devising a strategy for managing the different versions of ERTMS to ensure their technical and operational compatibility.

### **Strengthening the ERA's work on interoperability and safety**

By amending the Commission's proposal, the Committee on Transport and Tourism, in its vote on 11 September 2007, favoured granting more powers to the Agency. It proposed that the Agency, on the request of applicants, would deliver opinions on interoperability and ERTMS, and, from 2015, would replace Member States in their task of granting authorisations for railway vehicles.

In addition, the Agency was asked to work towards a mandatory system of certification of vehicle keepers, after studying the relationship between them and the railway undertakings, as Parliament had requested in the Safety Directive proposal. Other aspects covered modifications to staff policy. The Plenary vote, on 11 November 2007, confirmed the Committee's position.

On 3 March 2008, Council adopted a Common Position, which did not include Parliament's main requests, while modifications were introduced in order to align provisions with those from the Interoperability Directive.

As was the case for the Railway Safety Directive, the Committee decided to adopt the recommendation for the second reading by restoring mainly Parliament's first reading position on the issue of maintenance and by specifying that the Agency would be the central authority for ERTMS and would ensure the development and monitoring of the ERTMS' specifications. Backward compatibility of the ERTMS was required so as to ensure that not only future versions, but also previous ones, were covered.

After lengthy negotiations between Parliament and Council, the two Institutions reached an agreement before the second reading vote in Plenary. The text voted by Parliament on 9 July 2008 provided for the extension of the Agency's competences, as a consequence of the adoption of the cross-acceptance package. For the preparation of the mandatory maintenance certification system for vehicles, the Agency would present a recommendation by 1 July 2010.

### **Enhancing the ERTMS deployment with backward compatibility**

A key point of the agreed text was the guarantees ensuring the coherent development of ERTMS and the compliance of ERTMS equipment in the Member States. This provision aimed to eliminate inconsistencies arising from the existence of 23 different signalling systems in Europe and to advance the deployment of ERTMS equipment on the TEN-T.

The Agency, as the system authority for ERTMS, would ensure the backward compatibility of any future ERTMS version and work for the migration of the previous versions to the ERTMS version adopted by the Commission on 23 April 2008.

The text adopted provided, in particular, that the development of new versions would not slow the rate at which ERTMS was deployed. The Agency would recommend the adoption of a new version only when the previous version was sufficiently widespread, thus ensuring a coherent and faster deployment of ERTMS in EU Member States.

The Regulation entered into force on 1 January 2009.

## Certification of train crews

Rapporteur: Gilles Savary (PSE, FR) – 2004/0048(COD)

Adopted at third reading

Part of Third Railway Package

### Facilitating interoperability and maintaining safety

On 3 March 2004, the Commission put forward a proposal to set conditions and procedures for the certification of train crews operating locomotives and trains on the Community's rail network. The proposal also sought to specify the tasks for which the competent authorities of the Member States, the train drivers and other stakeholders in the sector, in particular the railway undertakings, infrastructure managers and training centres, were responsible.

This proposal was intended to facilitate interoperability and improve management, making it easier to certify railway undertakings while maintaining a high level of safety and guaranteeing conditions for the free movement of workers in the railway sector. The proposal's scope was limited to train drivers in cross-border services who effectively work in the framework of interoperability. In a second phase, the Commission intended, on the basis of a report covering the first phase, to extend the implementation of the European licence to all train drivers, taking account of exceptions which were already provided for in the scope of the proposal for a Directive on safety and which form part of the Second Railway Package. Similarly, the question of other members of the train crew who are indirectly involved in traffic safety would be addressed at a later date.

### Possibility of including other crew members

At its first reading, on 19 April 2005, the Committee on Transport and Tourism modified and restructured the Commission's timetable for introducing certification requirements with a view to phasing-in coverage of crew members (i.e. staff who are not drivers) and drivers who worked only in one Member State. However, if a cost-benefit analysis of applying the Directive to such train drivers and train crews proved negative, the Commission could exempt them from the certification requirements for up to 10 years. This approach was endorsed by the Plenary on 28 September 2005.

Although Council's Common Position of 14 September 2006 limited coverage to train drivers, Parliament maintained its view that other crew members performing safety-related tasks should possess a certificate attesting that they meet minimum requirements relating to medical fitness, basic education and general professional skills.

This led to a Conciliation Committee agreement on 19 June 2007, approved by Plenary on 25 September 2007, which required train drivers to hold a certificate stating that they meet minimum levels of medical fitness, basic education and general professional skills. The requirement would be phased in, starting with new drivers working in another Member State and applying to all drivers within ten years.

In the short term, the certification proposal involved two components: (a) the licence itself, a card in the same format as the European driving licence, issued by the competent authority on the basis of Community-wide criteria and recognised reciprocally, and (b) a harmonised certificate, issued by the railway undertaking which employs the driver, confirming that the driver has the specific knowledge required (rolling stock, infrastructure, periodic checks). In the longer term, these would be incorporated into a smart card, meeting operational and technical specifications to be defined through comitology.

Minimum requirements to obtain a driver's certificate included a minimum age for train drivers, criteria related to the medical and psychological fitness of candidates, their professional experience and knowledge in a number of fields related to train driving, as well as their knowledge of the infrastructure on which they will have to operate. Drivers must have knowledge of the languages indicated by the relevant infrastructure manager to enable them to communicate effectively in routine, abnormal and emergency situations. A general training programme was defined in an annex.

Parliament's concern to include other train staff was met by an agreement that the European Railway Agency would draw up a report eighteen months after the Directive enters into force, to identify any other train staff performing safety-critical tasks who should be subject to a similar system of licences. No more than twelve months after this, the Commission must present a report accompanied, if appropriate, by a proposal for a new law.

The Directive entered into force on 4 December 2007 with a deadline for transposition of 4 December 2009.

## **Deployment of the European rail signalling system**

---

Rapporteur: Michael Cramer (Greens/EFA, DE) – 2005/2168 (INI)

Resolution adopted in June 2006

### **Adopting a European rapid and coordinated migration strategy**

On 4 July 2005, the European Commission adopted a Communication on the deployment of the European rail signalling system ERTMS/ETCS. The Commission noted that technical barriers to trade and interoperability continued to hamper competitiveness in the railway sector. The long service life of signalling equipment was identified as an obstacle to the deployment of European Train Control System (ETCS), a basic component of the European Rail Traffic Management System (ERTMS).

A strategy was proposed for achieving the harmonisation of more than 20 different coexisting rail signalling systems in Europe through the deployment of ERTMS. The Commission proposed a rapid and coordinated migration strategy in order to upgrade existing railway lines and construct new ones while guaranteeing interoperability. A Memorandum of Understanding to promote the cohesive and coordinated deployment of ERTMS/ETCS was signed on 17 March 2005 by the Commission and European railway industry associations. The Commission argued in favour of appointing a European coordinator to facilitate the systems' coordinated deployment.

### **A binding master plan: giving priority to corridors and attaining critical mass**

The Committee on Transport and Tourism clearly supported the introduction of the consolidated version of ERTMS with a coordinated migration strategy. It called for this version to become a common reference which would replace different national signalling systems.

The resolution considered ERTMS to be superior to national systems. While the move towards an upgraded version was not excluded, it noted that the European Railway Agency (ERA) would have to assess the technical and economic relevance of any upgrading. The resolution called on the Commission, in consultation with the ERA, Member States and industry to submit a binding 'ERTMS master plan'. It suggested that ERTMS should be introduced, in particular, on six selected corridors in order to achieve critical mass for its deployment.

On funding, the resolution recognised that it was both legitimate and necessary to grant EU aid for the deployment of ERTMS. It considered that the main corridors should include a reasonable incentive for rolling

stock in the first years and suggested the possibility of applying degressive aid to accelerate the migration process. Finally, the Committee called for the European ERTMS coordinator and the future TEN Agency to study the possibilities of harmonising certain rail technical features, as these would have a relatively limited financial cost but quite a significant outcome in terms of efficiency.

## Aviation

### Community air traffic controller licence

---

Rapporteur: Christine De Veyrac (EPP-ED, FR) – 2004/0146(COD)

Adopted at second reading

#### Supplementing the Single European Sky package

Following the adoption of the Single European Sky legislation during the previous Legislature, the Commission put forward a proposal, on 12 July 2004, to introduce a Community licence for air traffic controllers. The aim was to ensure common qualification levels and to promote the mutual recognition of national licences.

#### Reinforcing safety training and language requirements

At first reading, the Committee on Transport and Tourism, followed by the Plenary, broadly endorsed the proposal, subject to a number of amendments concerning the training of air traffic controllers. These were designed to place more emphasis on safety, security and crisis management techniques and to make the language proficiency requirements tighter in certain circumstances, at the discretion of the Member States. In addition, to avoid ‘social dumping’, a new clause was added specifying that the employment law of the host country where the controller actually exercised his/her activities would apply.

Following informal contacts between Parliament, Council and Commission, Council adopted a Common Position on 14 November 2005. This responded to Parliament’s concerns about ‘social dumping’ by using recitals to clarify that the Directive would not affect existing national provisions governing the employment relationship between controllers and employers; and that further implementing measures would involve consultation of the social partners at the European level.

While the basic requirement for language proficiency at an operational level, proposed by the Commission, was retained, the Common Position also permitted a higher level to be required for imperative reasons of safety. Under the principle of “unconditional mutual recognition”, all EU Member States would have to recognise each others’ licences and qualifications, language certificates and medical certificates for air traffic controllers.

The Committee endorsed this Common Position, which corresponded to the text that had been negotiated between Parliament and Council, on 24 January 2006. It was adopted in Plenary on 15 February 2006 and entered into force on 17 May 2006 with a two year period for transposition. Certain provisions concerning languages must be brought into force before 17 May 2010.

## Extending the tasks of the European Aviation Safety Agency

Rapporteur: Jörg Leichtfried (PSE, AT) – 2005/0228(COD)

Adopted at second reading

### Common safety rules for air operations, flight crews and third country aircraft

The European Aviation Safety Agency (EASA) was set up by Regulation (EC) No. 1592/2002. EASA's main objective is to establish and maintain a high level of aviation safety in Europe. In this regard, its mandate is to prepare safety regulatory implementing rules. The Agency also monitors the application of Community legislation, evaluates its effects and makes proposals to the Commission.

Certificates and approvals attesting that products and organisations conform to the common rules are issued either by EASA or by the competent national authorities. While EASA carries out the type certification of products and issues certificates for organisations located in third countries, the national authorities issue individual certificates and approvals for most organisations located on their territory, on the basis of common rules and under the Agency's supervision.

Initially, EASA's field of competence was limited to ensuring the airworthiness and environmental compatibility of aircraft, including personnel and organisations involved in their design, production and maintenance. However, the Regulation establishing EASA already called for a progressive extension of the EASA system at a later stage to cover other fields of aviation safety in order to guarantee a high, uniform level of safety and to provide a level playing field for Community air operators. Consequently, the Commission proposed, as a first step, to extend EASA's competences to include air operations, flight crew licensing and the safety of third country aircraft operating in Europe. The new common rules in these areas should be based on those developed by the Joint Aviation Authorities (JAA).

### Better enforcement and cabin crew licensing

During the legislative procedure, the proposal was subject to intensive negotiations between the Institutions, which finally resulted in an agreement at second reading (voted in Plenary on 12 December 2007). Parliament succeeded to include, partly against initial resistance from Council, a number of elements into the text, which make the Regulation more effective. Firstly, a system of fines and periodic penalty payments was introduced. At the Agency's request, the Commission may now impose fines or periodic penalty payments as an alternative to the outright withdrawal of a certificate in cases of minor breaches of the safety rules. Thus, a more variable set of sanctions will enable EASA to enforce the requirements of this Regulation more effectively.

Furthermore, Parliament succeeded in re-introducing an important provision from the original Commission proposal concerning the requirement of cabin crew licensing, which had been dropped by Council. This ensures that cabin crew, who play an important role in terms of aviation safety, are licensed and must therefore comply with common European standards. Moreover, flight time limitations for pilots will be respected and deviations from the applicable rules will remain exceptional and subject to EASA approval. Finally, Parliament will have to be informed about Member States' nominations to EASA's Management Board.

## Performance and sustainability of the aviation system

---

Rapporteur: Marian-Jean Marinescu (EPP-ED, RO) – 2008/0127(COD)

First reading expected in March 2009

Part of the Single European Sky Second Package (SES II)

### Safe and efficient air traffic management

The proposal forms part of the SES II initiative, which comprises a set of measures aimed at establishing a coherent and integrated EU regulatory framework on aviation. The principal intention of the draft Regulation is to amend the existing four Regulations covering airspace management and service provision to promote the Single European Sky. This would be an integrated system of air traffic control and management for the European Union based initially on Functional Airspace Blocks (FABs) which reflect the realities of traffic flow rather than just national boundaries. Progress towards this objective, which would bring with it substantial cost savings and a reduction in emissions, has been slow. The Commission's proposal covers the designation and independence of national supervisory authorities; improved performance systems; the establishment of FABs; charging schemes for air navigation services; and network management and design.

### How to ensure real progress

In its first reading, the Committee on Transport and Tourism adopted a report which, while fully in accord with the objective of a Single European Sky, aimed to ensure real progress rather than simply a restatement of objectives. Specifically the Committee called for the appointment of a coordinator, analogous to the TEN-T coordinators, to provide a continuing impulse for progress and to deal with higher level political problems in the creation of a Single European Sky.

The Committee also focussed on the performance scheme whereby EU-wide objectives are set. The Committee's position is that performance targets must ultimately be set by the Commission after consultation with national authorities and that this procedure must not be overly cumbersome or time consuming. FABs must be real airspace blocks and not just administrative agreements on paper. Finally, under certain well defined conditions, system users should help to fund investment in the systems.

At the time of writing, Council has yet to adopt a Common Position but informal discussions have taken place centred on the aspects outlined above. Parliament is seeking to treat this and the following file as a package. It remains to be seen whether Council's intention is the same as Parliament's and whether Council will be able to reflect this in a Common Position.

## Aerodromes, air traffic management and air navigation services

---

Rapporteur: Marian-Jean Marinescu (EPP-ED, RO) – 2008/0128(COD)

First reading expected in March 2009

Part of the Single European Sky Second Package

### Common safety rules for aerodromes, ATM and ANS

The European Aviation Safety Agency's (EASA) competences were first enlarged by Regulation (EC) No. 216/2008 to cover air operations, licensing of flight crews and safety of third country aircraft. However, there is a need to upgrade and harmonise standards for aspects which are still not covered by EU legislation and which are therefore characterised by regulatory fragmentation and a lack of enforcement.

This holds in particular for two elements of the air transport chain, which are considered as vital from a safety point of view, since they constitute potential high risk areas. Firstly, aerodrome infrastructure and operations are of crucial importance because the majority of accidents occur in either the initial or the final phases of a flight. Equally relevant for aviation safety are Air Traffic Management (ATM) and Air Navigation Services (ANS).

Therefore, the Commission proposed to extend the scope of Regulation (EC) No. 216/2008 to both aerodromes and ATM/ANS and to give EASA new tasks in these areas, notably over rulemaking, standardisation inspection and, to a limited extent, certification.

### **Limiting the scope and making EASA more flexible**

On 19 December 2008, the Committee on Transport and Tourism adopted a report endorsing the main elements of the proposal making only a few changes. One of the amendments would limit the Regulation's scope with regard to aerodromes. Thus, it would only cover airports serving commercial flights, while the Commission had proposed to include all airports that can serve aircraft above a certain take-off weight. In addition, the Committee voted in favour of a provision ensuring that existing airport permits are not affected by the certification requirement under the EASA Regulation.

The report furthermore introduces certain provisions that would make the EASA system more flexible. It provides for the possibility of national aviation authorities to delegate certain tasks to accredited bodies. Once accredited by EASA, these bodies would be empowered to issue certificates for aerodromes and ATM/ANS. In addition, a provision was adopted that gives EASA the possibility to grant temporary exemptions from the rules in case of special operational needs.

The Committee is currently pursuing informal contacts with Council and exploring possibilities for reaching an agreement at first reading.

## **Maritime Transport**

### **Mutual recognition of seafarers' certificates**

---

Rapporteur: Robert Evans (PSE, UK) – 2004/0098(COD)

Adopted at first reading

#### **Simplifying recognition and ensuring compliance**

During its previous term, in December 2003, Parliament adopted a Directive on the minimum level of training of seafarers, amending Directive 2001/25/EC. The Commission's new proposal aimed to simplify the procedure for the recognition of certificates issued by Member States according to the same set of minimum requirements. This would mean automatic acceptance of all certificates issued by another Member State in accordance with the Directive, enabling seafarers who were qualified in one Member State to serve on board ships flying the flag of another Member State without further prerequisites.

A second objective was to ensure that Member States complied thoroughly with the existing training, certification and watch keeping requirements within the EU (the Commission reported an increase in fraudulent practices related to certification processes in recent years). The proposal would oblige Member States to adopt measures to prevent and penalise fraudulent practices associated with certificates of seafarers

and would involve regular assessments of Member States' compliance with the requirements of Directive 2001/25/EC, as amended.

The proposal also confirmed Member States' obligation to guarantee that the seafarer in question had adequate language skills to enable effective communication on board. This could facilitate the free movement of professionals.

### **Parliament tightens and clarifies aspects of proposal**

The Committee on Transport and Tourism approved the proposal under the first reading of the codecision procedure, subject to a number of amendments designed to tighten up and clarify parts of the Directive:

- Member States should keep up their efforts, in the context of the International Maritime Organisation, to achieve strict and enforceable agreements to combat fraud involving seafarers' certificates worldwide, as non-EU vessels and crews not covered by the Directive also enter European ports and so constitute a risk to safety at sea in the Union;
- the requirements for recognition of certificates should be clarified;
- the provisions relating to the confirmation of the authenticity of seafarers' certificates were amended so as to impose a clear requirement on Member States to supply a written confirmation - or denial - to the host country if it requests one; and
- after five years, the Commission should submit an evaluation report to Parliament.

On 23 February 2005, the Plenary adopted the Directive, based on the Committee's Report. The Directive entered into force on 20 November 2005 with a two year deadline for transposition.

## **Statistics concerning inland waterways transport**

---

Rapporteur: Paolo Costa (ALDE, IT) – 2005/0150(COD)

Adopted at first reading

### **Ensuring higher quality statistics**

The existing Directive, dating from 1980, had a number of shortcomings. It only covered freight transport by vessels and not container transport. In addition, significant quality problems had been identified and there was no provision for using a committee procedure to adapt the Directive or for making use of new IT technologies. The Commission proposal set out to define a set of common rules for inland waterways transport statistics together with a set of annexes specifying a set of statistical tables. The proposed rules covered definitions, provisions for data collection, transmission and dissemination, and a committee procedure for the adoption of implementing measures and for later adaptation of the Regulation. They also included provisions for maintaining the quality of the statistics, for evaluation and for reporting to the European Parliament and the Council.

On 17 January 2006, Parliament approved the Regulation with a small number of technical amendments. It entered into force on 15 October 2006 with transitional provisions ensuring that the new statistical regime was operational from 1 January 2007.

## Minimum level of training of seafarers

---

Rapporteur: Rodi Kratsa-Tsagaropoulou (EPP-ED, EL) – 2007/0219(COD)

Adopted at first reading

### Simplifying and clarifying seafarers' training requirements

Modifying existing legislation whilst simultaneously codifying it in one consolidated text is a technique called recast that is widely used by the Commission as part of its rolling programme of legislative simplification.

The Commission's proposal, adopted on 16 October 2007, was a recast of Directive 2001/25/EC on the minimum level of training of seafarers and had a dual objective. First, it aimed to codify the Community act by incorporating all previous amendments to the original Directive to make the Community act clearer and more readily understandable. Secondly, it sought to adapt the act to the new comitology procedure, i.e. the "regulatory procedure with scrutiny" (RPS). This gives Parliament and Council equal rights to scrutinise, and possibly reject, implementing measures (see section VI Comitology).

Directive 2001/25/CE set a minimum level of training of seafarers, based on the requirements of the International Maritime Organisation's Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978 (revised in 1995). Since 2001, the Directive had been modified four times, the last modification dating from September 2005.

### Achieving clarity and consistency

On 6 May 2008, the Committee on Transport and Tourism approved the Commission's proposal with some textual modifications. These concerned measures to prevent and penalise fraudulent practices related to certificates of competency and a clarification of the role of the European Maritime Safety Agency. A number of technical amendments were also adopted.

Following the Committee's vote, Council confirmed that it would be possible to reach a first reading agreement. On 17 June 2008, Parliament approved the recast of the Directive, including the introduction of RPS.

The Directive entered into force on 24 December 2008.

## Short sea shipping

---

Rapporteur: Robert Navarro (PSE, FR) – 2004/2161(INI)

Resolution adopted in April 2005

### Simplifying administrative procedures

Following its reports of 1995 and 1999, the Commission presented a further Communication on short sea shipping in Europe, highlighting the progress achieved since 1999 and linking it to the programme for the promotion of short sea shipping. Maritime transport is more energy-efficient than other modes of transport and is, in general, less harmful to the environment. Increased use of short sea shipping would generally be in line with the Community transport and environmental policies.

However, a number of obstacles still hinder maritime transport from developing faster:

- it has not yet reached full integration in the intermodal door-to-door supply chain;
- it has not yet fully shed its past image of an old-fashioned industry;

- it involves complex administrative procedures; and
- it requires high port efficiency.

The Commission stated that developing short sea shipping is primarily a task for industry. Nevertheless, the authorities have a clear role to play in creating an appropriate framework and keeping the mode high on the political agenda, as has been the case in recent years.

Logistics chains involving short sea shipping should be managed and commercialised by one-stop shops, such as freight integrators. “Motorways of the Sea” should become an integral part of door-to-door logistics chains and offer efficient, regular, reliable and frequent services that can compete with road transport, in terms of transit time and price. The ports connected to the Motorways of the Sea should have efficient hinterland connections, rapid administrative procedures and a high level of service.

### **Short sea shipping as a complementary mode of transport**

In its resolution, Parliament called for the modal shift from road transport to short sea shipping to be encouraged since the latter is an environmentally-friendly mode of transport. Parliament also stressed short sea shipping’s potential as a complementary mode of transport available very quickly and at low cost pending completion of certain TEN-T railway infrastructures. Parliament stressed that Motorways of the Sea must be established with solid environmental requirements and called for the adoption of effective, clear and adequate financing arrangements for actions linked to Motorways of the Sea and short sea shipping lines.

Parliament also favoured reducing administrative procedures that hinder the development of short sea shipping, in particular by making full use of electronic communications. However security and safety should not be compromised. It called for the development of high-quality corridors for short sea shipping between EU Member States, with public and private participation as well as use of instruments relating to the TEN-T and the Marco Polo programme.

Furthermore, Parliament supported the Commission programmes aimed at simplifying the legal framework applying to short sea shipping and inland waterway transport, and encouraging the creation of one-stop shops. Parliament also welcomed the European Short Sea Network action plan and called on the promotion centres to implement it as quickly as possible.

Finally, Parliament recalled the need to promote the positive environmental image of short sea shipping, particularly as regards water and air pollution, and therefore to lay down minimum environmental requirements such as the use of low-sulphur fuel and limits for emissions (of SO<sub>x</sub>, NO<sub>x</sub>, CO<sub>2</sub>, etc.) into air and water.

## **Information for the safety, security and efficiency of inland navigation**

Rapporteur: Renate Sommer (EPP-ED, DE) – 2004/0123(COD)

Adopted at first reading

### **European framework for traffic and transport operations on inland waterways**

The proposed Directive sought to establish a Europe-wide framework for the deployment and use of harmonised River Information Services (RIS) in order to guarantee compatibility and interoperability between the existing and future RIS systems for traffic and transport operations on inland waterways. A European approach will give environmentally-friendly inland waterway transport increased competitiveness; optimise the use of infrastructure; improve cargo and fleet management; and enhance the safety and security of inland navigation (transport of dangerous goods).

Based on advanced information and communication technologies, the RIS system will give information regarding the navigation conditions of waterways, the actual situation in the immediate vicinity of a vessel as well as strategic information for the planning of voyages including lock, port and terminal scheduling.

### **Using infrastructure better and improving cargo and fleet management**

The Committee on Transport and Tourism endorsed the approach with a significant number of amendments; on this basis, informal negotiations with the other Institutions started in order to evaluate the possibilities for an early agreement.

While supporting the RIS concept in principle, the Committee felt it should focus on safety and that making security another explicit goal would go too far. It underlined that RIS guidelines and technical specifications should take account of, and build on, preliminary work carried out in this field by relevant international organisations. It also asked the Commission to monitor the setting up of RIS in the Community and to report to Parliament and Council within three years of the Directive's entry into force. They stressed the Commission's central role of verifying the interoperability of RIS in view of the national competences.

Parliament, following the Committee's line, adopted the compromise reached with Council so that the legislative act was concluded at first reading.

The Directive applies to all EU-inland waterways in certain categories and includes ports. Member States are free to apply this Directive to inland waterways and ports outside these categories provided they have no contact with the waterways of another Member State.

The agreed technical and practical aspects concern a uniform European vessel number system, electronic ship reporting, notices to skippers and vessel tracking and tracing as well as the use of satellite positioning. The Directive, which entered into force on 20 October 2005, thus contributes not only to the development of an interoperable and open navigational aid and information system for the inland waterway network of the EU but also to the safety and efficiency of transport on these waterways.

## **Enhancing port security**

---

Rapporteur: Jeanine Hennis-Plasschaert (ALDE, NL) – 2004/0031(COD)

Adopted at first reading

### **Security but not red tape**

The Commission proposed a Directive on port security to provide the Member States with a uniform framework to enhance security in ports.

Briefly, the proposal required each Member State to identify the boundaries of the ports subject to the Directive; to outline a security policy for these areas and to ensure that security assessments and appropriate security plans are established and updated. A national central authority would monitor the introduction and implementation of each national port's security policy.

Parliament adopted the Committee on Transport and Tourism's approach of broadly approving the proposal under the first reading of the codecision procedure, subject to a few amendments:

- it should be up to the Member States to determine whether or not the Directive should apply to areas outside ports;

- in keeping with the subsidiarity principle, Parliament deleted the requirement to set up “port security committees”, arguing that it was up to the Member States and ports themselves to determine how the objectives set out in the Directive should be attained; and
- the Commission should submit an evaluation report to Parliament and Council three years after the Directive’s entry into force and every five years thereafter, accompanied where necessary by proposals for additional measures.

### **Follow up confirms effectiveness**

The legislation as adopted reflected Parliament’s amendments and the measures consist of:

- common basic rules on port security measures;
- an implementation mechanism for these rules; and
- appropriate compliance monitoring mechanisms.

The first evaluation report, as requested by Parliament, has recently been submitted and, despite tardy implementation by some Member States, gives a positive account of the effectiveness of the measure.

The Directive entered into force in November 2005.

## **Inland waterway vessels**

Rapporteur: Renate Sommer (EPP-ED, DE) – 1997/0335(COD)

Adopted at second reading

### **A single set of European requirements**

In December 1997, the Commission proposed updating technical standards relating to inland waterway vessels that were set out in a 1982 Directive. The intention was to ensure a single set of technical requirements for inland waterway vessels within the EU and also to contribute to harmonization at a pan-European level. In addition, shipbuilders would be able to construct vessels according to harmonized specifications for a larger single market. By creating a level playing field for inland waterway transport, the proposal sought to increase competition and promote higher safety, environmental and social standards.

### **Enters into force nine years after the proposal**

Parliament adopted a first reading in 1998, which was reconfirmed following the 1999 elections. However, discussion in the Council was blocked for years owing to a competency problem between the EU and the Central Commission for Navigation on the Rhine (CCNR). Once the CCNR had adopted an additional protocol, enabling certificates issued by other bodies to be accepted for navigation on the Rhine, progress became possible. Council established a Common Position on 23 February 2006, which incorporated almost all of Parliament’s first reading amendments.

On 1 June 2006, the Committee on Transport and Tourism adopted a recommendation for second reading with only one amendment, calling for an alignment, via the comitology procedure, of the annexes of this Directive and of the 1994 Directive for recreational craft, as soon as possible after adoption of this Directive. This approach, reflecting an understanding with Council, was intended to avoid any further delay in the harmonisation of technical standards. It was endorsed by the Plenary on 5 July 2006 and led to the Directive being adopted on 12 December 2006.

It entered into force on 30 December 2006 with a deadline for transposition of 30 December 2008.

## **Naiades: an action plan to promote inland waterway transport**

Rapporteur: Corien Wortmann-Kool (EPP-ED, NL) – 2006/2085(INI)

Resolution adopted in October 2006

### **Inland waterways, a sector in development**

Inland waterway transport (IWT) has many advantages: it is safe, environmentally-friendly and there is still a lot of free capacity. Shifting transport from, for instance, road to IWT was one of the objectives of the 2001 White Paper on transport. The Commission therefore presented an action programme to promote IWT in its Communication of January 2006. The programme covered five strategic areas: market, fleet, jobs and skills, image and infrastructure. The various instruments proposed can be classified as legislative, policy-coordination or financial support.

The Commission noted that the IWT market has grown considerably and developed from traditional bulk transport to high-value markets of container transport in Western Europe. Developments in Central and Eastern Europe have been more modest. The structure of the sector, characterised as “atomised” because of its small units, hampered investment and expansion. Furthermore, as vessels have a long lifetime and require substantial investment, renewal of the fleet takes place only slowly. State aid guidelines, better access to capital for SMEs and harmonisation of requirements for vessels, liability and intermodal loading units could help further development of the market. Research and Development and investment could promote the use of Information and Communication Technologies (ICT) to make vessels even safer, cleaner and more efficient. Market development should also be supported by information and promotion initiatives, as IWT’s image does not reflect its full potential.

The Commission also indicated that recruitment of new staff has become a major problem for the IWT sector. It can no longer rely on tradition, but should develop modern recruitment campaigns while improving social and working conditions. Harmonisation of staffing requirements and boatmasters’ certificates is necessary. In the field of infrastructure, the Commission would like to introduce a European development plan for improvement and maintenance of waterway infrastructures. A European coordinator could facilitate its implementation, and funding could come from a Community framework for infrastructure charging for all transport modes. River information services should improve traffic management.

In the framework of the action programme, the Commission also touched upon the organisational structure of the sector, with its specific roles for international river commissions, notably the Central Commission for Navigation on the Rhine and the Danube Commission.

### **Parliament supports Naiades**

The Committee on Transport and Tourism organised a hearing on the Naiades Communication, with representatives from the sector, river commissions and other stakeholders, before drawing up its initiative report. When adopting the report, the Committee stressed that the Commission should designate a European Trans-European Network, Transport coordinator for inland waterway transport as soon as possible to support the implementation of priority projects, drawing on experience with existing coordinators. Ms Karla Peijs was appointed as coordinator on 27 September 2007.

The resolution said the reliability of the waterway network and the availability of multi-functional inland ports are the most important conditions for this vital transport sector. As improving infrastructure and the fleet are crucial, it asked the Commission to submit a proposal for a European Waterway Transport Innovation Fund. It also stressed the need for the development of clean and efficient vessels under the Seventh Framework Programme on Research and Development.

Finally, the resolution asked the Commission and Member States to provide incentives to accelerate the introduction and use of fuel-efficient and environmentally-friendly engines in order to respect stricter limits for SO<sub>x</sub>, fine particles, NO<sub>x</sub> and CO<sub>2</sub> emissions.

## **Marco Polo II - cutting road congestion**

---

Rapporteur: Reinhard Rack (EPP-ED, AT) – 2004/0157(COD)

Adopted at first reading

### **Enlarging and extending Marco Polo**

EU road freight is forecast to increase by more than 60% in the period to 2013 according to Commission sources. This would cause congestion, environmental degradation, accidents, and the risk of lost competitiveness for European industry, which needs efficient and reliable transportation systems.

The Marco Polo programme seeks to reduce road congestion, to improve the freight transport system's environmental performance and to enhance intermodality, thereby contributing to an efficient and sustainable transport system. The Commission proposed a considerably increased budget of €740 million for the period 2007-2013. (Marco Polo I's budget was €100 million from 2003-2006 for the EU-25). It also proposed including new actions such as "Motorways of the Sea" – whose purpose is to shift traffic from land to short sea shipping routes – and measures to cut traffic volumes, including rationalisation of traffic, logistics and supply chains traffic. The programme would be extended to all countries neighbouring the EU.

### **Enhancing SMEs' role and environmental aspects**

On 22 November 2005, the Committee on Transport and Tourism adopted amendments aimed at lowering the financial thresholds to make the programme more accessible to small and medium-sized companies. Other amendments sought to ensure more attention to environmental aspects and priority for sensitive regions, including urban areas.

Following an agreement between Council and Parliament, on 17 May 2006 the Plenary adopted a series of compromise amendments incorporating the Committee's objectives concerning SMEs, sensitive areas and environmental aspects. Other amendments sought to ensure that actions did not cause distortions of competition and made provision for the Commission to submit proposals if the results of the ex-post evaluation of the Marco Polo I programme reveal a need for adjustment. The budget was reduced to €400 million, following the agreement on the 2007-2013 financial perspective.

## **Proposed revision to simplify procedures and encourage SME participation**

---

Rapporteur: Ulrich Stockmann (PSE, DE) – 2008/0239(COD)

Adoption expected in April 2009

The Marco Polo II programme entered into force on 1 January 2007 as planned. The Commission submitted a proposal to amend the current programme on 10 December 2008. This followed the ex-post evaluation of the Marco Polo I programme which found that, on current trends, the programme would only achieve 64% of its target and had committed only 73% of the available budget.

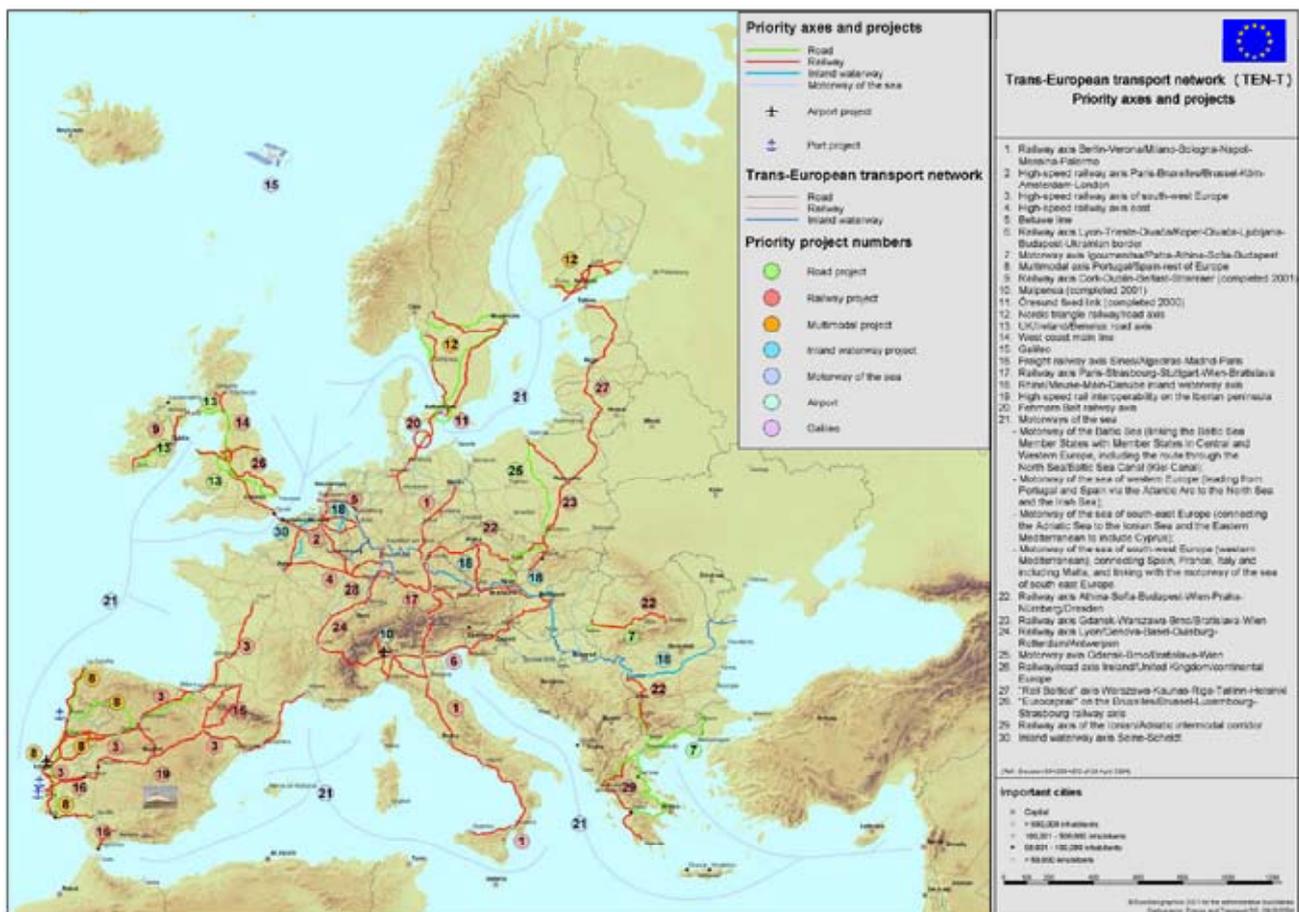
The rapporteur supports the measures proposed by the Commission, i.e. facilitating participation by small enterprises, lowering the tonne-kilometre thresholds for eligibility, raising funding intensity and simplification

of the programme procedures in order to enhance the efficiency and attractiveness of the programme. At the same time he calls on the Commission to submit a Communication to Parliament and Council before elaborating the Marco Polo III programme. In this Communication the Commission should evaluate inter alia the effects of the current modification of the programme and analyse the possible impact of a wider-ranging programme revision.

## Unifying Europe: Trans-European Networks for Transport

Rapporteur: Eva Lichtenberger (Greens/EFA, AT) – 2008/2218(INI)

Resolution expected to be adopted in April 2009



Committee on Budgets' rapporteur: Reimer Böge (EPP-ED, DE) – 2004/2209(INI)

Committee on Transport and Tourism's draftsperson: Etelka Barsi-Pataky (EPP-ED, HU)

Committee on Budgets' rapporteur: Mario Mauro (EPP-ED, IT) – 2004/0154(COD)

Committee on Transport and Tourism's draftsperson: Seán Ó Neachtain (UEN, IE)

Committee on Internal Market & Consumer Protection's rapporteur: Barbara Weiler (PSE, DE) – 2006/2043(INI)

Committee on Transport and Tourism's draftsperson: Paolo Costa (ALDE, IT)

## Implementation of the TEN-T guidelines under financial constraints

According to Parliament's rules, the Committee on Transport and Tourism is responsible for the establishment and development of Trans-European Networks in the area of transport infrastructure. The last big substantial of the guidelines occurred in April 2004 when Parliament and Council adopted, amending Decision No 1692/96/EC on Community guidelines for the development of the Trans-European Network for Transport. The guidelines established a list of 30 priority projects, which were selected for their viability and value-added for mobility and sustainable development and which are to be launched before 2010 and to be completed by 2020.

The revision was needed to take account of EU enlargement and the expected changes in traffic flows. During its sixth parliamentary term, the Committee therefore closely followed the implementation of these guidelines, the new financial framework and the realisation of the projects.

The Committee was in particular involved throughout the decision-making process on the 2007-2013 financial framework on the allocation of EU funds for the TEN-T and on the adoption of Regulation (EC) No 680/2007 of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of the Trans-European Networks for Transport and Energy.

The Commission's original proposal, supported by Parliament, was to provide around €20 billion of EU funding, within the 2007-2013 financial framework, to TEN-T as a whole. Finally, the amount was reduced to around €8 billion, amongst which only €5.3 billion was for the 30 priority projects, at the insistence of Council.

Resulting from the rather disappointing financial allocation for TEN-T for the period 2007 to 2013, the Committee intensified its requests for stronger coordination efforts from the Commission and greater financial engagement from each Member State in realising its part of the TEN-T network. The Committee discussed, jointly with the Committee on Budgets, the implementing measures proposed by the Commission under the comitology procedure, notably the multiannual and annual financial allocation of the budget for the different projects.

The strategic importance of transport networks for the final consolidation of the EU single market, for closer EU relations with candidate, pre-candidate and 'ring of friends' countries and for a more sustainable European transport policy was repeatedly stressed in different resolutions under the lead of the Committee on Transport and Tourism during this legislative term. Special emphasis was put on the expected transport growth in south-east Europe, on the need for EU funding to be conditional on Member State guarantees of adequate counterpart funding and on better exploitation of innovative financing instruments such as loan guarantees, European concessions, European loans, EIB facilities and Public Private Partnerships.

## Public-private partnerships

Taking account of the financing needs for TEN-T infrastructure projects and the limited sums available from the Community and Member State budgets, the Committee recommended using public-private partnerships to leverage the public funds. It also favoured disseminating best practice between Member States and enhancing the role of the EIB as well as revising the rules for granting Community financial aid in the framework of PPP schemes.

## European coordinators

In order to respond more effectively to Parliament's requests for greater EU coordination, the Commission designated, in July 2005, a group of six eminent persons to evaluate progress and to make recommendations for the effective implementation on the most important and problematic projects within the list of 30 priority TEN-T projects. They were Mr Van Miert for the Berlin - Palermo rail link; Mr Davignon for the South-West

Europe high-speed rail link; Mr Brinkhorst for the Lyon - Ukrainian Border rail link; Mr Balázs for the Paris - Bratislava rail link; Ms Peijs for the Rhine/Maas – Main - Danube inland waterway axis; Seine - Schelde Canal; Mr Valente de Oliveira for the Motorways of the Sea; Mr Telička for the 'Rail Baltica' and Mr Vinck for the ERTMS. Since then, the Committee has organised annual exchange of views with the European coordinators for the TEN-T projects. Each coordinator presented the annual activity report for the respective priority project and debated with Committee Members how best to tackle the identified problems.

### **Green Paper on the future of TEN-T**

A substantial revision of the guidelines is foreseen in the coming years and the Commission started the consultation process by publishing a Green Paper on “TEN-T: a policy review – towards a better integrated TEN-T at the service of the common transport policy”. With the Green Paper, the Commission initiated a broad review process of the TEN-T policy. It considers future political and economical challenges such as the achievement of climate change objectives, further economic growth, economic and social cohesion as well as the strengthening of Europe's international role. Based on 15 years of experience with the TEN-T policy and in the light of the new challenges, the Commission sets objectives and proposes options for future TEN-T development. It seeks the opinion of a broad range of shareholders on its proposals before deciding about legislative proposals and other relevant action to be taken.

The Committee is currently working on an initiative report in response to this Communication. The rapporteur welcomes the thorough review of the guidelines and considers that the need for a real corridor approach as well as new technologies, both in transport and transport-related energy sectors, have to be taken better into account. She recognises the crucial role of Member States in deciding, planning and financing transport infrastructure, including European cross-border coordination and cooperation, and calls on the European Council to be more coherent with regard to its wishes about TEN-T projects and its decisions on TEN-T budgets.

# Enhancing Market Access





In order to promote the completion of the single market, while ensuring fair competition and high standards of safety and consumer protection, the Committee on Transport and Tourism has sought to establish common rules for road hauliers, international rail services, airport charges and postal services. It has also supported the creation of a Single European Sky and its extension to neighbouring countries by means of aviation agreements.

The “Eurovignette” Directives, which regulate charges on heavy goods vehicles using certain infrastructure, have been an ongoing theme during the sixth legislature. The Committee has favoured a systematic approach to congestion, environmental and health-related costs and stronger earmarking of revenue. It has also sought to encourage the development of intermodal infrastructure and promote administrative simplification. The Marco Polo programme, which seeks to cut road congestion, has received support from the Committee as have attempts to develop the Community’s railways, including by means of the Third Railway Package.

The Committee approved numerous aviation agreements and also adopted resolutions concerning key trading partners including China, Russia and the United States. Its general approach was to favour standard rules allowing fair competition and making maximum use of air space and traffic management resources, rather than accepting artificial constraints arising from national boundaries.

## Road

### Ending discrimination in transport rates and conditions

Rapporteur: Paolo Costa (ALDE, IT) – 2007/0037(COD)

Adopted at first reading

#### Reducing administrative burdens: a ‘fast track action’

The Commission proposal, adopted on 6 March 2007, was considered as a ‘fast track action’ alongside ten concrete proposals in the Action Programme for reducing administrative burdens in the EU. The proposal was to amend two existing Regulations: Regulation No 11 (1960) concerning the abolition of discrimination in transport rates and conditions; and Regulation (EC) No 852/2004 on the hygiene of foodstuffs.

The transport part of the proposal aimed to amend outdated or time-consuming requirements of Regulation No 11 and proposed the following simplifications:

- removal of information on transport tariffs, rates and conditions before 1 July 1961;
- removal of requirements concerning the consignor, the nature of the goods carried, the place of origin and destination of the goods as well as the route to be taken or distance to be travelled, including frontier crossing points;
- removal of the obligation to retain a copy showing the full and final transport charges and any other charges, rebates or other factors affecting the transport rates and conditions since this information is available in the accounting systems; and
- adding an explicit reference to consignment notes in order to improve legal certainty and avoid duplications regarding information required by the Regulation.

According to the Commission's impact assessment, the expected reduction of administrative burdens was estimated to be around €160 million annually (for the transport part). The measure would affect more than 300,000 businesses (100 rail operators, 7,000 inland waterway operators and 300,000 road freight carriers).

### **Adopting the 'fast track action' for the transport elements**

The proposal was referred to Parliament under the codecision procedure because of the legal base of the Regulation on the hygiene of foodstuffs. However, for the transport aspects, Article 75(3) of the EC Treaty did not give Parliament any powers. On 5 July 2007, the Conference of Presidents authorised the Committee on the Environment, Public Health and Food Safety and the Committee on Transport and Tourism to draw up legislative reports on the hygiene and transport elements respectively.

The Committee on Transport and Tourism fully supported the transport component of the Commission's proposal as national borders within the EU for the transport of goods had been eliminated and the sector was characterised by a high degree of liberalisation. The introduction of a reference to "the consignment notes or to any other transport document" would reduce carriers' paperwork because these notes were already required under the UN Convention on the Contract for the International Carriage of Goods by Road (Geneva, 1956).

On 18 December 2007, the Committee adopted the transport part without amendment and deleted all provisions relating to the second part of the proposal, i.e. the Regulation on the hygiene of foodstuffs. This left the provisions of the Regulation on the hygiene of foodstuffs to be considered separately by the Environment Committee.

On 15 January 2008, Plenary endorsed all the amendments tabled by the Committee. This enabled Council to adopt the amendments to Regulation 11 without being blocked by the hygiene part of the proposal.

The Regulation entered into force on 10 July 2008.

## **The EU's freight transport agenda**

---

Rapporteur: Michael Cramer (Greens/EFA, DE) – 2008/2008(INI)

Resolution adopted in September 2008

### **An agenda for sustainable and efficient freight and logistics in Europe**

At the end of 2007, the Commission presented its freight transport agenda: a package of Communications on actions and improvements needed in this area. Freight transport is fundamental for European competitiveness and substantial growth is forecast in this sector. The agenda linked the sector's inability to increase its market share to difficulties in reliability, available capacity, information management, average speed and flexibility.

Four principles guided the Commission in drafting this set of Communications: improved co-modality necessitating improved efficiency, interoperability and inter-connectivity, the potential of Intelligent Transport Systems (ITS), the concept of "green corridors" integrating environmental considerations into the transport network, and a focus on user requirements.

The Commission supported an approach based on transport corridors and the promotion of innovative technology and best practice. It also advocated a policy of simplification and facilitation, both administrative and of freight transport chains, as well as a strengthening of service quality. The Commission announced that it would launch new measures in the rail sector for freight-oriented corridors traffic priority rules, including the monitoring service quality, corridor infrastructure capacity and the allocation of train paths.

## Parliament aims to focus actions on corridors and administrative simplification

The Committee on Transport and Tourism urged the Commission to concentrate EU co-financing on improving the efficiency, interoperability and quality of rail infrastructure, intermodal hubs and other freight transport modes. “Green corridors” should be defined as exemplary intermodal projects and a shift to intelligent and environmentally-friendly transport modes should be encouraged.

It also stressed that freight transport must meet pressing challenges to increase effective integration and sustainability. The use of more efficient logistics systems should be part of the gradual integration of priority cross-border freight corridors, hubs and conventional networks. The resolution stressed that the rail freight network should be based on the most ‘market-relevant’ freight corridors. The Commission was invited, via multi-annual contracts for rail infrastructure quality, to draw up framework conditions for minimum quality standards throughout Europe. It also called on the Commission to support projects on the differential use of high-speed lines.

Parliament advocated standardising and simplifying the administration of freight transport market authorities, and simplifying customs rules at borders. It urged the Commission to ask the appropriate international associations and organisations to develop a single intermodal document, with the assistance of the relevant associations and organisations.

Noting that the EU’s powers and resources for improving freight transport markets are limited, Parliament called on the relevant Transport Ministers to take up the issue of infrastructure investments and at least agree on coordinating their National Investment Plans in relation to their respective corridors. Finally, the resolution called on Member States to give priority to higher and further education in logistics and freight transport.

## Freight transport logistics in Europe - the key to sustainable mobility

Rapporteur: Inés Ayala Sender (PSE, ES) – 2006/2228(INI)

Resolution adopted in September 2007

### A framework strategy for sustainable freight transport and efficient logistics

In 2006, the Commission published a Communication entitled “Freight transport logistics in Europe - the key to sustainable mobility” as part of the midterm review of the 2001 Transport White Paper. It argued that logistics could increase the efficiency of individual and combined modes of transport, and favoured a market-oriented approach without neglecting social and environmental considerations.

The Communication sought to establish a framework strategy for freight transport logistics. It fed into an action plan for freight transport logistics, published in 2007. The Commission identified priorities and concrete areas for action, such as the identification and alleviation of bottlenecks, the use of Intelligent Transport Systems (ITS), including e-freight, training, the provision of statistics, the utilisation of infrastructure and the promotion and simplification of multimodal chains and loading standards. It also recognised the importance of communications technology and argued for common standards and greater interoperability between systems.

The Commission argued that infrastructure had to be better used by improving the efficiency of transshipment. New infrastructure should be provided through Trans-European Networks for Transport (TEN-T) and the Structural and Cohesion Funds. The Commission also suggested improving service performance by establishing European quality benchmarks, advancing interoperability in the rail network and encouraging dedicated rail freight corridors. It also supported “one-stop administrative shopping”.

## Should focus on intermodal infrastructure and administrative simplification

The Committee on Transport and Tourism welcomed the expected presentation of an action plan for freight logistics in autumn 2007. It insisted that priority under the new Lisbon Strategy be given to transport, to logistics and to the development of the TEN-T projects. It also considered that the controversial use of mega-liners in the EU should only be allowed for certain routes. In order to achieve a further simplification of the administrative burden, the Committee favoured the creation of a single EU document for all carriage of goods. It recognised the importance of developing “one stop administrative” shopping in the sector to increase efficiency, cut red tape and reduce costs.

The Commission was urged to devise a dedicated rail system focusing on cross-border corridors and the development of intermodal hubs. Parliament drew attention to the urgent need for more co-modal infrastructure, transshipment points and facilities, and also for the establishment of dry ports away from coasts. The resolution called for an in-depth study by the Commission on the appropriateness of various weights and measures standards in the light of technological change. Parliament also called on the Commission to intensify its efforts to simplify short sea shipping procedures, improve the concept of the Motorways of the Sea, and to come forward with additional proposals for inland waterways under the NAIADES initiative. Finally, the resolution demanded that the added value of the logistics component to be taken into account in future TEN-T funding decisions.

## Improving market access for coach and bus services

Rapporteur: Mathieu Grosch (EPP-ED, BE) – 2007/0097(COD)

Adoption at second reading expected in April 2009

### Flexibility for tourist services

The Commission considered that the existing provisions in this field lacked clarity and were over-complex. Specifically, there were problems with the scope of the Regulation; the authorisation scheme regulating international passenger services; the lack of information exchanges between Member States and the number and diversity of formats used for Community licences.

At its first reading, Parliament introduced an amendment to allow drivers of tourist coaches to work up to 12 consecutive days under conditions agreed between the social partners. Accordingly, the text contains a range of requirements that would have to be observed by any driver carrying out an occasional international transport service that made use of the 12-day derogation. A driver engaged in occasional international transport services would be able, under certain well defined conditions, to postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period.

Other amendments dealt with scope: one provision would allow Member States to refrain from applying the authorisation procedure to regular cross-border services not extending more than 50 km beyond the border; another would allow Member States to apply special safeguard measures, with the Commission's approval, in the event of the national transport market in a given geographical area being seriously disturbed.

### A pragmatic outcome

In its Common Position, Council accepted nine of Parliament's amendments. At the time of writing, Parliament is preparing its second reading. In this context, it seems clear that Council will accept the substance of Parliament's position on the key amendment allowing the postponement of tourist coach drivers' rest periods for up to 12 days. Points of difference do however remain. Council wants Member States to be able to suspend or withdraw authorisation for international bus services where these adversely affect comparable

public service contract services. Council also wants longer periods for the completion of administrative procedures.

## Improving market access for road carriage

Rapporteur: Mathieu Grosch (EPP-ED, BE) – 2007/0099 (COD)

Second reading expected in April 2009

### The same rules for every haulier

This proposal concerns the rules which govern hauliers who, from time to time, pick up and drop off goods in a Member State other than their own. This is called “cabotage”. Experience shows that the current legislative framework is unequally applied due, in large part, to unclear and incomplete legal provisions. The purpose of this proposal, therefore, is to enhance the clarity and enforceability of the current rules by consolidating and merging the two Regulations dealing with access to the road transport market. In summary, the Commission’s proposed modifications were:

- a simpler and clearer definition of the term “cabotage”. The new definition was expected to be easier to enforce and would allow for up to three transport operations consecutive to an international journey and within seven days;
- a simplified and standardised Community licence, certified copies and driver attestations in a bid to reduce the administrative burden and delays at roadside checks; and
- enhanced legal provisions that would oblige a Member State to act, when requested to do so by another Member State, in cases where a haulier commits an infringement in any EU Member State.

### Cabotage cannot always be temporary

In its first reading position, Parliament emphasised that if the word “temporary” was to be used in respect of cabotage, then this term would have to be defined and restricted to the provisions of the Regulation. Indeed, Parliament argued that there should be a date by which, at the least, all remaining restrictions on cabotage would be removed.

Other amendments aimed at allowing Member States to agree to permit cabotage without restriction on a bilateral basis, and to ensure that unnecessary checks and red tape were not superimposed on the provisions of the Regulation. Finally, Parliament did not consider that the vehicle should be completely empty of other loads before cabotage operations began.

Both Parliament and Council agreed on the simpler definition of cabotage to govern current cabotage operations. Council’s Common Position however did not foresee a date for the ending of cabotage restrictions, although it did reflect some of Parliament’s other concerns, for example on the conditions for granting licences to operate internationally and on a standardised waybill.

At the time of writing therefore, Parliament approaches the second reading of this proposal with substantial points of difference with Council remaining.

## Common rules for road transport operators

---

Rapporteur: Silvia-Adriana Țicău (PSE, RO) – 2007/0098(COD)

Second reading expected in April 2009

### Clearer rules and uniform application to enter the occupation

The Commission's intention, in proposing to replace the existing Directive with a new Regulation, was to ensure uniform application of the rules governing entrance to the occupation. Fundamentally, four sets of criteria would have to be respected: financial soundness; good reputation; establishment; and professional competence. Undertakings would have to meet these criteria by employing a professional transport manager if necessary. In addition, interconnected registers were to be set up so that information confirming that an operator was meeting these criteria could be checked at the national and European level.

### Avoiding loopholes and increasing efficiency

Parliament's first reading position was that the link between an enterprise and its transport manager must be unambiguous and contractually bound. The transport manager should have no more than 50 vehicles to manage and undertakings should be prevented from setting up "post box" operations through being required to have sufficient parking places at their registered place of business. Only serious infringements should lead to the loss of good reputation and information on types of conviction should not appear on public registers. Financial standing should be demonstrated by bank guarantees. Parliament also wanted to speed up the process of establishing registers and making them operational.

In its Common Position, Council moved some way towards Parliament's position on the need for a tight link between managers and undertakings. It accepted new indicators for measuring a company's financial standing and that minor offences should not lead to the loss of good reputation.

At the time of writing however this file is not closed and Parliament has yet to complete its second reading. A number of issues are unresolved, although perhaps not irresolvable. These include measures to encourage training that have not been adopted by Council; "real" establishment and the provision of parking places; and the timetable for setting up the registers and the general implementation of the Regulation.

## Charging heavy goods vehicles for infrastructure use

---

Rapporteur: Corien Wortmann-Kool (EPP-ED, NL) – 2003/0175(COD)

Adopted at second reading

### Extending coverage

In 2003, the Commission proposed amending the "Eurovignette" Directive of 1999, which concerns charges levied on heavy goods vehicles that use certain infrastructures. The proposal sought to improve the functioning of the single market by establishing a fair system of charging for the use of infrastructure based on the "user pays" and the "polluter pays" principles.

The 1999 Directive applied only to heavy goods vehicles of at least 12 tonnes. The Commission proposal would reduce this to 3.5 tonnes. The proposed framework would cover roads that form part of Trans-European Networks (TENs) and any other road to which traffic may be diverted from that network and which is in direct competition with certain parts of it.

## Differentiating charges according to pollution levels

Following a first reading during the previous Legislature, Council adopted a Common Position on 6 September 2005. The Committee on Transport and Tourism adopted its second-reading recommendation on 14 November 2005. This included a number of compromise amendments addressing the most Directive's controversial issues, such as the definition of external costs, the geographical scope of the Directive, the types of lorries concerned, toll variations and the concepts of "earmarking of revenue" and an "urban mark-up".

The Committee also called on the Commission to present a generally applicable and comprehensible model for the assessment of all external environment and health-related costs to serve as the basis for the future addition to the basic infrastructure charges no later than two years after the entry into force of the Directive. It also included a "safeguard" in the sense that if no model and legislative proposal are presented by this deadline, Member States are allowed to add up to 60% to their tolls as external costs.

Whereas Council had proposed that tolls and/or user charges should apply only to vehicles with a permissible laden weight of 12 tonnes or more, the Committee took the view that lorries of 3.5 tonnes or more should be covered by the Directive by 2010 at the latest.

Two compromise amendments were adopted on earmarking: where Member States levy tolls or user charges for use of TENs roads this revenue should be used for the maintenance of the infrastructure concerned and the transport sector as a whole. The relevant authorities may impose urban traffic charges and regulatory charges on any road, notably in areas including TENs roads which cross an urban area. By just one vote, the Committee favoured maximum mark-ups of 25% in urban areas. It also sought a clearer differentiation between charges for more and less polluting vehicles.

## Stronger environmental aspects and inclusion of smaller vehicles

On 7 December 2005, Parliament and Council succeeded in reaching an agreement which led to a series of compromise amendments being adopted by Plenary on 15 December 2005. These included substantial strengthening of the environmental aspects of the Directive including an obligation to vary tolls according to Euro-classes no later than 2010 for those countries which have tolls or user charges.

The principle of tolls and/or user charges applying to vehicles of 3.5 tonnes or more, favoured by Parliament, was adopted but from 2012, two years later than the Committee's position. Member States need not apply this principle if it would have undesirable effects on the free flow of traffic or on the environment or if it would lead to excessively high administrative costs compared to the revenue generated.

Member States would be permitted to apply tolls and/or user charges on roads not included in the trans-European road network, including on parallel roads to which traffic may be diverted from the trans-European road network and/or which are in direct competition with certain parts of that network, provided that the imposition of tolls on such roads does not discriminate against international traffic and does not result in distortions of competition between operators.

The new Directive allowed Member States to vary tolls according to the pollution discharged by vehicles and according to the time and type of day - holiday or normal working day - and season (thereby taking account of traffic congestion). Consideration of these elements will be compulsory for all new toll schemes introduced after 2010. Specified derogations are permitted but should be notified to the Commission.

On 17 June 2006, Council adopted the same text as Parliament by a qualified majority with the Portuguese and the Maltese delegations voting against and the Estonian, Finnish and Greek delegations abstaining. The Directive entered into force on 10 June 2006 with a deadline for transposition of 10 June 2008.

## Eurovignette III

---

Rapporteur: Saïd El Khadraoui (PSE, BE) – 2008/0147(COD)

First reading expected in March 2009

### Polluter pays principle for trucks

The Commission proposal, of 8 July 2008, revising the existing Directive 1999/62/EC on charging heavy goods vehicles (HGV) for the use of certain infrastructure was a first step in applying the polluter pays principle to road transport. While the old Directive regulated the way Member States could charge for infrastructure costs, this new proposal would also allow Member States to charge for certain external costs: air and noise pollution and congestion.

Member States would only be allowed to charge for these external costs via road-side barrier-free tolls and only if they follow certain calculation methods and remain within a maximum amount defined in the Directive.

The Commission also proposed an extension of the geographical scope of the Directive. Accordingly Member States wishing to charge for infrastructure and external costs would need to comply with the requirements of the Directive for all roads, apart from those in urban areas, where Member States would remain free to apply regulatory charging schemes, as different cities have already done.

### Committee favours stronger earmarking

On 11 February 2009, the Committee on Transport and Tourism adopted a report containing 69 amendments to the Commission's proposal. It decided to reduce the geographical scope of the Directive to TEN-T roads or any section of a Member State's road network which customarily carries a significant volume of international goods transport. All HGV above 12 tonnes would be covered when the Directive entered into force. From 1 January 2012, those above 3.5 tonnes would be covered without the possibility for derogations as foreseen in the Commission proposal.

The Committee followed the Commission on the chargeable external costs, but on congestion it decided to impose the conditions that a cost/benefit analysis and an action plan to reduce the congestion is undertaken and that a charge with an equivalent effect is applied to all road users.

The methodology and criteria applicable to infrastructure charging are the same as in Eurovignette II. External costs have to follow the formula and the maximum amounts of Annex IIIa as proposed by the Commission. For the maximum amount chargeable for air emissions, the committee lowered the chargeable costs for EURO VI and proposed not to charge lorries polluting less than EURO VI. In exceptional cases, in mountainous regions and conurbations, Member States can apply a mark-up designed to promote sustainable mobility of a maximum of 25% in addition to the infrastructure cost charge. External costs can be added to this mark up.

On the use of the revenues, the Committee favoured stronger earmarking of the infrastructure and external costs revenues. The revenues for external costs should mainly be spent on reducing the external costs arising from road transport, for measures aimed at reducing road transport pollution at source or developing alternative infrastructure for transport users.

The Committee decided that the external charge shall be levied by means of an electronic system which complies with the requirements of the Interoperability Directive 2004/52/EC without the extra condition of a barrier free system as proposed by the Commission.

Cities will remain free to set regulatory charges as the Committee followed the Commission proposal on this point.

## Public service requirements for transport by rail and road

Rapporteur: Erik Meijer (GUE/NGL, NL) – 2000/0212(COD)

Adopted at second reading

### Controlled competition for public transport operators

On 26 July 2000, the Commission proposed revising provisions governing the awarding of public service contracts for passenger transport which dated back to 1969. The main objective was to establish legal certainty for public transport operators wishing to establish themselves in another Member State. The Commission sought to introduce the concept of “controlled competition”, half-way between complete deregulation and a closed market.

Parliament adopted a first reading position on 14 November 2001 but the proposal remained blocked in the Council. On 20 July 2005, following the European Court of Justice’s Altmark ruling of 2003, the Commission modified its proposal to establish a framework regulating those interventions by the competent authorities - award of exclusive rights and compensation for public service obligations - which are most likely to affect competition and trade between the Member States.

The new proposal provided only two main methods of awarding contracts: invitations to tender and direct award. Competent authorities would have the option of providing public transport services themselves, or via an internal operator, without a competitive tendering procedure. However this would require greater transparency and the establishment of precise criteria applicable to compensation for public service obligations. The revised proposal would also give public authorities more freedom to organise competitive tendering in detail and would not seek to define an adequate standard of public transport or passenger information.

### Shorter transition, lighter rules for SMEs

On 11 December 2006 Council adopted a Common Position which allowed the Committee on Transport and Tourism to adopt a recommendation for second reading on 27 March 2007. The Committee’s amendments were designed to ensure that:

- public service operators were neither under- nor over-compensated for any losses caused by public service obligations;
- Member States could apply the Regulation to public passenger transport “by national sea waters”;
- railway contracts were awarded for at least three years to give operators the necessary financial stability; and
- competent authorities could penalise or terminate contracts if quality of service requirements were not met.

The Committee also extended the possibility for public service contracts to be awarded directly to SMEs without tender and favoured bringing the new rules into force more quickly than in Council’s position (the award of public service contracts by road or rail to comply with the new Regulation within eight rather than 12 years; the transitional period for the continuation of certain types of contracts be shortened from 30 years to 15; and the Regulation entering into force within 18 months rather than three years).

Following negotiations with Council, Plenary adopted its second reading on 10 May 2007. The maximum length of franchises was set at ten years for coach and bus service contracts and 15 years for rail compared to the Commission’s original five year proposal. National authorities were allowed to lay down minimum quality and social standards for public service operators, e.g. regarding working conditions, passenger rights, the

needs of persons with reduced mobility and environmental protection. The threshold for directly awarding contracts to SMEs was fixed at €2 million.

As requested by Parliament, Member States could apply this Regulation to public passenger transport by inland waterways and, without prejudice to the existing Regulation on maritime cabotage, by national sea waters.

On 23 October 2007 Council approved all the amendments proposed by Parliament. The Regulation would enter into force within two years (2 December 2009) and the new rules take effect ten years from that date.

## Harmonising certain road transport social legislation

---

Rapporteur: Helmuth Markov (GUE/NGL, DE) – 2001/0241(COD) and 2003/0255(COD)

Adopted at third reading

### Clarifying and simplifying rules

In 2001, the Commission proposed replacing a Regulation dating from 1985, so as to update, clarify and simplify EU legislation concerning driving times, breaks and rest periods for drivers of vehicles transporting goods or passengers by road. The proposal also sought to clarify all the terms used within the Regulation, to avoid individual interpretations which had led to a considerable number of cases before the European Court of Justice, as well as variations in the way enforcement applied to drivers of vehicles travelling throughout the Union. In addition, the proposal was designed to take account of the introduction of the new digital tachograph.

During the previous Legislature, Parliament adopted a number of amendments which led to a modified Commission proposal on 11 August 2003. This was followed, on 21 October 2003, by a proposal for a Directive intended to update and enhance the quantity and quality of enforcement operations. This included measures designed to improve the training and equipment provided to enforcement officers and to require Member States to establish joint training programmes as well as regular exchanges of information and best practice between Member States.

### Parliament strengthens monitoring and rest periods

Following the adoption of the two recommendations for second reading by the Committee on Transport and Tourism, on 15 March 2005, and by Plenary, on 13 April 2005, it was clear that Parliament and Council disagreed on some key issues including the length of daily rest periods for lorry drivers, the definition of regular rest periods, the introduction of a common spectrum of penalties, as well as the inclusion of the Working Time Directive.

On 6 December 2005, the Conciliation Committee reached agreement on joint texts, which were endorsed by Plenary on 2 February 2006. The key points were:

- from May 2006, all new vehicles would have to be fitted with digital tachographs;
- Parliament's proposal for a daily rest period of 12 hours was accepted (Council had favoured 11) but with the possibility of this rest period being taken in two periods, the first an uninterrupted period of at least three hours and the second an uninterrupted period of at least nine hours;
- at Parliament's insistence, Council finally agreed that higher levels of checks would be introduced a year earlier than originally proposed (2% of days worked from 2008 and 3% of days worked from 2010). From 2012 the minimum percentage of checks may be increased to 4% by the Commission. Minimum figures

were also agreed for the percentage of working days to be checked at the roadside and at the premises of undertakings;

- Council also agreed to the introduction of a non-exhaustive list of common infringements, which would include exceeding the maximum daily, six-day or fortnightly driving time limits, disregarding the minimum daily or weekly rest period, disregarding the minimum break and using a tachograph not fitted in accordance with the requirements of EU legislation. The Commission issued a declaration undertaking to provide a detailed list; and
- Parliament and Council agreed to include in the preamble of the Directive a reference to the importance of the Working Time Directive and to add a recital stating that the risks from driver fatigue should also be addressed through enforcement of the Working Time Directive.

Transposition of the Directive was required by 1 April 2007. The Regulation entered into force on 11 April 2007, apart from a few elements including the May 2006 date for digital tachographs.

## Enhancing supply chain security

Rapporteur: Jeanine Hennis-Plasschaert (ALDE, NL) – 2006/0025 (COD)

Procedure halted

### Fighting terrorism in inland transport

Recent history has demonstrated that transport is a sector which is particularly vulnerable to terrorist attacks. In 2006 the Commission, having already proposed legislation on port and airport security, put forward a draft Regulation to increase security in the supply chain, from shippers and logistics companies to all modes of inland transport. In the framework of the internal market, the proposal focussed on goods transport. It aimed at introducing the concept of a 'secure operator', to whom preferential treatment via fast track procedures could be given. The Commission proposed that each Member State should set up a certification system for secure operators. This system would be voluntary, on request of an operator, and under the control of a national competent authority. The operator should undergo a risk assessment which would then lead to a security management system.

### Parliamentary doubts

The Commission proposal received a lot of criticism. Firstly, it was argued that the proposal only addressed goods transport, whereas actual terrorist attacks mainly targeted passenger transport. Secondly, many stakeholders feared the cost and administrative burden of a certification system for 'secure operators' would be too onerous. Others doubted whether it was at all possible to develop a watertight security system for inland transport, as it is very open and interlinked to other modes of transport.

The rapporteur organised a wide-ranging consultation of interested parties. She found that an important argument in favour of the Commission proposal was to achieve a certain level of EU wide harmonisation with regard to security measures, thus avoiding unilateral national measures that can hamper the good functioning of the internal market.

When it became clear that, under the revised Community Customs Code, similar certification for secure operators was being developed, the need for this proposal became questionable. The revised Customs Code would allow customs authorities to grant the status of Authorised Economic Operator (AEO) to any business that satisfied EU criteria.

The rapporteur informed the Commission of her concerns. She advised the Commission that the AEO standards now had a greater security component and could therefore act as a substitute for many areas of the proposed Regulation. Commissioner Barrot agreed that the new customs rules would cover a very substantial part of the Commission proposal, though not all. He therefore decided not to proceed with the proposal until the Community had sufficient experience with the new customs rules to decide whether further proposals were needed. The Committee on Transport and Tourism took note of this development and discontinued its work on the draft Regulation.

## Rail

### Development of the Community's railways

---

Rapporteur: Georg Jarzembowski (EPP-ED, DE) – 2004/0047(COD)

Adopted at third reading

Part of Third Railway Package

#### Competition for international services

This particular proposal involved allowing railway undertakings, which have a licence and the required safety certificates, to operate international services in the Community from 1 January 2010. Operators would be permitted to pick up and set down passengers at any station on an international route, including stations located in the same Member State. There were provisions intended to safeguard the economic equilibrium of public service contracts while Member States would have the option of limiting such access if they concluded a public service contract for a specific service or if the economic equilibrium of the public service would be at risk.

#### A review for domestic services

On 19 April 2005, the Committee on Transport and Tourism adopted amendments that would have opened international passenger services to competition two years earlier than the Commission proposed and allowed access for all other types of passenger service by 1 January 2012. The Committee's amendments would have left Member States free to grant access rights at an earlier date. A new Article was added specifying that framework agreements should, in principle, be concluded for a period of five years but that, for services using specialised infrastructure (e.g. high-speed lines), such agreements could be of ten years' duration. The Committee also insisted that the components of the Third Railway Package be treated together. This approach was adopted by the Plenary on 28 September 2005.

Council's Common Position of 24 July 2006 followed the Commission's approach of limiting access to international passenger services with a later deadline of 1 January 2012. It also restricted access to those international services whose "principal purpose" was transporting passengers between stations in different Member States and favoured a fifteen-year duration for agreements using specialised infrastructure.

On 19 December 2006, the Committee adopted recommendations to open rail networks from 2010 for international passenger services (with two additional years for Member States with a very high share of international passenger traffic) and from 2017 for domestic passenger services (with up to five additional years for Member States having acceded on or after 1 May 2004). The Committee also amended the provisions on a levy on international rail passenger services as a compensation for costs arising from public service obligations

and rejected Council's new criterion according to which the right of access would depend on whether the "principal purpose" of the service is to carry passengers between stations in different Member States.

While the Plenary, on 18 January 2007, followed the Committee's approach for international travellers, it did not set any date for liberalising national rail services. This led to a Conciliation Committee agreement on 19 June 2007, endorsed by the Plenary on 25 September 2007, opening international passenger rail services to competition from 1 January 2010 (2012 for Member States with a high share of international passengers). International trains would be able to pick up and set down passengers at any station located along the route of an international service, including stations located in the same Member State, provided the service's principal purpose was the transport of passengers between stations in different Member States.

In line with Parliament's position, compensation for undertaking public service obligations was limited to the total cost incurred in meeting those obligations. Framework contracts for specialised infrastructure could normally be up to fifteen years in duration. In 2012, the Commission would present a report on the application of the Directive, evaluating how the market had developed and assessing the case for further opening up of passenger rail services. It shall also analyse the different models for organising this market and the impact of this Directive on public service contracts and their financing. In this report, the Commission shall, if appropriate, propose complementary measures to facilitate any such opening and assess their impact.

The Directive entered into force on 4 December 2007 with a transposition deadline of 4 June 2009.

## The implementation of the First Railway Package

Rapporteur: Michael Cramer (Greens/EFA, DE) – 2006/2213(INI)

Resolution adopted in September 2007

### Better implementation needed

In 2006 the Commission presented a report on the implementation of the First Railway Package, which was adopted in 2001. It stated that nearly all Member States had transposed the three Directives which made up the First Railway Package. In order to attain this level of transposition the Commission had to launch several infringement procedures against Member States. Although transposition was complete, implementation was still not achieved at the time of the report. The Commission also reported that the Directives were having unequal effect and that new market entrants were not present in all Member States.

The report identified a number of problems including arbitrary licensing and safety certification procedures, discriminatory and unfair infrastructure charging policies, and discriminatory access to facilities such as marshalling yards. The Commission also took the view that progress was required in many undertakings with regard to the separation of accounts. The Communication pointed out that, despite the First and Second Railway Packages, rail's market share for freight and for passengers had continued to fall, reaching 10% and 5.9% respectively in 2004.

### A need for greater intermodal and intramodal competition

The Committee on Transport and Tourism emphasised that the implementation of the First Railway Package had not produced an effective shift from road transport to railways, due to a lack of goodwill from some Member States and to an unfair allocation of European funds for railways. It asked the Commission to initiate legal proceedings against those Member States that had not implemented the First and/or Second Railway Package by the specified date.

The resolution addressed the fact that road transport is less charged than railways and that external costs are not internalised. It therefore requested a new Directive which builds upon the “Eurovignette II” Directive, by implementing a European toll charging all lorries above 3.5 tonnes, and by internalising all external costs. The resolution highlighted the fact that significant amounts of European funds had actually been allocated to road infrastructure by Member States at the expense of railways. It called for better rail interoperability via the installation of ERTMS on the six European rail corridors and underlined the importance of the mutual recognition principle for rail undertakings as this would allow undertakings to transport goods on the entire European railway network.

Noting that competition between rail and air transport was distorted, Parliament argued that the exemption from kerosene tax and VAT on international air tickets should be discussed as a matter of urgency at international and EU level. Finally, the resolution considered the separation of railway infrastructure and operation as a key issue of rail policy, and asked for the creation of an independent and transparent regulatory body with adequate funding.

## **A European rail network for competitive freight**

---

Rapporteur: Petr Duchoň (EPP-ED, CZ) – 2008/0247(COD)

First reading in Parliament expected in April 2009

### **Creating international rail freight corridors with governance bodies**

The Commission proposal would set out Member States’ obligations jointly to create international rail corridors for competitive freight and the procedure for selecting these corridors within the TEN-T. These choices would be validated at Community level after examining the relevance of the proposed corridors and their consistency. A governance body for each corridor would be created to encourage coordination between Member States and infrastructure managers along each of the corridors.

Investment should be coordinated and programmed, especially regarding the development of interoperability between the different networks and improved train capacity. A network of strategic terminals should be defined for each corridor and each corridor should have an effective strategy regarding the development of intermodal terminals and their adequacy in terms of the needs of freight running along the corridor.

Concerning the management of a freight corridor, the coordination of traffic operations should be coordinated between infrastructure managers on the one hand, and also between infrastructure managers and terminal managers on the other. A one-stop shop for all requests for train paths across several networks should be created in order to offer an integrated and mandatory point of sale for all applicants. More specifically, this improved management should guarantee preferential treatment for certain freight trains in terms of allocation of train paths, reserve of capacity of train paths and priority rules in case of traffic disruption. The quality of the service along a freight corridor should be monitored, in particular through the publication of performance indicators.

### **A broader and more flexible approach proposed by the rapporteur**

The rapporteur presented a first approach in his report to the Committee on Transport and Tourism in February 2009. He aims to reduce bureaucratic costs and procedures by comparison with the Commission’s proposal.

He proposes that certain provisions should not be mandatory, for example the one-stop-shop or the reserve of capacity for freight trains. Other obligations or priority rules should be at the level of governance bodies or of infrastructure managers, which are according to the rapporteur's view, the most relevant market level.

The definition of the freight corridors network should be based on a broader basis and include not only the TEN-T, but also the European Rail Traffic Management System corridors.

## Aviation

### Common rules for air transport services

Rapporteur: Arūnas Degutis (ALDE, LT) – 2006/0130(COD)

Adopted at second reading

#### Implementing harmonised transparent rules

The aim of the proposed Regulation was to establish common rules for the operation of air transport services in the Community. It reinforced the internal market by lifting existing restrictions on the provision of air services stemming from old bilateral agreements between Member States and by conferring to the Community the right to negotiate intra-Community traffic rights with third countries. It also enhanced consumer rights by promoting price transparency and non-discrimination.

The proposal simplified and consolidated existing legislation. Specifically it aimed to:

- reinforce the requirements for the granting and revoking of an operating licence;
- strengthen the requirements for the leasing of aircraft, especially wet-leasing (aircraft leased with crew);
- clarify the rules applicable to public service obligations;
- remove inconsistencies between the internal aviation market and services to third countries;
- clarify the rules applicable to traffic distribution between airports; and
- promote price transparency for passengers and fair price behaviour.

#### Protecting the passenger

Parliament insisted that airlines should provide evidence that they have sufficient insurance cover to be able to refund sums paid and the costs of repatriating passengers in the event of insolvency or revocation of their operating licence. Carriers operating within the Community should provide the general public with comprehensive information, including on the internet, on their air fares and rates and on all applicable taxes, non-avoidable charges, surcharges and fees levied by them for the benefit of third parties. This should include flights leaving for third countries. Optional price supplements should be communicated in a clear, transparent and unambiguous way at the start of any booking process and their acceptance by the passenger should be on an "opt-in" basis.

In the case of short-term wet-lease agreements to meet the temporary needs of a carrier, the competent licensing authority may grant waivers to the requirement of registration under tightly defined special circumstances. With respect to employees of a Community air carrier operating air services from an operational base outside the territory of the Member State where that Community air carrier has its principal place of business, Member States shall ensure the proper application of Community and national social legislation.

Council's Common Position reflected the compromise reached between the three Institutions following negotiations that took place in the autumn of 2007 and the file was closed at second reading. The scope of the obligation for transparent information and non-discrimination was extended to all flights leaving the Community, including flights operated by third country air carriers. From now on, the final prices announced for flights leaving a Community airport must include the applicable air fare or air rate as well as all applicable taxes, and charges, surcharges and fees which are unavoidable and foreseeable at the time of publication. Member States shall lay down penalties for infringements of the provisions on fares.

The Commission also undertook to study the impact of the internal aviation market on employment and working conditions and separately the feasibility of insurance to cover ticket reimbursement and repatriation.

The Regulation reinforced the requirements for the granting and revoking of operating licences; imposed stricter requirements on the financial strength of air carriers; strengthened the requirements for the leasing of aircraft; clarified the rules applicable to public service obligations; reiterated the Member States' obligation to apply the relevant national and European social legislation with respect to employees of a Community air carrier operating air services from an operational base outside the territory of the "home" Member State; clarified the rules applicable to traffic distribution between airports; and allowed Member States to impose traffic rights restrictions in cases where there are serious environmental concerns.

The Regulation entered into force on September 2008.

## **Airport capacity and ground handling**

---

Rapporteur: Anne E. Jensen (ALDE, DK) – 2007/2092(INI)

Resolution adopted in October 2007

### **Ensuring sufficient airport capacity in Europe**

As it was commonly expected that air traffic would continue to grow rapidly, the Commission considered it necessary to propose measures to avoid European airport capacity becoming increasingly scarce. Therefore, it published, on 24 January 2007, a Communication which proposed a series of coordinated actions at the European level to enhance the efficiency and security of airports. Among these were measures designed to optimise the use of existing infrastructure by better planning and through the deployment of modern technologies, the promotion of co-modality and proposals for improving the environmental performance of airports.

In response to the Commission's Communication, on 11 October 2007 Parliament adopted a resolution welcoming the proposals, stressing that adequate airport capacity and efficient ground handling must be ensured as they are vital to the European economy. Furthermore, Parliament pointed out that more efficient use of existing airport capacity would have the additional benefit of reducing environmentally harmful emissions caused by airport congestion. The resolution put particular emphasis on the need to take concrete measures within a clearly defined timeframe as part of a consistent overall strategy to enhance the efficiency of European airport policy.

### **Towards a Master Plan for airport capacity**

In concrete terms, the resolution proposed a survey of actual demand for infrastructure, which should subsequently develop into an EU-wide air transport forecasting mechanism. Most importantly, Parliament requested that the Commission present a master plan to increase airport capacity in Europe. This plan should

not only optimise the use of existing capacities but also provide for well-coordinated national and cross-border initiatives for building new airport capacities dedicated to international traffic.

Parliament also called for close co-operation between airport authorities and the relevant regional and local administrations and asked the Commission and the Member States to facilitate the exchange of best practice concerning the public management of regional airports. Finally, it was suggested that pilot projects and research programmes examining airports' impact on surrounding areas and their residents should be given financial support.

As far as ground handling services were concerned, Parliament invited the Commission to analyse the impact of existing legislation (Directive 96/67/EC) on employees and passengers. It recommended that possible future amendments to this Directive should focus on the quality of ground handling services and of employment.

## Airport charges

Rapporteur: Ulrich Stockmann (PSE, DE) – 2007/0013(COD)

Adopted at second reading

### A fair charging system for airports

The purpose of the Directive proposed by the Commission was to set common principles for the levying of airport charges at Community airports. Pricing of airport infrastructure has been regulated at the national level through systems that are not always properly justified and where the provision of information can be inadequate. The proposal defined a number of basic principles to be respected by operators when they determine their airport charges.

These are:

- non-discrimination between carriers or passengers and the requirement that differences in treatment should be related to the actual cost of the facilities and services provided;
- consultation and remedy whereby the airport managing body and the air carriers must engage in a dialogue on the charging system applicable at an airport;
- transparency which is served by identifying which information should be provided on a regular basis by the airport managing body and air carriers;
- quality standards which are agreed between airports and operators;
- differentiation of charges set on the basis of fixed criteria; and
- a regulatory authority, to be established in each Member State, that would be responsible for ensuring the correct application of the Directive.

### Transparency and scope

Parliament's first reading focused on a number of issues. The Directive should apply to airports with more than five million passenger movements per annum and not one million as the Commission had proposed. In the interests of transparency, at least once a year, the airport managing body must provide airport users with information on the components serving as a basis for determining the level of all charges levied at the airport. This information must include the amount of State and regional aid granted to airports.

The airport managing body may pre-finance new infrastructure projects by increasing airport charges under certain conditions. Parliament also considered that Member States may permit the operators of airport

networks to introduce a uniform and transparent system of airport charges for all the airports belonging to an airport network and proposed a definition of a network.

Parliament and Council came to a second reading agreement. Parliament's proposal to apply the Directive to airports with more than five million passenger movements per annum was accepted with the addition of the airport with the highest passenger movement in each Member State.

In Member States where pre-financing occurs, Member States or airports should refer to International Civil Aviation Organisation policies and/or establish their own safeguards. A new article stipulated that, having informed the Commission and in accordance with Community law, Member States may allow an airport managing body to apply a common and transparent charging system at airports serving the same city or conurbation.

As proposed by Parliament, the Directive will not prevent an independent supervisory authority from delegating, under its supervision and full responsibility, the implementation of the Directive to other independent supervisory authorities, provided that implementation takes place in accordance with the same standards.

Information provided on charges must include, inter alia, any financing from public authorities of the facilities and services which airport charges relate to and the predicted outcome of any major proposed investments in terms of their effects on airport capacity.

The Directive should come into force in March 2009.

## **A sustainable future for General and Business Aviation**

---

Rapporteur: Luis Queiró (EPP-ED, PT) – 2008/2134(INI)

Resolution adopted in February 2009

### **Addressing an aviation sector of growing importance**

General and Business Aviation (GBA) comprises a variety of mainly non-commercial civil aircraft operations ranging from recreational flying to business aviation and specialised aerial work. This sector had not been specifically addressed at a Community level as the development of the EU's single aviation market traditionally focussed on commercial air transport. However, the extension of Community competences into aviation safety, security, air traffic management and environmental issues became increasingly relevant to GBA. At the same time, GBA was growing fast in terms of both its volume and its economic importance.

On 11 January 2007 the Commission published a Communication entitled "Agenda for Sustainable Future in General and Business Aviation", which identified the major issues and challenges for GBA. Parliament reacted to this by adopting, on 3 February 2009, a resolution welcoming the Communication and highlighting a number of aspects that it considered to be of particular importance.

### **The need for proportionate regulation**

Firstly and most importantly, Parliament stressed that the specificities of GBA have to be taken into account in the design and implementation of the EU's aviation policy. In this respect, the resolution called for a strict monitoring of the application of the proportionality principle and requested that segmented impact assessments be carried out in order to provide for a differentiation of regulations affecting different categories of undertakings and airspace users as long as this would not compromise safety in any way.

Secondly, the resolution referred to problems concerning access to airspace and aerodromes as a key issue for GBA. As far as aerodromes are concerned, measures should be taken to optimise the use of existing infrastructure. The further development of local and regional airports was also considered to be of vital importance for GBA. However, where possible, business aviation should also be given adequate access to major airports. Parliament also emphasised the important role of the Community Observatory for Airport Capacity in developing capacity-enhancing measures. In relation to access to airspace, the resolution stressed that both the ongoing revision of Single Sky legislation and the SESAR programme will bring about significant improvements.

Other areas touched upon in the resolution included the need for a systematic gathering of information and data on GBA, initiatives to improve the environmental performance of smaller aircraft and measures to facilitate access of the EU's GBA industry to world markets.

## International Agreements

### Comprehensive air services Agreements

Comprehensive air services Agreements deal with a broad range of issues including market opening and regulatory convergence between the contracting parties. Furthermore, the EU offers technical assistance, if necessary, so that these goals could be achieved.

For the time being three comprehensive air services Agreements have been concluded (summarised below), but further Agreements are envisaged. Negotiations have already started or an agreement has been initialled with the following states: United States of America (2nd stage), Canada, Australia, New Zealand, Jordan, Lebanon, Israel, Algeria, Tunisia and Ukraine.

## Developing the Community's external aviation policy

Rapporteur: Saïd El Khadraoui (PSE, BE) – 2005/2084(INI)

Resolution adopted in January 2006

### Creation of a Common Aviation Area by 2010

Two years after the European Court of Justice's "Open Skies" judgements, affirming EU competence in certain aspects of international aviation agreements, the Commission presented a strategic document to develop the external approach of the internal aviation market.

Apart from aligning the existing bilateral agreements with EC law, the roadmap for implementing the EC external aviation policy incorporates two complementary objectives:

- creating, by 2010, a Common Aviation Area comprising the EC and all partners located along its southern and eastern borders, with a view to achieving a high degree of economic and regulatory integration of the aviation markets in this area. The various parties would share the same market operation rules, not only from an economic point of view but also with regard to air traffic, security and safety; and
- launching, in the short term, targeted negotiations seeking to achieve global agreements with the world's major regions that aim to strengthen the prospects for promoting European industry and ensure fair competition in the most dynamic world markets, while at the same time helping to reform international civil aviation.

## Regulatory convergence before market opening

In its resolution, Parliament recognised the need to develop a common external aviation policy. It considered agreements with the USA, Russia and China to be priorities. It underlined that bilateral agreements should be brought into line with Community law as soon as possible, on the basis of the ruling of the Court of Justice, in order to avoid legal uncertainty. The commencement of negotiations on comprehensive agreements could, however, only be supported if a clear, coherent negotiation strategy existed.

As regards market opening Parliament stressed that new agreements should be balanced in terms of market access, and might include issues such as cabotage, rights of establishment, ownership and control, competition rules and state aid, but only on a basis of strict reciprocity. Concerning regulatory convergence Parliament emphasised that the opening-up of markets should always follow regulatory convergence, and that the degree of liberalisation should be linked to the degree to which a level playing field had been achieved.

Parliament also underlined the importance of safety and security and suggested that references to the International Civil Aviation Organization and EU safety regulations be included in agreements with third countries and that Member States increase their efforts, through bilateral cooperation and the European Aviation Safety Agency, to help those third countries that lacked an adequate safety level to attain such a level. Parliament emphasised the importance of developing an EU security policy for transport, which should be included in the negotiating agendas for aviation agreements.

Furthermore, Parliament recognised that the aviation sector has several negative environmental effects, in particular as a source of noise and a significant contributor to climate change, but that airports and air carriers had already made significant efforts to reduce and avoid such pollution. Parliament favoured additional environmental measures, such as the integration of aviation into the European emissions trading system with equal treatment of EU and non-EU air carriers.

In addition, Parliament urged the Commission to insist on the introduction of references in new agreements to relevant international legislation relating to social rights, in particular the labour standards embodied in the fundamental Conventions of the International Labour Organisation, the OECD guidelines for Multinational Enterprises and the Rome Convention on the Law Applicable to Contractual Obligations. Community social legislation must be applied to employees recruited and/or employed in EU Member States.

Finally, Parliament stated that negotiations should be carried out in close cooperation with the Member States. The Commission was also asked to ensure that the European Parliament and all relevant stakeholders were fully informed and consulted before and throughout the negotiations, by means of an agreed consultation road-map.

## Establishing a European Common Aviation Area

Rapporteur: Eva Lichtenberger (Greens/EFA, AT) – 2006/0036(CNS)

Consultation procedure, only one reading

The purpose of the European Common Aviation Area (ECAA) is to open up markets between the European Union and its neighbours and to offer ECAA signatories the benefits of an internal market in the field of aviation. Initial negotiations from 1996 onwards focused on the then ten applicant countries. Following their accession, in May 2004, the Commission's focus shifted towards the Balkan region.

The current Agreement between the EU, nine Balkan countries, Iceland and Norway aims to establish a European Common Aviation Area offering full market opening in terms of access, capacity, fares and the

freedom of establishment without nationality clauses as well as an alignment with Community legislation on safety, security and air-traffic management matters.

Upon entry into force of the Agreement the existing bilateral air service Agreements between the Member States and the ECAA partners will, to a large extent, cease to exist and be substituted by one single Community Agreement. In terms of its structure, a common “multilateral main text” forms the basis of the ECAA. This text will be obligatory for all signatories. A series of Protocols have been added, which accommodate the specific needs of each country and include appropriate transitional arrangements.

In a non-legislative resolution adopted on 25 April 2007 (2007/2539(RSP)), Parliament stressed that the Community’s environmental and social legislation should be complied with when implementing the Agreement and urged the prompt implementation of the commitments. In its legislative resolution, Parliament approved the conclusion of this Agreement. The Agreement is currently provisional and awaits ratification by all the signatory parties.

## Relations with Russia and China in the field of air transport

Rapporteur: Roberts Zile (UEN, LV) – 2005/2085(INI)

Resolution adopted in January 2006

### Need for comprehensive air transport agreements

The Commission adopted two separate Communications: one on Russia and another on China. In its Communication relating to Russia, it presented the background and arguments substantiating the need for a comprehensive air transport agreement between the Community and the Russian Federation, which would allow the two partners to establish a clear and coherent framework enabling them to develop their aviation relations constructively in the coming years. Furthermore, in parallel to this Communication, the Commission recommended that Council authorise the Commission to negotiate, on behalf of the European Community, a comprehensive air transport agreement with the Russian Federation.

Such a framework would aim to improve market opportunities for both sides, ensure compliance with Community law, phase-out trans-Siberian overflight payments, promote the approximation of aviation laws where appropriate, establish joint mechanisms for co-operation on security, safety and environmental standards, and foster co-operation in the industrial field. It would also bring about significant economic benefits.

Concerning China, the Commission stated that, as a consequence of the “Open Skies” judgements of the European Court of Justice on 5 November 2002, the bilateral agreements between Member States and China were unsustainable and needed to be amended. The Commission had been given a “horizontal” mandate to negotiate the required revisions of bilateral agreements with third countries. However, in view of the growing importance of the Chinese aviation market, the difficulties encountered by individual Member States in seeking to bring bilateral agreements into conformity with Community law and the benefits of replacing the fragmented European approach in its relations with China with a co-ordinated and liberal approach, the Commission took the view that it was time to develop a wider range of opportunities between China and the Community in air transport.

In parallel to this Communication, the Commission therefore recommended that Council should authorise the Commission to negotiate, on behalf of the European Community, a comprehensive Open Aviation Agreement with China. This agreement should establish an ambitious framework integrating industrial co-

operation and wider aviation issues such as co-operation in the fields of aviation safety, security, air traffic management, technology and research as well as “doing-business” issues.

### **Tough conditions for the agreements**

In its resolution, Parliament noted that the charges imposed by Russia for flights over its territory were in violation of international law and had not, in the main, been used for the promised improvement of air traffic control management but rather to subsidise Russia’s own airline, in breach of competition law. It insisted that no comprehensive agreement should be concluded without the immediate and complete abolition of Siberian overflight charges. Furthermore, no modified charging scheme should be agreed to replace the current overflight charging regime. Parliament called on the Commission not to conclude an agreement on the Russian Federation’s accession to the World Trade Organisation while Russia continued to charge for Siberian overflights. In this context, Parliament asked the Commission to evaluate all arguments related to modernisation, capital investment and technical requirements in the links between the European Union’s and Russia’s aviation industries and their differences over overflight charging.

As regards China, Parliament acknowledged the desirability of a comprehensive aviation agreement but felt that, prior to its conclusion, a horizontal agreement should be reached so that China’s current bilateral air service agreements with various Member States could be brought into line with the Court of Justice’s ‘Open Skies’ judgment. Parliament called on Council to extend the Commission’s negotiating mandate to cover the provision of the necessary airport and safety infrastructures and air traffic control over Chinese airspace, which are currently inadequate and pose an obstacle to the development of aviation relations. It also insisted that the provisions of a balanced agreement with China on air cargo should be implemented without delay and, if necessary, before completion of negotiations on passenger traffic.

Parliament acknowledged the excellent work the Commission was carrying out with its Russian and Chinese partners, but regretted that it had not had access to the terms of the negotiating mandate the Commission sought from Council. It insisted on being better integrated in the process of negotiating the agreements.

## **Air Transport Agreement with the United States**

---

Rapporteur: Saïd El Khadraoui (PSE, BE) – 2006/0058(CNS)

Consultation procedure, only one reading

The objective of the negotiations was the establishment of an Open Aviation Area between the EU and US. The idea being to create a single market for air transport between the EU and US in which EU and US airlines would be able to provide air services without any restriction and which would include the domestic markets of both parties. Given the wide-ranging implications of such an Agreement, most notably the requirement for the US to allow cabotage and to remove restrictions on foreign legal ownership and control of US airlines, the Agreement became a politically sensitive issue for the US government. To address this problem both parties agreed to a staggered implementation of the Agreement. At the same time, however, there is an implicit understanding that mechanisms should be put in place which allow the Agreement to become more complete.

As a result, the signed and concluded Agreement represents a comprehensive first-stage Agreement intended to replace the existing bilateral Agreements Member States have concluded with the United States. It removed all existing pricing and capacity restrictions on the rights of both Community air carriers and United States air carriers to operate between points in the European Community and points in the United States, but not on cabotage. Further, the Agreement established provisions which allow Community air carriers uniform conditions for market access. It also offered a number of access rights for Community airlines to the US ‘Fly

America's programme for the transport of passengers and cargo financed by the US Federal government. Such rights had never previously been granted by the United States to a third country. In addition, the Agreement establishes new arrangements for regulatory co-operation between the European Community and the United States and it establishes provisions essential to the safe, secure and efficient operation of transatlantic air services.

All of the terms will be common to the 27 EU Member States who will apply the same rules without discrimination and in a uniform manner. In return, Community air carriers will be able to access commercial opportunities that Member States, acting individually, have been unable to secure.

Parliament gave its first appreciation of the draft Agreement in form of a non-legislative resolution (2007/2525(RSP)). In this resolution Parliament underlined that the issues not resolved in this first-stage Agreement should be dealt with in the second-stage Agreement. These issues are cabotage, right of establishment and ownership. Furthermore, Parliament proposed the concept of 'one-stop security' and emphasised the need to reduce the negative environmental impact of aviation on climate change. Parliament wished to be fully informed and consulted before and throughout the second-stage negotiations by the Commission.

In its legislative resolution Parliament approved the conclusion of the Air Transport Agreement between the EC and its Member States, and the United States of America.

## **Euro-Mediterranean Aviation Agreement - Morocco**

Rapporteur: Johannes Blokland (IND/DEM, NL) – 2006/0048(CNS)

Consultation procedure, only one reading

The envisaged Common Aviation Area was intended to encompass all of the Community's neighbours, including the countries bordering the Mediterranean. The Morocco Agreement was the very first step in the process of strengthening the aviation relations between the European Community and the countries neighbouring the EU and establishing a Common Aviation Area.

The purpose of this Agreement was the seamless integration of the Moroccan aviation market into the single European market through a two-stage approach, always based on the three pillars of the aviation external policy: regulatory convergence; market opening and targeted technical assistance. This would result in an unrestricted environment where operators are free to take commercial decisions, and where they operate under the highest standards in the areas of aviation safety, aviation security, environmental and consumer protection.

Parliament approved the conclusion of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States and the Kingdom of Morocco.

## Developing a Common Aviation Area with Israel

---

Rapporteur: Luca Romagnoli (NA, IT) – 2008/2136(INI)

Resolution expected to be adopted in March 2009

### Benefits for the economy and for passengers

This Communication sought Council approval for a comprehensive agreement on a Common Aviation Area with Israel combining market opening and regulatory cooperation with improved convergence in priority areas such as safety, security, environmental protection and the application of state aid/competition rules.

A Common Aviation Agreement with Israel would bring about a number of economic benefits. The number of direct connections between the EU and Israel as well as the overall number of flights would increase, boosting trade and tourism flows significantly. Passengers in all Member States would benefit from similar conditions and increased traffic between the EU and Israel. An important share of the economic benefits is expected to be reaped by the European airline industry and the wider European economy. In addition, the Common Aviation Area would help create substantial new market opportunities for those EU air carriers that would like to begin air operations with Israel but who, currently, do not have the right to do so. Economies of scale would also be realised by integrating Israeli carriers into existing alliances with Community air carriers.

In April 2008, Council authorised the Commission to open negotiations, on behalf of the European Community and its Member States, with Israel with a view to establishing a comprehensive air transport agreement. The negotiations started on 9 December 2008.

### Regional convergence essential for a Common Aviation Area

The Committee on Transport and Tourism welcomed the commencement of the negotiations and stressed the importance of the agreement in terms of creating the conditions for extending the Common Aviation Area. At the same time, the Committee emphasized that the agreement should be balanced in terms of market access and that the opening-up of markets must follow regulatory convergence with regard to safety, security, environmental, state aid and competition law aspects. The degree of liberalisation had to be linked to the extent to which a level playing field was achieved in these areas.

The Committee also underlined the negative environmental effects of the aviation sector. It therefore considered it essential that the Agreement allowed for the possibility of the European Union acting to mitigate the impact of aviation on water, air quality and noise levels. The Committee also called for stringent air safety and security rules. Finally, it called on the Commission to ensure that Parliament and all relevant stakeholders were kept fully informed and consulted throughout the negotiations.

## Horizontal air services Agreements

---

Rapporteur: Paolo Costa (ALDE, IT) (unless otherwise specified)

Consultation procedure, only one reading

Following a ruling by the Court of Justice, the Community has exclusive competence with respect to various aspects of external aviation which were traditionally governed by bilateral air services Agreements between Member States and third countries. Consequently, Council authorised the Commission, in June 2003, to open negotiations with third countries in order to replace certain provisions in existing bilateral Agreements with Community Agreements.

The Agreements negotiated by the Commission include the following changes:

- the traditional designation clauses, referring to air carriers of the Member State party to the bilateral Agreement, are replaced by a Community designation clause, referring to all Community carriers, EEA carriers and carriers of Switzerland, so that discrimination between Community air carriers could be avoided;
- taxation of aircraft fuel for operations within the territory of the Community is permitted in line with Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity; and
- a further article resolves conflicts between the bilateral Agreements and European Community law.

According to Article 300 of the Treaty establishing the European Community, the signing and conclusion of Agreements between the Community and one or more States or international organisations shall be decided on by Council. Before concluding an Agreement Council shall consult Parliament.

Parliament approved the conclusion of the following Agreements:

Agreement between the European Communities and Chile on certain aspects of air services 2004/0289(CNS)

Agreement between the European Communities and Georgia on certain aspects of air services 2005/0009(CNS)

Agreement between the European Communities and Lebanon on certain aspects of air services 2005/0012(CNS)

Agreement between the European Communities and Croatia on certain aspects of air services 2005/0059(CNS)

Agreement between the European Communities and Bulgaria on certain aspects of air services 2005/0060(CNS)

Agreement between the European Communities and Azerbaijan on certain aspects of air services 2005/0011(CNS)

Agreement between the European Communities and Ukraine on certain aspects of air services 2005/0155(CNS)

Agreement between the European Communities and Serbia and Montenegro on certain aspects of air services 2005/0141(CNS)

Agreement between the European Communities and Albania on certain aspects of air services 2005/0143(CNS)

Agreement between the European Communities and the Former Yugoslav Republic of Macedonia (FYROM) on certain aspects of air services 2005/0146(CNS)

Agreement between the European Communities and Romania on certain aspects of air services 2005/0148(CNS)

Agreement between the European Communities and Moldova on certain aspects of air services 2005/0151(CNS)

Agreement between the European Communities and Morocco on certain aspects of air services 2005/0161(CNS)

Agreement between the European Communities and Bosnia and Herzegovina on certain aspects of air services 2005/0140(CNS)

Agreement between the European Communities and New Zealand on certain aspects of air services 2005/0113(CNS)

Agreement between the European Communities and Australia on certain aspects of air services 2005/0112(CNS)

Agreement between the European Communities and Singapore on certain aspects of air services 2005/0208(CNS)

Agreement between the European Communities and Uruguay on certain aspects of air services 2006/0016(CNS)

Agreement between the European Communities and the Maldives on certain aspects of air services 2006/0027(CNS)

Agreement between the European Communities and Paraguay on certain aspects of air services 2006/0094(CNS)

Agreement between the European Communities and Malaysia on certain aspects of air services 2006/0202(CNS)

Agreement between the European Communities and Panama on certain aspects of air services 2007/0057(CNS)

Agreement between the European Communities and Kyrgyzstan on certain aspects of air services 2007/0065(CNS)

Agreement between the European Communities and Jordan on certain aspects of air services 2007/0074(CNS)

Agreement between the European Communities and the United Arab Emirates on certain aspects of air services 2007/0052(CNS)

Agreement between the European Communities and India on certain aspects of air services 2008/0121(CNS)

Agreement between the European Communities and Armenia on certain aspects of air services 2007/0251(CNS)

Agreement between the European Communities and Nepal on certain aspects of air services 2008/0017(CNS)

Agreement between the European Communities and Israel on certain aspects of air services 2008/0068(CNS)

## **Agreements following the accession of Bulgaria and Romania**

---

Rapporteur: Paolo Costa (ALDE, IT)

Consultation procedure, only one reading

The accession of Bulgaria and Romania to the EU necessitated the adaptation of several air services Agreements. This is reflected in the following documents:

Protocol amending the Euro-Mediterranean Aviation Agreement – 2007/0181(CNS)

Amendment of the Agreements on certain aspects of air services between the EC and the government of Georgia, the Republic of Lebanon, the Republic of Maldives, the Republic of Moldova, the government of the Republic of Singapore and the Oriental Republic of Uruguay – 2007/0125(CNS)

Protocol amending the Agreement between the EC and the Kingdom of Morocco on certain aspects of air services – 2007/0183(CNS)

## **Other international Agreements**

---

Rapporteur: Paolo Costa (ALDE, IT)

Consultation procedure, only one reading

### **Agreement with ICAO regarding security audits/inspections and related matters 2008/0111(CNS)**

Since 2002, ICAO has conducted security audits in all its Contracting States, including the EC Member States, in order to monitor the application of Annex 17 to the Chicago Convention. Since 2004, on the basis of Regulation (EC) No 2320/2002, the Commission has undertaken security inspections so as to monitor the enforcement of this Regulation by Member States. Annex 17 and Regulation (EC) No 2320/2002 contain, to a large extent, similar standards. The objective of this Memorandum is to reduce significantly the number of individual audits to be carried out by ICAO within the territory of the European Community. Parliament approved the conclusion of this Memorandum.

### **Agreement with the United States on cooperation in civil aviation safety 2007/0111(CNS)**

The purpose of this Agreement was to facilitate trade in goods and services by limiting, as far as possible, the duplication of assessments, tests and controls, through reliance on the certification system of either party to

check conformity with the other party's requirements except where there are significant regulatory differences. The Agreement stipulates that each party shall accept findings of compliance of the other party. Parliament approved the conclusion of this Agreement.

### **Protocol to the agreement on maritime transport with China, following enlargement - 2004/0290(CNS)**

This protocol adjusted the 2002 agreement on maritime transport to take account of the accession of ten Member States on 1 May 2004. The protocol was approved by Parliament on the basis of a report from the Committee on Transport and Tourism.

## **Maritime Transport**

### **Market access for port services**

---

Rapporteur: Georg Jarzembowski (EPP- ED, DE) – 2004/0240(COD)

Proposal withdrawn

#### **Reheated proposal for increased market access**

This proposal, put forward on 13 October 2004, represented the Commission's second attempt to increase market access for port services. On 20 November 2003, the European Parliament rejected the joint conciliation text on the Commission's 2001 proposal. The most contested element of the conciliation agreement was the definition of "self-handling". A majority opposed the conciliation text because it had not come up with a satisfactory solution to this problem.

In its new proposal, the Commission reinserted many elements taken from the conciliation text including the application of the financial transparency Directive and the state aid guidelines text. It slightly modified its former proposal on cargo self-handling.

For pilotage the Commission reinserted the conciliation text which included pilotage in the scope of the Directive but with the possibility for the competent authorities to reserve the service for themselves or assign it to a single provider. Authorisations for service providers would have become mandatory and a system for granting authorisations established. Within a certain time frame following the entry into force of the Directive all providers of port services will have to operate on the basis of an authorisation.

The proposed system foresaw the possibility for the authorisation to be granted through a selection procedure. The durations of authorisations for service providers would have been linked to the investment made by the service provider with the authorisation's duration being higher than those originally proposed in 2001, but lower than those of the conciliation text.

The proposal retained self-handling operations provided through the land-based personnel of the self-handler or through the regular on board seafaring crew within its scope. However, the proposal was more restrictive than the joint conciliation text as it only allowed the practise of "on board" self-handling through authorised regular shipping service in the context of short sea shipping or operating on "Motorways of the Sea".

#### **Proposal heavily defeated in Plenary following split in Committee**

On 22 November 2005, the Committee on Transport and Tourism was unable to reach a decision on the new port services Directive. An attempt to throw out the Directive completely was narrowly defeated. Although

most elements of a compromise package of amendments, which sought to exempt pilotage services from liberalisation, were adopted, the final report was rejected by 24 votes to 23. A legislative resolution was adopted leaving the Commission's proposal unchanged, so as to defer decisions to the Plenary.

On 18 January 2006, the Plenary rejected the Commission's proposal by 532 votes to 120, with 25 abstentions. The Commission's withdrawal of its proposal was announced to Plenary on 13 March 2006.

## A European ports policy

Rapporteur: Josu Ortuondo Larrea (ALDE, ES) – 2008/2007(INI)

Resolution adopted in September 2008

### A soft approach

The Commission Communication on a European ports policy was the result of a wide-ranging consultation. This followed on from the unsuccessful submission of two proposals for a Directive on port services. The Communication formed part of the EU's agenda for freight transport and was divided into six parts: port performance and hinterland connections; expanding capacity while respecting the environment; modernisation; a level playing field – clarity for investors, operators and users; establishing a structured dialogue between ports and cities; and work in ports.

### A welcome way forward

The Committee on Transport and Tourism welcomed the Communication and recalled the crucial importance of the ports sector. It underlined its belief that a European ports policy should promote the following four principles: safety, swift service, low cost, and respect for the environment. The resolution welcomed the Commission's intention to publish guidelines on applying Community environmental legislation. The Commission and the Member States were urged to support proposals to replace the currently-used fuel with diesel by 2020 as well as the possibility of including the maritime sector in the emissions trading scheme. The resolution argued that public investment to develop ports must not be seen as State aid if it was directly intended for environmental improvements or decongestion and reducing road freight transport.

Parliament underlined the need to establish good interconnections between ports and their hinterland, and considered that ports' co-modal participation was needed in relation to both the Trans-European Networks for Transport (TEN-Ts) and the future Community green corridors. The Commission and the Member States were invited to hasten the implementation of remote pilotage systems and to support research into safety issues.

The Commission was also encouraged to tackle problems generated by competition from non-EU ports and anti-competitive and discriminatory measures taken by the EU's neighbours. The resolution welcomed the Commission's intention to submit a legislative proposal on creating a barrier-free European maritime transport area. In this context, it recommended that Community-cleared goods should be exempt from customs controls in short-sea shipping, together with a simplification of internal transport, standardisation and identification of special containers. The Commission was called upon to publish guidelines for State aid to ports.

Parliament called for the establishment of a social dialogue on port-related subjects. It also stressed the importance of protecting and ensuring the highest possible standard of training for port workers and proposed that the topic of professional qualifications and lifelong training be addressed together with the social partners within the future European social dialogue committee.

## Application of EC competition rules to maritime transport

Rapporteur: Rodi Kratsa-Tsagaropoulou (EPP-ED, EL) – 2005/2033(INI)

Resolution adopted in December 2005

### Repealing exemptions from competition rules

In November 2004 the Commission adopted a White Paper which sought to present the way forward in the maritime transport competition area. In particular, the Paper analysed whether to maintain, modify or repeal the provisions of Regulation 4056/86 which laid down detailed rules for the application of Articles 81 and 82 of the Treaty to maritime transport.

The main issue covered by this review was the block exemption for certain restrictive practices by liner conferences, in particular price fixing and supply regulation. The review also covered some other provisions contained in Regulation 4056/86 as well as a number of related issues: the exclusion of certain maritime services from the competition implementing rules, a provision for technical agreements and a provision on conflict.

### A cautious approach: revision rather than repeal

The Committee on Transport and Tourism argued that the purpose of the review of Regulation (EEC) No 4056/86 should be to preserve and promote the expansion of a viable and competitive European shipping sector within the framework of the Lisbon Strategy. It emphasised the likelihood of adverse consequences in the event of a general overhaul of the system, not so much for large merchant shipping lines, but rather for small and medium-size ones. It also found that there was no evidence that the abolition of liner conferences would bring about a fall in prices.

On liner conferences, the Committee supported the Commission's intention to review the Regulation with a view to ensuring compliance with competition, chiefly by excluding the possibility of a direct fixing of freight prices and by authorising the fixing by the conferences of a reference price or a price index under an alternative system. The review should ensure that surcharges and associated costs are calculated transparently and after dialogue with shippers.

With regard to international tramp vessels, the resolution pointed out that this sector was already deregulated and supported the Commission's intention to bring these services within the scope of Regulation 1/2003/EC on the implementation of competition rules. The resolution asked for guidelines on bulk pools and specialised trades. On cabotage services, the Committee argued that the sector had also already been deregulated and, as these services are carried out in one and the same Member State, intra-Community trade between Member States was not affected and consequently there was no need for this sector to be brought within the scope of Regulation 1/2003/EC.

On the purely technical agreements, the Committee called on the Commission not to continue with the proposal to abolish the agreements, since it believed that retaining a purely legal framework governing technical agreements would contribute to legal certainty and a better orientation for service providers. Finally, the Committee asked the Commission not to continue with a proposal to repeal an article which provides for negotiations to be held in the event of a conflict between Community law and the law of third countries, especially in view of the Commission's intention to revise competition law relating to maritime transport.

The vote in the Plenary largely confirmed the Committee's text and clarified some aspects. This included a preference for a review rather than a repeal of Regulation 4056/86. In addition, Parliament found that whichever solution was chosen, a transitional period should be envisaged to enable all operators to adapt to the new regulatory framework.

## Postal Services

### Application of the Postal Directive

---

Rapporteur: Markus Ferber (EPP-ED, DE) – 2005/2086(INI)

Resolution adopted in February 2006

#### Review identifies areas for improvement

In March 2005, the Commission adopted a report on the application of the Postal Directive which confirmed that the reform of the EU's postal sector was well on track but not yet complete. It found there had been significant improvements as regards quality of service, improved business efficiency and the separation of regulators from operators.

At the same time, the report noted that the practical implementation of some of the more complex regulatory requirements of the Postal Directive (such as tariff control, transparency of accounts, authorisation and licensing) required further effort and attention from Member States and the Commission. It also considered that the National Regulatory Authorities (NRAs) should become more active in reviewing the separation of accounts, cost allocation and monitoring prices of universal services. This meant that more precise definitions were required to ensure that the legislation better reflected the realities of the sector and to tackle some problems resulting from regulatory asymmetries (tax liabilities and VAT exemptions).

As the postal market is constantly evolving (home shopping, e-commerce, tailored services to clients) and some operators have used the opening of the market to reorganise and modernise, the Commission called for a debate on the future of postal services to consider what kind of postal universal service was needed and how it should be financed. The Commission launched two studies on the development of competition and on the evolution of the regulatory model for European postal services. In line with the provisions of the Postal Directive, the Commission intended to make a proposal, by the end of 2006, "confirming, if appropriate, the date of 2009 for the full accomplishment of the postal internal market or determining any other step".

#### Parliament calls for quality universal services

The Committee on Transport and Tourism's initiative report noted that the transposition of this Directive into national law had made good progress overall, but that the effects of the reform on the quality and efficiency of the postal sector had yet to be analysed in detail and that the opening-up of postal services to competition had not always increased or maintained employment levels. A compromise amendment was adopted calling on the Commission, in view of divergent development of universal service obligations in the Member States, to concentrate on the quality of the universal service and on its future funding and to propose a definition, scope and appropriate financing for this universal service.

The resolution called on the Commission to explore how best to guarantee the involvement of and input from postal customers and to consult social partners affected, such as chambers of commerce and industry as well as trade unions. The resolution also asked the Commission to investigate how public postal operators' pension liabilities could be addressed and to determine whether it would be possible to retain the 2009 deadline for completing the internal market in postal services or whether another timetable should be adopted.

## Achieving an internal market for Community postal services

Rapporteur: Markus Ferber (EPP-ED, DE) – 2006/0196(COD)

Adopted at second reading

### Commission proposes confirmation of 2009 for full market opening

The 1997 Postal Directive created a regulatory framework guaranteeing citizens a universal service, while gradually limiting the scope of the reserved area (to mail under 50 grams from 1 January 2006). It set a final target for full opening in 2009 with a requirement that the Commission should confirm, before the end of 2006, whether this date remained appropriate.

The Commission proposed a further amending Directive that would have confirmed this date. The proposal also maintained the current obligations on Member States to ensure a high-quality universal service comprising at least one delivery and collection five days a week for every EU citizen, further reinforced consumer protection and increased the role of national regulatory authorities.

Other measures included in the proposal concerned authorisation and licensing, access to key postal infrastructure and services, control of fair competition and review, as well as reporting on the application of the Postal Directive.

### Full market opening deferred and made more flexible

The Committee on Transport and Tourism favoured the end of 2010 as the final date for the removal of exclusive rights in the postal sector. New Member States or those with a particularly difficult topography, especially a huge number of islands, would be allowed to continue to reserve services to universal service providers until 31 December 2012 to the extent that this was necessary to ensure the maintenance of universal service. This extension was subject to a series of limits and conditions. Member States that abolished their reserved areas before the 2012 deadline could refuse to grant authorisation to provide such services to postal operators that had a reserved area in another Member State (“reciprocity clause”).

In addition, amendments allowed Member States to impose conditions on the supply of postal services for general non-economic reasons such as the confidentiality of correspondence, security of the network as regards the transport of dangerous goods and respect for the terms and conditions of employment and social security schemes, laid down by law, Regulation or administrative provision and/or by collective agreement negotiated between national partners and, where justified, data protection, environmental protection and regional planning.

Other amendments required that prices be affordable and such that all users, independent of geographical location, and, in light of specific national conditions, should have access to the services provided. Member States will be required to publish the rules and criteria for ensuring affordability at national level.

The Plenary endorsed the Committee’s position on 11 July 2007.

On 8 November 2007, Council established a Common Position that the rapporteur considered incorporated all the major elements of the European Parliament’s position in first reading. Apart from the dates for market opening, these were, above all, a reciprocity clause, a guarantee that universal services would continue to be fully provided, provisions that allow Member States to take into account social considerations in the process of market opening and, finally, transparency in the financing of net costs.

In particular, the text makes clear that, in a liberalised market, letters should continue to be delivered and collected at least once a day, on at least five days of the week, for every EU citizen, whether they live in remote

areas or cities. The funding for these universal services should be guaranteed if market players prove unable to provide such services profitably. In that case, Member States may decide to set up compensation funds.

Member States will be able to reflect working conditions in their authorisation procedures. They will also have the right to impose conditions on the supply of postal services for non-economic reasons, such as compliance with employment conditions and social security schemes, where these are laid down in law or by a collective agreement negotiated between national social partners.

The Committee therefore did not adopt any amendments and recommended that the Common Position be approved by Parliament. The Plenary followed this recommendation on 18 December 2007.

# Protecting Consumers





The Committee on Transport and Tourism has strongly supported the Community's target of halving road deaths by 2010. To this end, it has sought early agreement on measures designed to protect pedestrians and other vulnerable road users, the introduction of mirrors that eliminate blind spots for heavy goods vehicle drivers and a Directive on the inland transport of dangerous goods.

Air passengers now have increased rights to information about the firm that will be operating their flight, together with greater assurance about safety arising from limits on crews' working time. Specific measures have been introduced for air travellers with reduced mobility. For rail travel, the Committee has supported proposals to give passengers rights (including access to compensation) comparable to those enjoyed by air passengers. Maritime safety has also been enhanced by requiring carriers to have insurance and offer a satisfactory compensation system. In addition the rights of passengers (including those with reduced mobility) travelling by bus, coach, sea or inland waterway should soon be aligned with those of air or rail passengers.

## Road

### Motor vehicle frontal protection systems

Rapporteur: Ewa Hedkvist Petersen (PSE, SE) – 2003/0226(COD)

Adopted at first reading

#### Restrictions on frontal protection systems

Road accident statistics indicate that a significant proportion of casualties involving pedestrians and cyclists result from contact with the frontal structures of passenger cars. "Pedestrian-friendly" car designs could avoid up to 2,000 pedestrian and cyclist deaths each year in the EU. In its report of June 2002, Parliament therefore invited the Commission to propose legislation banning rigid bull bars.

On 10 October 2003, the Commission put forward a Directive laying down requirements for frontal protection systems, either fitted to a vehicle at the point of sale or sold as separate technical units. The aim of the proposal was to provide added protection for pedestrians and other vulnerable road users in the event of a collision with a motor vehicle fitted with such a system. The scope of the proposed Directive was limited to vehicles of up to 3.5 tonnes as such categories represent the vast majority of vehicles currently in use.

#### More protection for pedestrians

On 19 January 2005, the Committee on Transport and Tourism broadly approved the proposal, subject to a number of amendments that sought to introduce a degree of flexibility with regard to the test requirements. The Committee felt that, in such a rapidly evolving field, legislation that was too far-reaching could soon become obsolete.

It therefore proposed slightly less stringent test requirements than those laid down by the Commission, and also called on the Commission to review the technical provisions of the Directive, "in the light of technical progress and experience", no later than four years and nine months after its publication. The Commission would have to report to Parliament and Council on the results of the review and adapt the Directive if necessary.

The Committee also added provisions concerning the testing of resilient frontal protection systems intended for sale as vehicle accessories in order to ensure a standard of pedestrian protection equivalent to that provided by Directive 2003/102/EC relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle.

On 26 May 2005, Parliament adopted a series of compromise amendments based on the Committee report. It also reached an agreement with Council, which meant that the Directive could be adopted at first reading. The deadline for the Commission review of technical provisions was fixed at 25 August 2010. Supplementary national measures to prohibit or restrict the use of frontal protection systems already on the market before the Directive's entry into force (15 December 2005) were allowed. The date of transposition was 25 August 2006.

## Protection of pedestrians and other vulnerable road users

---

Rapporteur: Francesco Ferrari (ALDE, IT) – 2007/0201(COD)

Adopted at first reading

### A new Regulation replacing two Directives

Some of the requirements of Directive 2003/102/EC, which sought to improve the safety of pedestrians and other vulnerable road users in case of injuries resulting from a collision with a motor vehicle, were deemed to be unfeasible by an independent study.

On 3 October 2007, the Commission therefore proposed a new Regulation which would apply to manufacturers of cars, SUVs and light goods vehicles. The proposal combined passive safety requirements (e.g. car design) with active safety systems (e.g. active brake system), and also incorporated the provisions of Directive 2005/66/EC of 26 October 2005 on the use of frontal protection systems.

The new standards essentially relate to a number of performance tests that vehicles and frontal protection systems are required to pass, as well as the compulsory introduction of active brake assistance systems. There are differentiated timetables for the introduction of these standards for “new vehicles” (new cars made under an existing design) and for “new vehicle types” (cars made under new, not yet existent, designs).

### Better protection through the earlier introduction of safety measures

On 26 March 2008, the Committee on Transport and Tourism unanimously approved the proposal, subject to a number of amendments that sought to introduce a more ambitious timetable for implementing the passive and active safety requirements. The Committee also added provisions in order to remove the Commission's distinction between lighter and heavier M1 vehicles for active brake assistance systems, and to apply the same level of safety requirements for a frontal protection system as for a vehicle with no frontal protection system installed.

With regard to collision avoidance systems, the Committee decided that the co-legislators should have the possibility to analyse and judge the effective potential of this active safety measure and that there should be no automatic trade-off between passive safety requirements and anti-collision systems, as was proposed by the Commission.

The Commission, acting on the basis of information communicated by the national and interested parties, as well as on the basis of independent studies, should monitor the technical developments of enhanced passive safety requirements, Brake Assist and other active safety technologies which may provide improved protection to vulnerable road users. At the latest five years after entry into force of the legislation the Commission should

review the feasibility and use of any such enhanced passive requirements. It should also review the functioning of this Regulation with regard to the use and effectiveness of Brake Assist and other technologies.

As there was consensus in the Committee to introduce the new requirements as quickly as possible, the rapporteur was invited to negotiate a first reading agreement with Council.

On 16 June 2008, Parliament adopted a series of compromise amendments based on the Committee report and agreed with Council, which meant that the Regulation could be adopted at first reading. In particular, the two Institutions agreed that the compulsory introduction of Brake Assist systems and the performance tests that cars have to pass in order to increase pedestrian protection (passive safety measures) will be introduced between nine and 15 months earlier than the Commission had originally proposed.

## **Towards Europe-wide safer, cleaner and efficient mobility**

Rapporteur: Zita Gurmai (PSE, HU) – 2007/2259(INI)

Resolution adopted in June 2008

### **The First Intelligent Car**

The Intelligent Car Initiative is a flagship project within i2010, the European Commission's strategic policy framework for information society and the media. It seeks to promote the positive contribution that Information and Communication Technologies (ICT) can make to the economy, society and quality of life, including in the transport field. The Commission adopted a Communication on this initiative in September 2007.

This Communication reported on progress concerning co-ordination and support of the work of the relevant stakeholders through the eSafety Forum, Research and Technological Development and Awareness raising actions. These actions aim at accelerating the development and deployment of ICT based Intelligent Vehicle Systems in Europe. The Communication also proposed new measures and sought further support from Member States and industry for their prompt implementation, complementing other aspects of the integrated approach for achieving safety and environmental objectives, notably measures linked to infrastructure and driver behaviour.

### **Safer, cleaner and more efficient mobility in Europe**

The resolution commended the Commission's initiative in this field and made a number of recommendations. It stressed the importance of technology, the provision of information and affordability for the consumer in this sector. The resolution also underlined that these technologies needed to become cheaper and also be better publicised. It noted that the take-up of intelligent car technologies remained very low, relative to their potential as, if fully deployed with the necessary infrastructure, EU-wide emergency call technology could save up to 2,500 lives a year on EU roads.

Parliament also advocated accelerating the introduction of Electronic Stability Control (ESC), which reduces the danger of skidding. It is believed that 4,000 lives could be saved annually, and 100,000 crashes avoided if all cars had ESC. It fully supported the goal of achieving 100% availability of ESC for the model year 2012. The resolution also asked the Commission to develop a methodology for measuring the impact of ICT on CO<sub>2</sub> emissions, arguing that this could help to cut fuel consumption and emissions.

In addition, the resolution noted that the use and availability of portable or nomadic devices had increased and called on stakeholders to work on ways to ensure that such devices neither distracted the driver nor proved

dangerous in an accident. Finally, it warned that the greater sense of safety promoted by this technology might encourage drivers to take less responsibility, and stressed the importance of proper driver training.

## Retrofitting mirrors to heavy goods vehicles

Rapporteur: Paolo Costa (ALDE, IT) – 2006/0183(COD)

Adopted at first reading

### Improving the safety of road users

In 2006, road transport data revealed that each year, 400 Europeans - many of them children - are killed when lorry drivers, changing direction at a crossing or roundabout, fail to see them in a blind spot around the vehicle. Under the 2003/97/EC Directive, new lorries of more than 3.5 tonnes had to be equipped with blind spot mirrors starting from 2006/2007, while nothing similar had been provided for the existing ones.

On 5 October 2006, the Commission adopted a proposal aiming to extend the requirements for the lateral field of indirect vision to the existing fleet of heavy goods vehicles (HGVs) in order to avoid accidents due to the lateral blind spot on the passenger's side. According to the Commission's data, this fleet consisted of almost four million vehicles whose mass exceeded 3.5 tonnes (categories N2 and N3).

Three Member States (NL, BE, DK) had implemented national schemes because they judged the obligation limited to new vehicles to be insufficient. After a thorough consultation involving stakeholders, Member States and the CARS 21 High Level Group, the Commission proposed requiring that HGVs be progressively retrofitted with blind spot mirror systems according to the vehicle's registration date.

Lorries that had been registered more than ten years before the entry into force of the Directive would be exempt. Vehicles that were registered in and complied with one of the three Member States national schemes were also exempt ('grandfather clause'). The measure could save up to 1,200 lives in Europe by 2020 with an estimated cost of €100-150 per lorry.

### Swift implementation and raising awareness

On 27 March 2007, the Committee on Transport and Tourism voted in favour of compulsory retrofitting of mirrors to old HGVs. The Committee supported 30 June 2008 as the deadline by which all lorries registered after 2000 should be retrofitted and accepted the 'grandfather clause'. With this amendment, the transitional period for transposition and implementation would be shortened from the three years initially proposed by the Commission (one year for the transposition and two years for the implementation for some categories of vehicles) to around one year.

In order to bring the measure into effect as quickly as possible, Parliament started early negotiations with Council prior to the vote in Plenary. On 10 May 2005, a set of amendments forming a 'package' deal between Parliament and Council was voted to allow the adoption of the Directive at first reading. The deadline for retrofitting lorries registered from the year 2000 onwards in the 24 Member States not covered by the 'grandfather clause' was fixed as 31 March 2009. This date shortened by half the period initially proposed. Limited derogations and flexibilities regarding the field of indirect vision, compared to the requirements set out in the Directive 2003/97/EC for new HGVs, were included.

The compromise also dealt with issues of particular interest to Parliament such as the need for measures to raise vulnerable users' awareness; to ensure mirrors were correctly adjusted; improved data collection on blind spot accidents; information on technical solutions; as well as the possibility of extending the scope of the Directive to Light Goods Vehicles based on a Commission's study, which should be submitted by 6 August 2011.

The Directive entered into force on 3 August 2007 and the transposition deadline was fixed as 6 August 2008.

## Seats and head restraints in motor vehicles

---

Rapporteur: Dieter-Lebrecht Koch (EPP-ED, DE) – 2003/0128(COD)

Rapporteur: Paolo Costa (ALDE, IT) – 2003/0136(COD) and 2003/0130(COD)

Adopted at second reading

### Generalising the requirement to install seat belts

On 20 June 2003 the Commission proposed amending three Directives, dating from the mid-seventies, dealing with the compulsory installation of safety belts in vehicles. Side-facing seats would be banned except for city buses and some special purpose vehicles such as ambulances. The proposal used the distinction between city-buses, inter-city buses and travel coaches provided by Directive 2001/85/EC on buses and coaches. New types of vehicles belonging to the concerned categories would have to fulfil the requirements of the Directive from 1 July 2004, and all new vehicles from 1 January 2006.

### “Conference buses” excluded from the ban on side-facing seats

At its first reading, Parliament called for a further risk assessment of side-facing seats. Following negotiations with Council, on 19 April 2005, the Committee on Transport and Tourism agreed that side-facing seats should not be allowed in small buses and coaches. Coaches, of category M3, where side-facing seats are grouped together to form an integrated saloon with a maximum of 10 seating positions at the rear end of the vehicle (“conference buses”) would be exempt from this ban. However these side-facing seats should at least be fitted with a head restraint and a two-point belt with retractor. This exemption was limited to five years from the date of adoption of the Directive, with the possibility of extension if reliable accident statistics became available and there had been further development of restraint systems.

This package, requiring seat belts to be fitted not only in private cars but also in minibuses, buses, coaches, light commercial vehicles and lorries, was endorsed by the Plenary on 26 May 2005. The Directive entered into force on 20 October 2005 with Member States being required to adopt and publish the necessary provisions before 20 April 2006.

## Driving licences

---

Rapporteur: Mathieu Grosch (EPP-ED, BE) – 2003/0252(COD)

Adopted at second reading

### Less fraud and more safety via a uniform driving licence model

The Commission proposal sought to revise Directive 91/439/EEC on driving licences, improve road safety, reduce the possibilities of driving licence tourism and fraud and ensure the free movement of citizens within the EU by the mutual recognition of driving licences.

The proposal was to generalise the plastic card type model of European licence, to allow Member States to equip the licence with a microchip for better fraud protection, to limit the administrative validity of driving licences, to put an end to driving licence tourism, to introduce progressive access rights to motorcycles, and to define minimum requirements for the initial qualification and training of driving examiners.

After long and difficult negotiations with different Council presidencies, Parliament adopted a second reading agreement on 14 December 2006 (with five amendments on comitology) which represented a fair compromise between the various traditions in the Member States. The Plenary followed the Committee on Transport and Tourism's vote and approved the agreement with Council.

### The step by step approach

From 2013, all newly issued or replacement driving licences will be in a single EU-wide credit card format. This new format will replace the more than 110 existing different models in the Member States. Driving licences issued by Member States will be mutually recognised.

Member States will be able to incorporate a storage medium or microchip into the driving licences. Limited validity will mean the data and photos they contain have to be updated and new security features added periodically. The new licences will have a limited administrative validity of ten years, which Member States are free to increase to up to fifteen years. For trucks and buses, the licence will be valid for five years.

The new Directive also seeks to combat "driving licence tourism": it says Member States must refuse to issue a driving licence to an applicant whose permit has been restricted, suspended or withdrawn in another Member State.

For caravan owners, the European Commission had originally proposed that a B and E driving licence was required. During negotiations with the other Institutions, Parliament succeeded in allowing category B licence holders to tow a trailer with a mass exceeding 750 kg, provided the maximum authorised mass of the vehicle combination did not exceed 4250 kg.

Parliament also endorsed the principle of progressive access for motorcyclists. The new Directive introduces a driving licence for mopeds as, according to statistics, younger drivers suffer a disproportionate number of road accidents. Accumulated experience on smaller motorbikes will be required before moving up to larger engines. Other important points are the creation of Europe-wide categories A1 (light motorcycles) and A2 (medium size/weight motorcycles); the option for Member States to introduce a training course as an alternative to examinations for moving up one category; and an increase in the minimum age for direct access to the most powerful engines to 24 years. There will also be EU-wide harmonisation of the rules for training of driving examiners, setting out basic qualifications, quality assurance and regular retraining programmes.

Member States will have to ensure that by 19 January 2013 all driving licences issued or in circulation fulfil all the requirements of this Directive. Member States have to adopt the laws and administrative provisions not later than 19 January 2011; those provisions shall apply from 19 January 2013.

## Halving the number of road accident victims

---

Rapporteur: Ari Vatanen (EPP-ED, FR) – 2004/2162(INI)

Resolution adopted in September 2005

### Avoiding preventable accidents

In 2001, the Commission proposed that the EU should set itself the target of halving the number of road deaths by 2010. It followed this up with a road safety action plan in June 2003. This noted that there were 1 300 000 accidents, causing 40 000 deaths and 1 700 000 injuries, on the roads during an average year. Although the number of road deaths had halved in the past thirty years, the Communication suggested that there were still far too many preventable accidents. The Commission therefore proposed standardising rules on checks and road traffic offences; examining more closely particularly hazardous places on the roads; and

reviewing the Directive on driving licences. It also recommended developing new safety technologies under the research Framework Programmes.

### **More emphasis on vulnerable road users and the 112 emergency number**

The Committee on Transport and Tourism decided to draw up an own-initiative report on this proposed action plan, which was adopted on 15 June 2005. This sought to improve and strengthen the Commission's proposal, in particular with regard to young road users and their education, vulnerable road users and the introduction of cost-effective intelligent safety systems. It also strongly urged the Commission to introduce a harmonised definition of Community road signs and motorist information.

The Committee expressed concern about the safety of vulnerable road users, including young people, noting that the risk of death when travelling by motorcycle or moped was 17 times higher than from car journeys and that walking or cycling was up to nine times riskier. It stressed the aspect of subsidiarity and the responsibility of Member States, particularly where it came to the implementing and enforcing existing legislation. It also underlined that the EU's role should be to coordinate awareness campaigns, research programmes and exchange of best practices and information between Member States. The resolution also regretted that the common emergency number, 112, was not known to all EU citizens. The Commission was therefore called on to evaluate the European public's awareness of this emergency number.

As the Committee considered cross-border enforcement of road traffic laws to be very unsatisfactory, owing to the lack of any uniform system by which national authorities were able to prosecute offenders from other Member States, the Commission was urged to outline a proposal for a workable Community-wide approach to enable Member states to follow up offences and ensure that penalties could be imposed effectively.

Other aspects of the resolution included the need to upgrade road design and planning in order to "forgive" driver errors. Finally the resolution pointed out the importance and scope for improvement through the use of new technologies. It took the view that, amongst the wide selection of available technologies, seat belt reminders and advanced systems; electronic stability control, speed limitation systems, alcolocks and eCall (emergency calls) should receive particular attention.

The resolution was adopted by Plenary on 29 September 2005.

## **Using eCalls to reduce the severity of road injuries**

Rapporteur: Gary Titley (PSE, UK) – 2005/2211(INI)

Resolution adopted in April 2006

### **Delivering medical assistance faster**

As part of the programme to halve road fatalities by 2010, in September 2005, the Commission put forward a Communication calling for urgent action on the pan-European in-vehicle emergency call, known as eCall. This can be triggered manually but, in cases of a severe accident, the car can send an automatic distress call to the nearest emergency service. The life-saving feature of eCall is the accurate information it provides on the location of the accident site with the emergency services being notified immediately so that they know exactly where to go. This results in a drastic reduction in the rescue time. When medical care for severely injured people is available sooner after the accident, the death rate and severity of trauma resulting from the injuries can be significantly reduced - known as the "Golden Hour Principle" of accident medicine.

Effective use of eCall requires the active participation of Member States so that standardised technology would enable all the EU's emergency services to process calls and for messages to be recognised by all cars using the

EU's road network. Member States were urged to sign the "Memorandum of Understanding", a Road Map with the goal of having eCall as standard equipment in all vehicles by 2009. They were also encouraged to promote 112 as the single emergency service number and accelerate the introduction of location information in their public wireless networks. Finally the Commission called on Member States to upgrade their Public Safety Answering Points regarding technology and staff training in order to be able to handle and fully benefit from location-enhanced eCalls.

### **When all Member States introduce standardised emergency systems**

The Committee on Transport and Tourism gave broad backing to Commission's proposals including the promotion of the 112 emergency number. The resolution urged Member States to complete the implementation of E112 (the component that should allow immediate location of an emergency call as soon as possible) and to promote the use of both 112 and E112. It suggested that the annual external costs of road traffic could be reduced by up to €26 billion and response times "by approximately 40% in urban areas and approximately 50% in rural areas".

However the Committee noted the disparity between the Commission's cost estimates and those of the industry and therefore invited them "to pursue a deeper cost-efficiency analysis for every action to be undertaken to implement eCall".

The Plenary endorsed the Committee's approach on 27 April 2006.

## **Mid-term review of European road safety action programme**

---

Rapporteur: Ewa Hedkvist Petersen (PSE, SE) – 2006/2112(INI)

Resolution adopted in January 2007

### **Checking progress towards the goal of cutting road accidents**

Both the 2001 transport White Paper and the European road action programme, adopted in 2003, set a target of halving the number of EU road fatalities by 2010. This required action at an individual level (encouraging more responsible behaviour); at an industry level (safer vehicles in response to consumer demand) and at a Community level. In February 2006, the Commission adopted a mid-term review of the European road action programme. This concluded that, based on current trends, the target would probably not be met. It highlighted statistics for motor-cycle accidents which, in many countries, showed a sharp increase.

The mid-term review also assessed Community action since 2001 including the promotion of passive safety (making it compulsory to wear a seat belt); eSafety (such as implementation of the eCall initiative); CARS-21 (the compulsory use of onboard systems in vehicles) and the development of safe infrastructure (European road assessment programme and the European tunnels assessment programme.) The review concluded that road safety was improving in the European Union but progress was patchy and a lot remained to be done if the EU was to meet its stated target of halving road deaths by 2010.

### **Stronger enforcement and more harmonisation needed**

The Committee on Transport and Tourism adopted a resolution favouring a more prominent role for the Member States who were asked to launch awareness and education campaigns and to ensure the strict implementation of the legislation on driving licences, alcohol limits, speeding, child-restraint systems and respect for vulnerable road users, including motor cyclists. The Committee favoured the harmonisation of traffic rules throughout the EU and, for young and professional drivers, an alcohol limit of zero. It called for legislation on cross-border enforcement of penalties for serious driving offences (so that these are punished

even if committed outside the offender's home country). The Committee also recommended greater use of electronic devices (particularly the eCall system) as a means of preventing accidents and reducing road fatalities.

The resolution expressed disappointment at the limited progress towards the target of halving the number of road fatalities by 2010. It urged Member States to enforce existing legislation; called on the Commission to conduct a study on harmonising road signs and rules in Europe; and to consider creating a common minimum standard for driving instructors with tests and certification. The resolution also favoured the increased use of seat belts in all vehicles, especially buses, and greater attention to promoting technologies such as seat belt reminders and advanced restraint systems; Electronic Stability Control; speed limitation systems; alcohol interlocks, predictive safety systems; daytime-running lights; the use of rear reflector strips to indicate the outlines of lorries; and the use of installed and retrofitted blind-spot mirrors.

The Committee's approach was endorsed by Plenary on 18 January 2007.

## **Inland transport of dangerous goods**

Rapporteur: Bogusław Liberadzki (PSE, PL) – 2006/0278(COD)

Adopted at second reading

### **The need for a consolidated and complete EU legal framework**

There was a complex regulatory regime for the transport of dangerous goods with provisions contained in a number of EU Directives and several international agreements. Previously, two Directives covered the transport of dangerous goods by road and rail, respectively. They were based on corresponding international agreements regulating the international carriage of dangerous goods. The Directives essentially extended the scope of these international rules to national transport. By contrast, there were no European rules concerning the carriage of dangerous goods by inland waterway, while a corresponding international agreement was in the process of being ratified.

The Commission recognised the need to consolidate, harmonise and update EU legislation on the inland transport of dangerous goods and proposed a new Directive that would repeal existing Directives and merge the rules into a single piece of legislation. The new Directive would also cover the transport of dangerous goods by inland waterway. Finally, the proposal aimed at eliminating unnecessary inconsistencies between the different transport modes. A simplified and harmonised set of rules should enhance safety while at the same time improving intermodality in the transport of dangerous goods.

### **Possibility for Member States to lay down additional requirements**

In its first reading, on 4 September 2007, Parliament broadly endorsed the Commission proposal. The vast majority of the 42 adopted amendments were clarifications and minor adaptations of a technical nature. Furthermore, Parliament introduced a provision allowing Member States to lay down specific requirements for the national and international transport of dangerous goods within their territory with regard to vehicles, wagons and inland waterway vessels not covered by the new Directive. Member States may also prescribe certain routes or specific modes of transport and lay down special rules for the transport of dangerous goods on passenger trains.

The first reading outcome reflected, to a considerable extent, the results of informal negotiations with Council. As a consequence, Council's Common Position of 4 April 2008 only introduced one significant change, according to which Member States may regulate or prohibit, for reasons other than safety, the transport

of dangerous goods within their territory. On 19 June 2008, Parliament approved the Common Position without amendment, thus paving the way for the entry into force of a new regulatory regime on the inland transport of dangerous goods.

## **Penalising traffic offences committed abroad**

---

Rapporteur: Inés Ayala Sender (PSE, ES) – 2008/0062(COD)

First reading concluded in Parliament

### **Setting up mechanisms for the cross-border enforcement of road traffic offences**

The Commission's proposal aimed at facilitating the enforcement of sanctions across borders, as traffic offences are not currently penalised if they are committed with a vehicle which is registered in a different Member State than the one in which the offence is committed. The road traffic offences concerned were speeding, drink-driving, the non-use of seatbelts and failure to stop at a red light.

The proposal would create a cross-border enforcement system by setting up an EU electronic data exchange network in order to identify the owner of the offending vehicle. The authorities in the Member State where the offence was committed could subsequently send a notification to the holder of the registration certificate of the offending vehicle. This notification would be issued via a standard form containing the necessary payment information and information on the possibilities of contestation and appeal.

### **Reinforcing data protection and the effectiveness of sanctions**

The Committee on Transport and Tourism adopted the proposal while keeping the focus on the four major road safety offences without extending the scope of the Directive.

Guidelines, which encouraged the harmonisation of road safety practices and controls concerning the four major road infractions, were inserted. The guarantees on the protection of personal data, handled through the electronic system, were also strengthened in compliance with Directive 95/46/EC on the protection of individuals with regard to the processing of personal data.

The Committee felt that Member States and the Commission should provide appropriate information to road users about the measures implementing the Directive, which might be passed on through road safety bodies, NGOs active in the field of road safety or automobile clubs.

The Committee also proposed a follow-up procedure guaranteeing the effectiveness of sanctions in case of non-payment. It considered that the payment of financial penalties should be guaranteed in all European countries.

The European Parliament adopted the Committee's report on 17 December 2008. Further discussions on the proposal were held up by Council, as differences between Member States regarding the proposal's legal basis arose. A majority of Member States argued that cross border cooperation on road safety sanctions should be dealt with through third pillar instruments, which would mean a framework decision rather than a Community instrument such as a Directive.

## Rights of passengers in bus and coach transport

Rapporteur: Gabriele Albertini (EPP-ED, IT) – 2008/0237(COD)

First reading expected in April 2009

### Extending passenger rights to additional transport sectors

Following the introduction of European legislation on the rights of passengers, including those who are disabled or have reduced mobility, in other sectors, the Commission put forward two separate proposals on bus and coach travel and maritime transport in December 2008. This is in line with the Commission's objective of extending the rights of passengers in the aviation sector to other modes of transport, as stated in the White Paper "European transport policy for 2010: time to decide".

The liberalisation of transport services in Europe has not always been accompanied by adequate measures to protect passenger rights. Passengers have thus faced difficult situations, including cancellations, overbooking, loss of luggage and delays. Bus and coach passengers, in particular, still do not enjoy the same passenger rights as passengers using other modes, such as air and rail transport. Moreover, since it is not yet covered by Community legislation, bus and coach passenger protection varies greatly from one Member State to another.

### Improving passengers rights and creating a level playing field

With this in mind, the Commission proposed to establish a set of rights for bus and coach passengers to improve the attractiveness of the sector and in order to achieve a level playing field between carriers from different Member States and between the various modes of transport.

The proposal foresees unlimited liability of bus undertakings for the death or injury of passengers. Passengers are also entitled to receive advance payments in order to address immediate economic difficulties that they or their families may suffer as a consequence of an accident. Moreover, the proposed Regulation provides for compensation and assistance in the event of cancellations or delays. Companies would be obliged to provide passengers with adequate information and reasonable alternative services or otherwise pay compensation.

The proposal forbids any discrimination on grounds of disability and reduced mobility with regard to booking a journey and boarding a vehicle and lays down rules obliging undertakings to provide free assistance to disabled persons and persons with reduced mobility. Finally, Member States would have to set up enforcement bodies responsible for ensuring the implementation of the Regulation. If a passenger considers that any of his rights has not been respected, he can first submit a complaint to the company. If the response is not satisfactory, he can make a complaint to the national enforcement body to settle the matter.

### Taking into account the specificities of bus and coach transport

The draft report re-emphasises the principle that passengers should enjoy equivalent rights, no matter which mode of transport they use. Certain amendments therefore align the proposed Regulation with the wording of existing or forthcoming legislation on passenger rights in other transport modes. On the other hand, the draft report also takes into account the distinctive features of bus and coach transport and thus proposes to adapt certain requirements in the Regulation to the specificities of this sector. Furthermore, a number of provisions in the Commission proposal do not appear to be suitable for urban, suburban and regional transport. Therefore, an amendment in the draft report would enable Member States to exempt urban, suburban and regional transport from these provisions on the condition that alternative regulatory measures are taken, which ensure a comparable level of passenger rights. Finally, the draft report clarifies the wording of the proposed Regulation in various instances.

## Rail

### International rail passengers' rights and obligations

---

Rapporteur: Dirk Sterckx (ALDE, BE) – 2004/0049(COD)

Adopted at third reading

Part of Third Railway Package

#### Real rights for rail passengers

The Commission put forward a framework to protect the rights of passengers using international rail services, based on that of the aviation sector. The draft Regulation laid down provisions on minimum requirements for information to be provided to passengers before, during and after their journey; contract conditions; the liability of railway undertakings in cases of accidents, delays or cancellations; the conditions under which persons with reduced mobility would receive assistance and the conditions under which railway undertakings should co-operate in order to achieve the aims of the Regulation.

#### Rights for all passengers

From its first reading onwards, Parliament insisted that these rights should not just be restricted to passengers on international services. It also proposed simplified compensation levels. Finally, Parliament insisted that railway undertakings progressively improve the accessibility of stations, platforms and trains for disabled people and people with reduced mobility.

Council's Common Position accepted the essence of Parliament's proposals on disabled and reduced mobility passengers and contained similar provisions to Parliament on compensation levels. Nevertheless, it continued to restrict the scope of the Regulation to international travel.

In its second reading, Parliament reiterated its position, particularly on scope. As agreement could not be reached at second reading, conciliation was opened. The key points of the agreement, reached in June 2007, were:

- the Regulation applies to all rail journeys and services provided by licensed railway undertakings;
- when the Regulation enters into force in late 2009, all rail passengers will enjoy a set of basic rights (including companies' liability for passengers and their luggage, and the right to transport for people with reduced mobility);
- Member States may exempt long-distance domestic rail services from the other provisions of the Regulation for an initial period of five years, which may subsequently be extended for two further periods of up to five years;
- with the exception of the basic rights which will apply universally, Member States may grant urban, suburban and regional services an indefinite exemption;
- compensation is set at 25% of the ticket price for a delay of 60 to 119 minutes and at 50% of the ticket price for a delay of 120 minutes or more. There are also requirements to provide, in the event of delay and if applicable, meals and refreshments, hotels or other accommodation and transport between the railway station and place of accommodation;
- railway undertakings must inform passengers of their rights and obligations under the Regulation;

- companies must put in place non-discriminatory access rules for the transport of disabled people and persons with reduced mobility. At unmanned stations, railway undertakings must make every reasonable effort to give disabled people and persons with reduced mobility access to travel by rail; and
- railway undertakings must enable passengers to bring bicycles onto a train if physical conditions allow and, if appropriate, for a fee.

## Aviation

### Promoting air passenger safety

---

Rapporteur: Ulrich Stockmann (PSE, DE) – 2000/0069(COD)

Adopted at second reading

#### Cabin crew safety

On 24 March 2000, the Commission proposed amending the 1991 Regulation establishing harmonised civil aviation provisions to incorporate in Community law rules devised by the Joint Aviation Authorities (JAA) – a body including all EU Member States and fifteen other European countries. The rules seek to ensure passenger safety and provide a level playing field.

The proposal was to give air operators responsibility for cabin crew safety. Other provisions concerned instruments, communication and navigation equipment and the transport of dangerous goods. Requirements relating to training, age and medical assessment would have been covered by a separate Directive while the Commission proposed leaving duty time, rest requirements for crew and flight time limitations for later discussion.

#### Limiting crews' working time

At its first reading at the end of 2000, the Committee on Transport and Tourism added provisions to limit flight and duty time and impose rest requirements. It also defined training programmes for cabin crew and stipulated that all members of the operating cabin crew should wear a uniform and be clearly identifiable to the passengers. Following a revised Commission proposal, the Committee and Plenary again sought to include minimum standards for duty, standby and rest times for both cabin crew and flight crew. The proposed maximum daily flight duty period was 13 hours, with the possibility of a one hour extension, but with lower limits when night work was involved.

On 9 March 2006, Council adopted a Common Position incorporating Parliament's position regarding "flight time limitation". This allowed the Committee, after six years of discussion and negotiation, to adopt a second reading position on 1 June 2006. It introduced safeguards to allow Member States that had collective labour agreements providing for better conditions as regards flight and duty periods to retain them. It also decided that, within two years of the Regulation's entry into force (rather than three years as Council had proposed), the European Aviation Safety Agency should complete a scientific and medical evaluation of those provisions. In addition it sought to strengthen the provisions concerning the harmonisation of cabin crew training and said the option of cabin crew licensing "should be looked at again".

Following negotiations with Council, on 5 July 2006, the Plenary adopted a compromise incorporating Parliament's proposal for a review within two years and allowing Member States who had higher standards regarding working time to retain them. The compromise also followed Parliament's call for the harmonisation

of cabin crew training standards to facilitate the free movement of cabin crew personnel within the Community. The possibility of further harmonisation of cabin crew qualifications was to be re-examined in the context of the two-year review. Council endorsed the compromise on 23 October 2006 and the Regulation entered into force on 16 January 2007 with application from 16 July 2008.

## **Informing air transport passengers about the operating carrier**

---

Rapporteur: Christine De Veyrac (EPP-ED, FR) – 2005/0008(COD)

Adopted at first reading

### **Better information for passengers**

In general, air safety is regulated by the 1944 Chicago Convention on International Civil Aviation and based on standards developed by the International Civil Aviation Organisation. The Safety Assessment of Foreign Aircraft (SAFA) Directive obliged Member States to exchange information but the Commission could only recommend that measures taken by one Member State were extended Community-wide.

Following the Sharm-El-Sheikh accident in January 2004, the Commission proposed giving passengers the right to be informed, at the moment they made a reservation, about the identity of the air carrier operating the flight. The proposal would also have obliged Member States to exchange a wider range of information about air operators' safety. Responsibility for drawing up blacklists of aircraft was left with Member States.

### **A Community blacklist**

On 11 October 2005, the Committee on Transport and Tourism called for the introduction of a Community blacklist of operating bans or air traffic rights restrictions on air carriers which did not meet international aircraft safety standards. It said the Commission should compile the list on the basis of common criteria, and that the list should cover not only EU aircraft but also those chartered from companies in non-EU countries. It would be updated at least every three months. The European Commission publishes the blacklist of aircraft on its web pages.

EU air travellers would then have easy access to information on the safety of the airlines with which they travel. Ticket sellers would be required, both on their premises and via their websites, to bring the list to passengers' attention.

Passengers would be notified immediately if the operating carrier changed after they had made their reservations, irrespective of the reason for the change. They would have a right to compensation if, after a reservation has been made, the designated carrier turned out to be on the blacklist or was replaced by another carrier on that list. Member States would be required to set 'effective, proportionate and dissuasive' penalties for infringements of the rules on access to information.

This approach reflected negotiations between Parliament, Council and Commission that allowed the Plenary to adopt a text on 16 November 2005, which was signed on 14 December 2005. The Regulation entered into force on 16 January 2006 with articles relating to the scope of passenger information, information on the identity of the operating air carrier and the right to reimbursement or re-routing applying from 16 July 2006 and the Article concerning penalties applying from 16 January 2007.

## The rights of persons with reduced mobility when travelling by air

---

Rapporteur: Robert Evans (PSE, UK) – 2005/0007(COD)

Adopted at first reading

### People with reduced mobility have a right to fly

The Commission's proposal prohibited air carriers or tour operators from refusing persons with reduced mobility carriage on the grounds of reduced mobility - apart from certain exceptions and derogations notably for justified safety reasons established by law.

The draft Regulation listed assistance to be given at airports and on-board aircraft and guarantees assistance not only in moving from the check-in counter to the aircraft and from the aircraft to the baggage hall but also from a designated point of arrival at the airport to the aircraft and from the aircraft to a designated point of departure from the airport. Giving responsibility to one body at each airport would create the conditions for seamless service, without interruptions and delays, even when a passenger changes carriers and is transferred between terminals.

A charge would be levied on each airline proportional to the number of passengers that it embarked and disembarked at an airport. The charge would be independent of the number of passengers with reduced mobility carried, so that the airline would have little economic incentive to reduce their numbers.

The proposed Regulation requires air carriers to provide assistance on-board aircraft.

### As do the disabled

In its first reading Parliament insisted specific mention of the disabled be made and their rights secured. Designated points should be set up, including for example at airport car parks, where the need for assistance could be notified. If, for safety reasons, an airline or travel agent could not accept a booking from a disabled or reduced mobility person, an alternative means of transport would have to be proposed. Parliament also ensured that recognized assistance dogs would be carried and that compensation would be paid for lost or damaged wheelchairs or other mobility equipment.

Parliament dropped the threshold of passenger movements from 2 million to 150,000 in respect of which airports would be covered by the Regulation and clarified that assistance would be free of charge.

Because the rapporteur and shadow rapporteurs had worked closely with the Commission and Council during the passage of this legislation it could be adopted quickly and entered into force eight months after its first reading in Parliament.

## Common rules in the field of civil aviation security

---

Rapporteur: Paolo Costa (ALDE, IT) – 2005/0191(COD)

Adopted at third reading

### Improving the security rules

Regulation 2320/2002/EC on civil aviation security had been in force since January 2003. It had been proposed in the immediate aftermath of 9/11 and was widely seen as an interim measure. Experience showed that the Regulation was too detailed and in need of simplification. Its high degree of detail was an over-prescriptive approach for framework legislation.

The proposed new framework Regulation established the basic principles of what should be done in order to safeguard civil aviation against acts of unlawful interference. It was followed by implementing acts setting out technical and procedural elements. In the view of the Commission, it was not desirable to have detailed security measures and procedures placed in the public domain, as potential terrorists could use the information to seek out weaknesses in aviation security in order to perpetrate unlawful acts.

The Commission proposal also aimed at increased harmonisation to facilitate 'one-stop security' - the concept whereby transfer and transit passengers, bags and cargo need not be re-screened within the EU.

The only additional competence sought related to rules for in-flight security measures. It covered such diverse topics as access to the cockpit, unruly passengers and in-flight security officers ('sky marshals') whose deployment would nevertheless remain a national competence.

It should be noted that the proposal did not address the issue of financing security measures.

### **Parliament raises the issues of funding and implementation**

Parliament made several amendments to the Commission's proposal, following closely the amendments proposed by the Committee on Transport and Tourism. These made clear that the aim of the Regulation was to protect civil aviation from acts of unlawful interference "that jeopardise the security of civil aviation", i.e. terrorist acts.

On the question of the funding, Parliament introduced a new article providing for the costs of security measures to be shared by Member States and airline users. To avoid distortions of competition, the Commission was asked make proposals, as soon as possible, to introduce uniform arrangements for financing.

In addition security taxes and charges must be used "exclusively to meet airport or on-board aircraft security costs".

At its second reading, Parliament again followed the opinion of its Committee on Transport and Tourism and reinstated many of the amendments adopted by Parliament at first reading which had not been taken up by Council. These covered:

- the costs and funding of the proposed security measures and the need for a Commission proposal on this;
- Member States' ability to apply more stringent standards than the common basic standards;
- security taxes and charges to be used exclusively to meet airport or on-board aircraft security costs; and
- a Stakeholders' Advisory Group on Aviation Security that the Commission was to establish.

Parliament also opened a new area at its second reading. Detailed measures for the implementation of the common basic standards would expire six months after their entry into force but could be maintained in accordance with the comitology with scrutiny procedure.

Most of the points proposed by Parliament in its first and second readings were difficult for Council to accept and were not adequately reflected in Council's Common Position. It proved necessary to go into a formal conciliation procedure under the codecision procedure.

The final agreement went far beyond, from Parliament's viewpoint, that which appeared possible in the earlier stages of the procedure. The main points of the agreement were:

- an article on security costs. While non-binding language is used for the sharing of costs, the charges structure must be designed to recover no more than the costs involved; and

- the Commission was required to submit a report on the principles of financing civil aviation security measures. This report was to be accompanied, if appropriate, by a legislative proposal. It was submitted in early February 2009.

Parliament also succeeded in convincing Council and the Commission to use the regulatory procedure with scrutiny for a whole series of measures defining the common basic standards for aviation security (Article 4). The new comitology rules will apply, *inter alia*, to methods for screening passengers (which will be relevant should the Commission wish to introduce, for example, body scanners as a new method of screening) and to the categories of articles that may be prohibited (such as, for example, liquids).

The Regulation entered into force on 29 April 2008.

## Computerised Reservation Systems (CRS)

Rapporteur: Timothy Kirkhope (EPP-ED, UK) – 2007/0243(COD)

Adopted at first reading

### Simplifying and updating the CRS Regulation

The CRS Code of Conduct regulates how travel bookings are managed by air carriers and rail transport operators, CRS providers and travel agents. The Code was established in 1989 by Regulation 2299/89 when the vast majority of airline bookings were made through CRS that were owned and controlled by airlines. It aimed to promote transparency and to prevent any market abuses or distortions of competition.

In its proposal, adopted on 15 November 2007, the Commission stressed that significant developments, such as the rise of alternative booking channels, rendered the Code of Conduct increasingly ill-adapted to current market conditions and that this was impeding competition and thereby contributing to unnecessarily high distribution costs.

Several provisions of the proposal aimed to simplify CRS providers' contractual relationships with air carriers, allowing greater freedom to negotiate content and fares. The Commission intended to reinforce competition between CRS providers, while maintaining basic safeguards against potential competitive abuses and ensuring the provision of neutral information to consumers. Carriers who were the parent of a CRS would be obliged to provide the same information to other CRS as to their own.

With regard to Marketing Information Data Tapes (MIDT), the Commission proposed removing the possibility of travel agent identification with the aim of preventing air carriers influencing travel agents and their distribution methods. On the display (the information screen used by travel agents), the proposal sought to ensure that more neutral and fair information was supplied.

### Enhancing negotiation freedom and competition for air services

On 29 May 2008, the Committee on Transport and Tourism amended the proposal significantly in some key areas.

One of the main provisions that the Committee debated intensively was the thorny question of the 'parent carrier' definition. The Commission proposed keeping this term unchanged, with a dual test of ownership and effective control. However, the Committee felt it was necessary to revise the definitions of 'parent carrier' and 'control' in order to limit airlines' influence over CRS and to prevent competitive abuse. It also introduced a new term of 'participation in the capital' which aimed to exempt 'accidental investment' that did not confer ownership rights in a CRS. Other amendments added new provisions on transparency and audit.

On MIDT, the Committee favoured allowing airlines, on the basis of an agreement with travel agents, to use the agents' booking data for their core operations, while the personal data collected in the course of CRS activities would have to be protected in accordance with current EC legislation and international agreements.

The Committee also adopted amendments to ensure that the principal CRS display would not deliberately mislead the consumer. Where prices would be shown in the principal display, these would include all fares and applicable taxes, charges, surcharges and fees to be paid to the air carrier or rail-transport operator. Provisions were added requiring that the black list of air carriers (EC Regulation 2111/2005) would be displayed and that information was provided on: rail travel options for comparison with all flights; the 'best option' combining scheduled air and rail services; bus options and on CO<sub>2</sub> emissions.

After several informal trilogues, a text was agreed and approved by Plenary, on 4 September 2008, as a first reading agreement. This confirmed the basic Committee position which sought to increase competition by giving airlines and CRS more freedom to negotiate contract conditions.

The Regulation revised the key definitions of 'parent carrier' and 'control' and provided a new definition for the 'participation in the capital with rights or representation on the board of directors, supervisory board or any other governing body' to limit the influence of airlines over CRS and to exempt accidental investments not 'conferring the possibility of exercising, along or jointly with others, decisive influence' on the running of a CRS. Based on audit reports submitted every four years, the ownership structure of a CRS and the involvement of airlines had to be assessed by the Commission.

The Commission should report, by 29 March 2013, on the application of the Regulation. 29 March 2009 was set as the Regulation's date for entry into force.

## Maritime Transport

### International Safety Management Code within the Community

Rapporteur: Paolo Costa (ALDE, IT) – 2003/0291(COD)

Adopted at second reading

#### Extending the coverage of the ISM code

The International Management Code for the Safe Operation of Ships and Pollution Prevention (ISM Code) was adopted by the International Maritime Organization (IMO) in 1993. It seeks to provide a blueprint for the way shipping companies manage and operate their fleets and to promote the development of a safety culture and environmental conscience in shipping. By defining the company's responsibility for safety and ensuring that senior management could more easily be held accountable, the Code seeks to ensure that safety is given top priority.

This ISM Code is part of the International Convention on the Safety of Life at Sea (SOLAS). Since 1 July 2002 all vessels covered by the SOLAS Convention, including all but the smallest internationally-trading vessels, must comply with the Code. In response to the Estonia tragedy, the Community decided to anticipate the implementation of the ISM Code for roll-on/roll-off ("ro-ro") passenger ferries by adopting Regulation (EC) No 3051/95 of 8 December 1995.

On 11 December 2003, the Commission put forward a proposed Regulation in order to expand the scope beyond ro-ro passenger ferries. This proposal also included a number of definitions relating to the application of the Code's provisions. For passenger ships operating on domestic voyages, the provisions would only apply to those operating more than five miles from the coastline, but these rules will apply to all flags.

### Supported by Parliament

Parliament gave the proposal a first reading during the previous Legislature and Council adopted a Common Position on 18 July 2005. This extended the Regulation's scope to include all ships flying the flag of a Member State on domestic voyages and ships, regardless of their flag, exclusively engaged on domestic voyages or operating to or from ports of Member States on a regular shipping service. Passenger ships (other than ro-ro passenger ferries, operating less than five miles from the coastline), as well as cargo ships and mobile off shore drilling units of less than 55 gross tonnage were excluded from the scope.

On 14 November 2005, the Committee on Transport and Tourism adopted its recommendation approving Council's Common Position without amendment. The Plenary did likewise on 13 December 2005. The Regulation entered into force on 24 March 2006 and applied to cargo and passenger ships that were not already required to comply with the ISM Code from 24 March 2008.

## The Third Maritime Package

At the end of 2008 Parliament reached agreement with Council on the "Third Maritime Package". This consisted of eight legislative files, six of which were concluded in conciliation and two as early second reading agreements. This marked the end of a long road towards greater maritime safety, a road which began with the shipwreck of the oil tanker 'Erika' off the coast of Brittany in 1999. This shipwreck, with the accompanying pictures of oil-stained birds and blackened beaches, showed the impact of such disasters on the environment. The EU reacted with a first package of proposals, including the phasing out of single-hull tankers. When, in 2002, another vessel, the Prestige, broke apart off the Spanish coast, the EU responded with a second package of legislative proposals. At the same time, Parliament set up a temporary committee "MARE", which investigated this disaster. Having identified a need for further measures, the Commission proposed a Third Maritime Package in November 2005.

Although it took three years to conclude negotiations, the result can be considered as a success for maritime safety and for Parliament. The Third Package originally consisted of seven proposals, but the proposal on classification societies was split into a Directive and a Regulation by Council during its first reading. Two of the now eight Commission proposals, one on the obligations of flag states and the other on civil liability, got stuck in Council because of fierce opposition from many Member States, who feared their national competences might be reduced. Parliament put pressure on Council by making an agreement on the six other files conditional to agreement on the 'missing two'.

Parliament increased the pressure on Council by restoring, almost entirely, its first reading position on all six files. In addition, it inserted 'toxic' amendments containing provisions from the 'missing two' into several other files, thus ensuring that Council would be forced to address these two files. It was only when agreement was reached on all files that Parliament formally accepted dropping these 'toxic' amendments. Both in the negotiations of the six files, and in ensuring that the 'missing two' were retained, the final result was very satisfactory for Parliament and most of all for maritime safety. In the following paragraphs each file of the Third Maritime Package is described in greater detail.

## Liability of carriers of boat passengers in the event of accidents

Rapporteur: Paolo Costa (ALDE, IT) – 2005/0241(COD)

Adopted in conciliation

Part of Third Maritime Package

### Protecting ship passengers

This proposal aims to ensure that ship passengers enjoy the same protection as those in other types of transport, i.e. modernised carrier liability rules, a mandatory insurance system and a satisfactory compensation system.

In 2003 the Commission presented a proposal for a Council decision concerning the conclusion by the European Community of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea. It saw that no progress was being made and therefore put forward a Regulation incorporating the Athens Convention into EC law. This sought to introduce a level playing field at EU level for civil liability and compulsory insurance concerning damages caused to passengers and their belongings. Limits of liability and of insurance were to be raised in comparison with previous international texts to 250,000 Special Drawing Rights (SDR - €300,000) for an accident where the maritime carrier is not at fault and to 400,000 SDR (€480,000) where the fault rests with the carrier.

The Commission put forward some adaptations to its previous proposal:

- the extension of the scope of application to domestic traffic (cabotage) and to inland waterways;
- the removal of the possibility for Member States to fix higher limits of liability than those provided for in the Convention;
- the removal of the possibility for Member States to derogate to the Athens liability limits by referring to limits of other Conventions; like the International Convention on Limitation of Liability for Maritime Claims (LLMC);
- a compensation equivalent at the maximum of the replacement value of the equipment in case of damage or loss of mobility equipment or medical equipment belonging to a passenger with reduced mobility;
- advance payments in line with the scheme foreseen for air and rail sectors; and
- pre-journey information on the rights of passengers.

The Regulation would enter into force at the same time as the entry into force of the Athens Convention.

### A gradual approach for domestic maritime carriage

The European Parliament backed the draft Regulation, and proposed some additions such as the incorporation of a special liability scheme for terrorist-related damages (defined in the guidelines of the International Maritime Organisation (IMO) annexed to the Athens Convention).

On the scope, Parliament estimated that ships on inland waterways should not be included, as they should have a specific system of liability and insurance. It insisted that a clear date for the entry into force of the Regulation should be set. The Commission proposal had linked the entry into force of the Regulation with the entry into force of the Athens Convention for the Community, and this ratification was blocked in Council. In negotiations, Parliament obtained agreement that the Regulation would become applicable to international carriage by the end of 2012 at the latest, and that the Athens Convention would be applicable to the Community from the same date.

For domestic carriage, the Regulation will be applied in a step-by-step manner: Member States may defer the application of the Regulation by four years for the biggest classes of ships (Class A) and by six years (with

some adaptations regarding the level of liability) for Class B ships. By mid-2013 the Commission is required to put forward new legislation which covers the smallest ships (Classes C and D).

On the derogation to the limits of the Athens Convention, Parliament ensured that the derogation would be limited to the LLMC of 1996, which contains higher limits than other previous international Conventions.

## **Rights of passengers when travelling by sea and inland waterway**

Rapporteur: Michel Teychenné (PSE, FR) – 2008/0246(COD)

First reading expected in April 2009

### **Extending passenger rights to the maritime sector**

The proposed act is based upon existing legislation in the aviation and rail sectors and establishes rights for domestic and international maritime passengers. The provisions for passengers who are disabled or have reduced mobility prohibit carriers, ticket vendors or tour operators from refusing to accept a reservation or charging extra on the grounds of disability or reduced mobility. The text contains a derogation from this article on the grounds of safety laws or the structure of the ship. There is an obligation on the part of the carrier to provide assistance on board ships as well as at ports and disembarkation points.

The Commission text includes general obligations for all passengers related to the obligations of carriers in the event of interrupted travel. Carriers are obliged to provide passengers with information and possibly assistance depending on the circumstances of the interruption or cancellation. Passengers have a right to be rerouted or reimbursed in the event of a delay of more than two hours or of a cancellation. There is a right to compensation in the event of a delay greater than one hour. In addition to these measures, the Commission proposes a series of articles on the provision of information to passengers and the handling of complaints.

Member States will be required to designate a national enforcement body, or bodies, to enforce the Regulation. Passengers will have the right to complain to a body should their rights under this Regulation be infringed. Member States will also have to ensure there are effective, proportionate and dissuasive penalties for infringements of this Regulation.

### **Strengthening provisions concerning disabled passengers**

The rapporteur is content with the aim of the Regulation but has put forward a number of amendments in his draft report. With regard to passengers with reduced mobility (PRM) and disabled passengers he has sought to strengthen the Regulation's provisions by introducing a number of new elements, such as a requirement to confirm in writing the provision of assistance. He has also removed a paragraph which would have allowed transporters to refuse to carry a PRM or a disabled passenger on the grounds of international safety standards. He has sought to indicate clearly that the passenger is required, at the moment of purchase, to inform the vendor of the need for assistance. Mr Teychenné has also proposed an amendment to the text which makes it clear that is not because of a passenger's disability or reduced mobility that they are not issued a ticket, but in fact because of the structure of the ship.

The provisions relating to national enforcement bodies have been modified in order to reduce the administrative burden on Member States, by only requiring one per State. In addition, Mr Teychenné wishes to give the bodies a greater role in coordinating some elements of the Regulation. The rapporteur has also put forward an amendment which underlines the independence of national enforcement bodies with regard to commercial interests.



# Promoting Sustainability





Against the background of fighting climate change, the Committee on Transport and Tourism stepped up its deliberations how to make our transport system environmentally sustainable. Thus, in its resolution on the mid-term review of the transport White Paper, the Committee supported the concept of co-modality. In its resolution on a sustainable European transport policy the Committee requested a combination of policies including technological improvements, market-based instruments and flanking measures. Other resolutions focussed on the need for sustainable and efficient urban mobility and for the internalisation of external costs.

A vision for the EU's maritime policy was another highlight of the Committee's debates. It supported an integrated approach and underlined the need to ensure that sustainability remains at the heart of maritime policy.

In a series of legislative acts, which drew conclusions from the environmentally disastrous 'Erika' and 'Prestige' accidents, the Committee reinforced its fight against ship-source pollution including legislating to phase-out single-hull tankers. The Third Maritime Package was the culmination of the Committee's response, setting out a clear framework of measures and standards to tackle maritime accidents and their aftermath.

## Road

### Keep Europe moving - mid-term review of the White Paper

Rapporteur: Etelka Barsi-Pataky (EPP-ED, HU) – 2006/2227(INI)

Resolution adopted in July 2007

#### The new concept of co-modality

The 2001 mid-term review of the Transport White Paper ("Keep Europe moving - sustainable mobility for our continent") fits into a range of policy reports from the European Commission that dates back to the 1992 White Paper "The future development of the Common Transport Policy" and was followed by the 2001 White Paper "European Transport Policy for 2010: time to decide". Whereas the 1992 White Paper emphasized the completion of the internal market, removing the last hurdles to liberalisation, the 2001 White Paper concentrated more on the issue of sustainable mobility. This mid-term review continued that line, but introduced the new concept of co-modality, described as "the efficient use of different modes on their own and in combination so that the objectives of sustainable, environmentally-friendly and efficient transport systems are met".

This mid-term review was presented in the context of an enlarged Union, with new transport corridors by sea, in particular the Baltic sea area, by inland waterway, in particular the Danube axis, and by rail. In addition, road networks in most of the new Member States had been extended since the nineties. The principle of co-modality does not replace the older principle of modal shift, which tries to move transport flows towards more environmentally-friendly modes like rail or water. It indicates, however, that every transport mode should itself be optimised and that the choice for a particular mode is the result of a whole set of logistical, economical and environmental factors. The White Paper therefore pleaded for a broad range of policy tools,

taking into account the more differentiated situation in the enlarged EU which is less homogeneous than in the past and therefore calls for a more flexible approach.

### **Making co-modality a success**

The own-initiative report on the mid-term review of the Commission's 2001 Transport White Paper addressed this broad and flexible approach by including many relevant aspects while at the same time staying as concise as possible. In the framework of this report, the Committee on Transport and Tourism also organised for the first time a joint parliamentary committee meeting with representatives of Member States' Parliaments. This approach led to the resolution being adopted with comfortable majorities in the Committee and in Plenary.

The resolution emphasized the importance of good cooperation between local, regional, national and European policy makers, as well as cooperation with adjacent policy fields like environment. It was critical about the decision making process in Council and about the pace and extent of the implementation of infrastructure projects under the TEN-T programmes. More financial means for TEN-T projects should be made available in future, be it through the Union budget or national budgets. Financial alternatives should be developed, for instance public-private partnerships.

The resolution welcomed the more realistic and pragmatic approach of the Commission included in the principle of "co-modality", thereby recalling that the development of co-modality should be in line with environmental objectives. Here again, improving the TEN-T network could enhance co-modality. Furthermore the resolution stressed that particular attention should be paid to short sea shipping (Motorways of the Sea), and to programmes such as SESAR (the Single European Sky Air Traffic Management Research Programme), ERTMS (European Rail Traffic Management System), Galileo (the European satellite positioning system), Marco Polo (environmental performance of freight transport) and Naiades (inland waterway action programme). Finally it asked for a transparent and comprehensible model for the assessment of all external costs to serve as a basis for future calculations of infrastructure charges.

## **Green Paper on urban mobility**

---

Rapporteur: Reinhard Rack (EPP-ED, AT) – 2008/2041(INI)

Resolution adopted in July 2008

### **Facing the common challenges in urban mobility**

"Towards a new culture for urban mobility" was the title of a Commission Green Paper, which identified the major challenges facing European cities in the area of transport and proposed a set of possible policy options for addressing them. The Green Paper formed part of an extensive consultation exercise which meant to pave the way for the subsequent adoption of an EU action plan on urban mobility. The Committee on Transport and Tourism considered it necessary that Parliament took part in this debate and decided to draw-up an own-initiative report in order to provide guidance for the Commission in elaborating the action plan.

According to the Green Paper, European towns and cities, despite their diversity, are facing common challenges such as congestion, air and noise pollution and a growing number of road accidents. Although these issues would have to be addressed primarily at a local level, the Commission believed that coordination and co-operation at European level could bring added value in tackling some of the problems. In view of the subsidiarity principle, it wanted to avoid imposing top-down measures, but instead facilitate bottom-up solutions through the exchange of best practice, financial support, the coordination of research activities and the simplification of relevant EU legislation.

## Addressing the key issues in subsequent action plan on urban mobility

In its resolution, Parliament supported the view that new thinking and innovative concepts on mobility in cities are needed in order to tackle the negative effects of urban transport on climate change, the environment and on the quality of life in urban areas. The resolution called for a clear definition of the EU's role in terms of urban mobility policy, with due respect to the subsidiarity principle, and asked for an integrated European approach to urban mobility, which should serve as a common frame of reference for European cities, encouraging them to draw up Sustainable Urban Mobility Plans (SUMP).

Where the EU has legislative power in the field of environment, industry, regional and cohesion policy, it should take into account the needs of urban transport. Furthermore, the resolution called for specific EU rules on standardisation and harmonisation in a number of areas, for instance in relation to the interoperability of transport modes, the mobility of people with disabilities and the introduction of green zones and road pricing. The decision on whether or not to introduce these measures should, however, be taken at a local level.

Parliament considered it important to facilitate the dissemination of best practices throughout the EU, such as the promotion of alternative modes of transport, multi-modality and the improvement of public transport. It proposed creating a "European Platform for Urban Mobility", which should bring together relevant data, best practices and policy information in a comprehensible way to allow citizens and policymakers easy access to vital information needed to develop urban mobility policies. With regard to financing, Parliament emphasised that responsibility should be shared between various levels of government. The EU could make an important contribution in this area, for example via structural and cohesion funds.

## A Parliamentary action plan on urban mobility

---

Rapporteur: Gilles Savary (PSE, FR) – 2008/2217(INI)

Resolution expected to be adopted in April 2009

### Great expectations

The Commission's follow up to their Green Paper on urban mobility, the action plan on urban mobility, was originally scheduled for publication in autumn 2008. The Committee on Transport and Tourism therefore decided to draft an own-initiative report on the Plan. Publication of the action plan was then delayed several times, despite great interest from European and national parliamentarians and stakeholders, and was not expected during the sixth Legislature.

### Moving forward while the Commission does not

The Committee debated whether or not to proceed with the initiative report given the absence of Commission proposals. It decided not to sit back and wait, but to move forward with its own action plan.

The rapporteur worked closely with the shadow rapporteurs from the other political groups during the drafting period in order to produce a united position on the text of the draft resolution. It is critical of the Commission for being unable to publish its action plan and puts forward a number of measures. Overall, the draft resolution strongly supports the need for EU intervention in this field, while also stressing the full respect of subsidiarity. It highlights the need for a coherent approach to urban mobility policy at Community level and it supports incentive-based European financing for cities.

The draft resolution initially proposes a programme for the improvement of statistics related to urban mobility as a regular complaint is the lack of reliable and comparable data on urban mobility. Intelligent Transport

Systems (ITS) have vast potential for cities and the resolution therefore supports the strengthening of the ITS R&D programme. Urban transport plans have proved very useful for many cities, and the draft resolution advocates the introduction and general application of such plans for cities with more than 100,000 inhabitants. It discusses the possibility of an urban programme which would co-finance surveys of urban travel plans as well as investment in modes of transport that meet the EU's environmental and socio-economic objectives.

The draft resolution recommends the setting up of an urban mobility observatory, though it argues that this should not take the form of a new agency. The importance of bringing stakeholders together is recognised by the draft resolution, which suggests the creation of a transport forum regrouping interested parties, including local authorities. A users' rights charter, for urban transport users, including pedestrians and cyclists, is advocated. The draft resolution is strongly in favour of the promotion of soft modes of transport. Finally, it suggests that a significant proportion of the appropriations released by the European economic recovery plan be allocated to the financing of on-going urban transport investments and projects that can be financed immediately and implemented before 31 December 2009.

## **Moving towards a sustainable European transport policy**

---

Rapporteur: Gabriele Albertini (EPP-ED, IT) – 2007/2147(INI)

Resolution adopted in March 2008

### **A combination of different policies is needed**

On 11 March 2008, the European Parliament adopted a resolution on sustainable European transport policy, taking into account European energy and environment policies.

To achieve the aim of making European transport sustainable in energy and environmental terms, Parliament considered it necessary to combine different policies and to increase the involvement of stakeholders representing the transport sector, governments and citizens. The combination of measures should encompass in particular, technological improvements (measures to increase energy efficiency, new standards for engines and fuels), market-based instruments and flanking measures to enable means of transport and infrastructure to be used as efficiently as possible and the promotion of behavioural changes. Parliament also called on the EU and Member States to focus their efforts on key elements, namely congested large cities and urban areas, the main European intercity corridors and environmentally sensitive areas.

### **Ambitious legislative proposals requested**

The resolution urged Council and the Member States to adopt the proposal for a Directive on passenger car related taxes; to introduce the most promising fiscal reforms for cars and the environment in general; to step up their investment in infrastructure and Intelligent Transport Systems (ITS), in particular with a view to completing the trans-European network priority projects as soon as possible; to tackle congestion in urban areas and along corridors in sensitive areas; and to improve intermodal transport.

Parliament also called on Council and the Member States to complete a single European railway area or rail market as soon as possible, to eliminate technical obstacles and move towards a single European Rail Traffic Management System and interoperable solutions and to improve the quality of freight and passenger transport services.

The resolution asked the Commission to submit a model for internalising external costs together with an impact analysis and a phasing-in strategy for all modes of transport, combined with legislative proposals, starting with the revision of the Eurovignette-Directive. Furthermore it requested the Commission to come

forward with a package of proposals, in particular on emissions-based differentiated take-off and landing charges at airports; on accelerating the creation of the Single European Sky; on encouraging ships in ports to be fuelled from land-based sources; and on an emissions allowance trading scheme for the maritime sector.

## Greening of transport and the internalisation of external costs

Rapporteur: Georg Jarzembowski (EPP-ED, DE) – 2008/2240(INI)

Resolution expected to be adopted in March 2009

### Towards greener and more sustainable transport

The Commission put forward three Communications on greening transport, internalisation of external costs and rail noise abatement. The Communication on greening transport began by summarising the existing and proposed EU measures in the field of sustainable transport. Next it described the two accompanying initiatives on internalising the external costs of transport: an overall strategy and a proposal to revise the Directive on heavy goods vehicles (HGV) charging for infrastructure use, which is the subject of a separate Parliament resolution. Finally, the Communication described a further accompanying Communication on reducing rail noise and sets out the complementary initiatives that the Commission will take over the coming months.

The Communication on internalising the external costs of transport and its annexes contained two elements. The first was a common framework for estimating the external costs of transport. The second element was a strategy setting out how external costs can be internalised in all modes of transport. For the road sector, the strategy involved immediate action to allow more effective and efficient internalisation with the proposal on infrastructure charging for heavy goods vehicles. Private transport is not covered because of subsidiarity. The proposal to internalise costs in the road transport sector would also allow internalisation for the rail sector without distorting competition. For inland waterways, it announced the internalisation of all external costs in the sector, and, for the maritime sector, it committed the Commission to acting in 2009 if the International Maritime Organisation has not agreed concrete measures to reduce greenhouse gas emissions by then.

The Communication on rail noise abatement focused on existing wagons and set out measures to equip the majority of them with low-noise brakes. The strategy combines noise emissions ceilings, voluntary commitments and legislation setting financial incentives.

### The Commission failed to fulfil its obligation

The Committee on Transport and Tourism welcomed the Commission's Communication as an important first partial step towards a more comprehensive approach making transport more environmentally-friendly. The Committee maintained that European transport policy should continue to aim to green the sector so as to cancel out, or at any rate reduce, the harmful effects of transport. It regretted that the Commission had failed to produce an integrated plan to green transport, covering every transport sector. It therefore called on the Commission to submit an integrated plan for the greening of transport, together with specific legislative proposals.

As regards the Communication on the strategy for the internalisation of external costs, the Committee noted that the Commission had not fulfilled its obligation, under the third paragraph of Article 11 of the Eurovignette Directive, since it had not devised and put forward a generally applicable, transparent, and comprehensible model for the assessment of external costs as a whole. In the Committee's view, the Commission had also failed to put forward scientifically coherent justifications for charging individual external costs to different modes of transport. The Committee was disappointed that the positive effects of transport in terms of economic

growth and competitiveness ('positive externalities') had not been researched to any significant extent and expected the Commission to take further steps to develop this approach. Furthermore, the Committee called on the Commission to assess and describe the impacts that its proposed method might have on competition among the various modes of transport and on the costs of mobility and competitiveness.

The Committee also noted that the Commission had not proposed measures to mitigate the effects of increased remoteness arising from EU enlargement. It encouraged the Commission, to this end, to submit a supplementary proposal for multimodal mobility corridors. Finally, the Committee asked the Commission to publish a methodology for internalising the external costs of individual vehicles in order to provide the Member States with guidelines.

Concerning the Communication on rail noise abatement the Committee recognised that the Commission had responded to the need to reduce the noise nuisance, in particular from freight wagons, for persons living by the side of railway lines. At the same time, it called on the Commission to propose a Directive with a view to introducing noise-related track access charges for locomotives and wagons. Finally, it noted that no legislative measure should have a negative impact on the intermodal competitiveness of the rail sector.

## **Conclusion of Transport Protocol to the Alpine Convention**

---

Rapporteur: Reinhard Rack (EPP-ED, AT) – 2008/0262(CNS)

Adoption expected in April 2009

Consultation procedure - only one reading

### **Ensuring sustainable mobility in the Alps**

All eight states having part of their respective territory in the Alpine arc agreed to develop a common policy in the field of sustainable development to protect and preserve this unique and sensitive region. In order to tackle the environmental problems affecting the Alps, an internationally coordinated policy is necessary. Based on these considerations, the Alpine States signed on 7th November 1991 the Convention on the Protection of the Alps, which entered into force on 4 April 1998. While the Convention defines the general objectives and lays down the overall framework, several Protocols set out more detailed goals and instruments to implement the Convention in various policy areas.

The Transport Protocol adopted on 24-26 May 2000 aims to ensure and sustainable mobility, for all modes of transport, in the Alpine region. This should be achieved mainly by reducing the overall volume of intra-Alpine and trans-Alpine traffic and by shifting part of it towards environmentally-friendly modes, such as railways. Overall, the whole transport system should be made more efficient and at the same time environmentally-friendlier. The Protocol has been signed by all member countries of the Alpine Convention and the Community.

### **Towards complete ratification of the Transport Protocol**

However, almost nine years after the adoption of the Protocol the Community and three member countries to the convention, namely Italy, Monaco and Switzerland still have not ratified it. Therefore the Commission put forward a proposal for a Council Decision ratifying the Protocol on behalf of the Community in order to underline its commitment to sustainable mobility in this sensitive region. The rapporteur, in his draft report, warmly welcomed this initiative and recommended that Parliament approves the conclusion of the Protocol. Furthermore, the draft report emphasises that the three countries which have yet to ratify should do so swiftly so that the Protocol can at last fully enter into force.

# Maritime Transport

## Towards a future maritime policy for the Union

Rapporteur: Willi Piecyk (PSE, DE) – 2006/2299(INI)

Resolution adopted in July 2007

### Integrated approach to maritime policy welcomed

One of the Commission's strategic objectives for its current term in office is "the particular need for an all-embracing maritime policy aimed at developing a thriving maritime economy and the full potential of sea-based activity in an environmentally sustainable manner". On 7 June 2006, it published a Green Paper "Towards a future maritime policy for the Union: a European vision for the oceans and seas". This sought to launch a debate on the EU's future maritime policy which should treat the oceans and seas in a holistic way.

Parliament reacted positively to this integrated approach, as it gave an opportunity "for the EU and its Member States to develop a forward-looking maritime policy, cleverly combining the protection of the marine environment and innovative, intelligent use of the seas while ensuring that sustainability remains at the heart of maritime policy".

### Legislation needed on climate change, environmental pollution and social protection

Climate change was considered to be the greatest challenge to maritime policy. Parliament therefore asked for ship emissions of substances such as CO<sub>2</sub>, SO<sub>2</sub> and NO<sub>x</sub> to be drastically reduced, the feasibility of emissions trading for shipping to be carefully assessed and for renewable energy, such as wind and solar power, to be introduced and promoted for shipping. The Commission was urged to propose legislation so as to reduce maritime greenhouse gas emissions and the EU was advised to take decisive action to ensure that the maritime sector was included in international climate Conventions.

Regarding environmental pollution, Parliament called on the Commission to safeguard the balance between environmental protection and economic use of Europe's oceans when designing its (future) proposals on maritime and port policy. Recognising that ship-source air pollutant emissions were forecast to grow rapidly, the resolution said that the Commission and the Member States should take urgent measures to cut emissions from the shipping sector. It asked the Commission to come forward with concrete proposals including:

- NO<sub>x</sub> emission standards for ships using EU ports;
- designation of the Mediterranean Sea and the North-East Atlantic as Sulphur Emission Control Areas (SECAs) under the MARPOL Convention;
- lowering the maximum allowed sulphur content in marine fuels used in SECAs by passenger vessels from 1.5% to 0.5%;
- introducing fiscal measures such as taxes or charges on SO<sub>2</sub> and NO<sub>x</sub> emissions from ships;
- encouraging the introduction of differentiated port charges favouring vessels with low SO<sub>2</sub> and NO<sub>x</sub> emissions;
- encouraging the use of shore-side electricity by ships when in port; and
- an EU Directive on the quality of marine fuels.

Furthermore it called for a revision of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo, so that all ships calling at a Member State's ports would discharge 100% of their solid and liquid waste.

Parliament noted that fishermen and seafarers are excluded from many aspects of EU social legislation and called on the Commission to reconsider these exemptions in close cooperation with the social partners. It also called for the introduction of a European quality label for ships meeting the latest safety standards and social conditions, in line with the IMO white list classification scheme, which would give such ships favourable treatment with regard to port state controls. The Commission was urged to provide support at the World Trade Organisation for European shipyards, so as to combat unfair competition from Asian shipbuilders.

Parliament encouraged regions and Member States to use cohesion policy instruments to achieve further integration in maritime and coastal policy, promote entrepreneurship and set up SMEs, thus helping to overcome the problem of seasonal employment. The importance, within a holistic maritime policy, of developing and implementing an integrated coastal zone management (ICZM) policy covering the multiple uses of the coastal zones and their impact on development policies was stressed. Parliament also called on the Commission to take action to control pollutants arising from agricultural runoff, sewage or industrial effluents and litter (often plastic) which can choke sea mammals, turtles and birds.

Parliament took the view that fishing must contribute to the maintenance of viable coastal communities. It stressed that small-scale fishing interests and recreational anglers encourage tourism, protect Europe's rich coastal heritage and help to keep seaside communities together. It also called for increased efforts to end the by-catch and discard problem which is a key consequence of the Total Allowable Catch (TAC) and quota regime of the Common Fisheries Policy.

The resolution highlighted the increasing socio-economic significance of fish farming as marine fish stocks diminish worldwide and they believe that the worldwide annual sale of aquaculture products will soon exceed the sale of wild catch. Parliament called for maritime research to be enshrined in the EU's Seventh Framework Research Programme as a cross-cutting theme and as a key topic for future framework research programmes and urges that the oceans' potential contribution to solving Europe's energy problems be included as the main focus of research, which must be encouraged. The Commission was called upon to draw up an offshore wind energy action plan embodying an efficient European approach to offshore technology.

Finally, the resolution insisted that the precautionary principle, as embodied in Article 174(2) of the Treaty, must form the basis of all types of exploitation of the maritime zones of the EU. It stressed that a lack of scientific certainty should therefore not be used as an excuse for delaying preventive action. Moreover, it called for the creation of a budget line entitled "Maritime policy: pilot projects" to promote pilot projects seeking to integrate various systems for the monitoring and surveillance of the seas, collate scientific data on the sea, and disseminate networks and best practices in the field of maritime policy and the coastal economy.

## **An integrated maritime policy for the European Union**

---

Rapporteur: Willi Piecyk (PSE, DE) – 2008/2009(INI)

Resolution adopted in May 2008

### **Too few practical measures**

In October 2007, the Commission adopted a Communication on an integrated maritime policy for the European Union as a follow-up to the Green Paper of June 2006. This incorporated the results of a one-year

consultation period and marked the start of its attempt to embark on the next stage of determining practical policies and measures for a future common European maritime policy.

Parliament welcomed the fact that a fair proportion of the demands made in its resolution of July 2007 had been accepted. However it felt that the Commission's Communication included too few practical measures and urged the Commission to make better use of the instruments at its disposal under the EU Treaty. It deplored the fact that climate change challenges were addressed in a non-binding way, and considered that European Maritime Policy should have the task of preparing for rising sea levels, with the increased risk of flooding of ports and coastal regions.

The resolution called for maritime policy to make a substantial contribution to reducing greenhouse gas emissions, including incorporating shipping in emissions trading and stepping up research efforts with a view to exploiting the seas as a source of renewable energy. They also urged the Commission to be more ambitious in combating sulphur and NO<sub>x</sub> emissions as well as emissions of solids from ships.

Parliament pointed out that land-based pollution of the seas constitutes a significant proportion of overall maritime pollution and that the Commission had yet to get to grips with this issue. The Commission should put forward an action plan to reduce such pollution and the Member States should act promptly to transpose legislation in this field into national law.

Seafarers should no longer be excluded from certain areas of European social and labour protection, such as safeguards for employees' rights in the event of transfers of undertakings, rules on collective redundancies and on the posting of workers to provide services. The Directives concerned should be revised in close co-operation with the social partners.

### **First European Maritime Day**

Parliament backed a proposal to establish an annual Maritime Day. This day should be used to establish the significance of maritime policy outside maritime circles, with the participation of ordinary citizens, schools, universities and non-governmental organisations. On 20 May 2008, the first Maritime Day, organised by the Committee on Transport and Tourism, was celebrated on the European Parliament's premise in Strasbourg. The resolution was adopted on the same day.

## **Funding to deal with pollution caused by ships**

---

Rapporteur: Luis de Grandes Pascual (EPP-ED, ES) – 2005/0098(COD)

Adopted at first reading

### **Financing the European Maritime Safety Agency's anti-pollution work**

Following the Prestige oil tanker disaster, in 2004 EU legislation gave the European Maritime Safety Agency (EMSA) a mandate to combat pollution caused by ships. This proposed Regulation set out the procedures for the implementation of this mandate and defined the Community's financial contribution to these new tasks for the period from 1 January 2007 to 31 December 2013.

The funds would enable EMSA to make specialised anti-pollution vessels available to Member States affected by oil slicks they could not deal with themselves. EMSA would also help develop satellite imaging to enable pollution to be detected in good time, and would underpin efforts by Member States to prevent illegal discharges and accidental spillages of oil.

### **Without relieving coastal Member States of their responsibilities**

The Committee welcomed Commission proposals for a financial package of €154 million while adopting a number of amendments aimed at reaching an agreement at first reading so that the legislation could come into force without delay. These indicated that:

- EMSA's activities should not relieve coastal states of their responsibility to have appropriate pollution response mechanisms in place and should respect existing cooperation arrangements between Member States;
- in the event of a maritime pollution incident, the Agency should assist the Member State(s) affected, under whose authority the clean-up operations would be conducted;
- EMSA assistance should include a centralised satellite imagery service for surveillance and the early detection of pollution; and
- the Commission should carry out a mid-term evaluation of the Regulation so it would be able to propose amendments to take account of scientific progress in the field of combating pollution from ships, particularly with regard to noxious liquids.

New definitions of "oil" and "hazardous and noxious substances" were also added.

On 5 September 2006, just before EMSA's official launch the following week, Plenary adopted a first reading report, incorporating the Committee on Transport and Tourism's amendments and the result of negotiations with Council. The Regulation entered into force on 31 December 2006.

## **Banning single-hull oil tankers**

---

Rapporteur: Fernand Le Rachinel (NA, FR) – 2006/0046(COD)

Adopted at first reading

### **Ensuring EU tankers do not use international agreements' exceptions**

Following the sinking of the Prestige oil tanker, Regulation (EC) No 1726/2003, which entered into force on 21 October 2003, accelerated the initial timetable for phasing out single-hull oil tankers and immediately prohibited the carriage of heavy grade oil products in single-hull oil tankers bound for or leaving a Member State's ports. In parallel, the Commission and Member States ensured that these new rules were adopted internationally by seeking amendment of the International Convention for the Prevention of Pollution from Ships.

In December 2003, the International Maritime Organisation amended this Convention but left certain exemptions. While the Italian delegation, on behalf of the Council Presidency, stated that the Member States would not authorise tankers to make use of these exemptions, the Commission considered that this remaining legal possibility was unacceptable and therefore proposed to amend the Regulation to ensure coherency of Community policy on maritime safety.

### **Supported by Parliament**

The Committee on Transport and Tourism, followed by the Plenary on 14 December 2006, only adopted one technical-linguistic amendment. This made it clear that no oil tanker carrying heavy grades of oil, irrespective of its flag, would be allowed to enter or leave ports or offshore terminals or to anchor in areas under the jurisdiction of a Member State, unless such tanker was a double-hull oil tanker.

The Regulation entered into force on 20 May 2007.

## Civil liability and financial guarantees of ship-owners

Rapporteur: Gilles Savary (PSE, FR) – 2005/0242(COD)

Adoption at second reading expected in March 2009

Part of Third Maritime Package

### Increased protection for accident victims

For most damage by ships to third parties, civil liability regimes for ship-owners in Europe were not harmonised and no compulsory insurance scheme existed. On 23 November 2005, the Commission adopted a proposal for a Directive on the civil liability and financial guarantees of ship-owners as part of the Third Maritime Package. The proposal aimed to establish stringent liability rules applicable to all ships which would help to prevent damage caused by ships and guarantee that any damage is repaired.

The proposal foresaw all Member States ratifying the 1996 Convention on the Limitation of Liability for Maritime Claims (LLMC) of the International Maritime Organisation (IMO) and incorporating the provisions of this Convention into Community law. Furthermore, the proposal stipulated that ships flying the flag of a State that was not a party to this horizontal Convention would be subject to a more severe liability regime in the case of gross negligence. In addition, it was proposed to set up a system of obligatory financial guarantees for ship-owners in order to better respond to the interests of accident victims, with a sum equivalent to double the ceilings laid down in the 1996 Convention.

Moreover, the proposal was to require a financial guarantee covering the costs linked to the repatriation of seafarers in case of abandonment and set up a notification system to ensure that financial guarantee certificates are on board from the point at which ships enter waters under the jurisdiction of the Member States.

### Guaranteeing mandatory insurance for maritime claims

The Committee on Transport and Tourism, having in mind recent maritime disasters, took a firm position initially and further tightened the ambitious Commission proposal. With its vote on 27 February 2007 the Committee supported the incorporation of the LLMC into EU law and called, in addition, for the ratification of the Bunker Oil Convention and of the Hazardous and Noxious Substances (HNS) Convention on the maritime transport of chemicals.

A stronger liability scheme for ships flying the flag of a State that had not ratified the LLMC Convention would be introduced. Furthermore, the Committee broadened the conditions under which the liability of carriers would be engaged (concept of fault inferring liability) while limiting its implementation to victims not part of the transport chain. To ensure its enforceability in practice, a new definition of “gross negligence” was introduced: “conduct showing an unusual lack of due care and a consequent disregard of what should in principle have been clear to everyone in a given situation”.

The Committee asked for a Community office to maintain a registry of financial guarantee certificates as well as the establishment of a solidarity fund to cover damage caused by ships without a financial guarantee. Provisions on penalties were added in case of infringement of the Directive.

The Plenary vote, on 29 March 2007, confirmed the position taken by the Committee which favoured the protection of the European coasts and sought to provide victims compensation in as short a time as possible. On 24 October 2007, the Commission issued a modified proposal which accepted all Parliament’s amendments except the establishment of a Community office for the registration of the certificates and the solidarity fund.

Council initially strongly opposed the Commission's proposal and decided to detach it, along with the proposal on Flag States, from the Third Maritime Package owing to a lack of political support. On 9 December 2008, after considerable pressure from Parliament, which made the adoption of the remaining files of Third Maritime Package conditional on the inclusion of the two missing proposals, Council revised its initial decision and adopted a Common Position with a title "Directive ... on the insurance of ship-owners for maritime claims". The main elements were:

- the mandatory insurance with certificate for all ships flying the flag of a Member State and for all ships flying the flag of a third country when they enter a maritime area under a Member State's jurisdiction;
- the insurance ceiling aligned to the (high) liability ceiling set by the LLMC;
- the verification of the existence of the certificate by the Member States' authorities and the possibility of detaining ships or even barring a ship from all European ports until there is a proof of such certificate on board; and
- the introduction of penalties in the event of breaches of the provision of the Directive.

The Common Position was accompanied by a statement on maritime safety, in which Member States undertook to ratify, by 1 January 2012 at the latest, the major international Conventions in the field of civil liabilities and financial guarantees.

During its February 2009 meeting, the Committee endorsed Council's Common Position. Although the text was very different from the Commission's initial proposal and Parliament's position at first reading, key elements of the initial proposal were retained in the new mandatory instrument.

## Compliance with the obligations of Flag States

---

Rapporteur: Emmanuel Jardim Fernandes (PSE, PT) – 2005/0236(COD)

Adoption at second reading expected in March 2009

Part of Third Maritime Package

### Ensuring Member States respect their Flag State obligations

The Commission proposal, of 23 November 2005, aimed to ensure that Member States effectively and consistently discharge their obligations as Flag States in accordance with the International Maritime Organisation (IMO) Conventions relating to maritime safety and the prevention of pollution caused by ships.

To achieve this, the proposal foresaw all Member States becoming party to the IMO Conventions and apply in full the mandatory Flag State related provisions laid down therein, and that parts of the IMO Code for the implementation of mandatory IMO instruments ("Flag State Code") as well as the voluntary IMO Member State Audit Scheme would become compulsory at the Community level.

### Rescued from the grave

While the European Parliament welcomed the proposal and even reinforced certain provisions at its first reading, Council barely discussed the proposal for two years and declared it "dead" after a public political debate during the EU Transport Council in April 2008.

The European Parliament's insistence on keeping the Third Maritime Package united significantly contributed to restarting Council discussion of the Directive and to it reaching political agreement on a Common Position

during its meeting of 9-10 October 2008. The Common Position was accompanied by a declaration by the representatives of the Governments of the EU Member States committing themselves:

- to ratify the main international Conventions on maritime safety by 1 January 2012;
- to apply the IMO Flag State Code and the related audit scheme for maritime authorities; and
- to encourage the IMO to make these two instruments mandatory worldwide.

Council insisted on removing certain important provisions from the operative part of the Directive including those concerning the ratification of international Conventions and the mandatory application in the Community of the Flag State Code of the IMO. This made the result not completely satisfactory for the European Parliament, but it considered the agreement to be the best available under the circumstances.

The Directive foresees that, whilst waiting for the IMO audit scheme to become mandatory, Member States have to subject their maritime authorities to an audit of this type and publish the results. Member States shall put in place a quality management system for their maritime authorities, certified in accordance with international standards.

Before authorising a ship to fly their flag, Member States have to check that it complies with international rules and to ensure that ships which fly their flag and have been detained in the context of a Port State inspection are brought into conformity with the relevant IMO Conventions. If a Member State's flag is blacklisted or appears, for two consecutive years, on the grey list of the Paris Memorandum of Understanding on Port State Control, that Member State will have to report the reasons for their poor performance to the Commission.

## **Introducing criminal sanctions for ship-source pollution**

Rapporteur: Corien Wortmann-Kool (EPP-ED, NL) – 2003/0037(COD)

Adopted at second reading

### **Combating pollution from ships**

On 5 March 2003 the Commission put forward a Directive establishing that marine pollution by ships would be a criminal offence. Sanctions would apply to anyone - including the master, the owner, the operator and the charterer of a ship and to the classification society - found to have caused or contributed to illegal pollution intentionally or by means of gross negligence. In the most serious cases, the penalties could include jail sentences.

The proposed Directive involved incorporating the applicable international discharge rules for ship-source pollution, including oil and chemicals, into Community law. It would also regulate the enforcement of these rules, with any violation being illegal in EU waters. It also sought to prohibit pollution on the high seas, irrespective of the flag of the ship.

### **Towards a European coastguard service?**

Following a first reading in the previous Legislature and a Council Common Position adopted on 7 October 2004, the Committee on Transport and Tourism adopted its second reading recommendation on 19 January 2005. This endorsed the proposal that discharges of polluting substances be regarded as criminal offences if committed with intent, recklessly or by gross negligence. It also indicated that, in the most serious cases, prison sentences should not be ruled out.

The Committee believed that a European coastguard service could play a crucial role in combating ship-source pollution. It asked the Commission to study the feasibility of setting up such a service. It also called for

the European Maritime Safety Agency (EMSA) to be given a stronger role in detecting discharges of polluting substances, with EMSA assisting Member States by providing satellite monitoring and surveillance.

Following an agreement with Council, on 23 February 2005, the Plenary adopted 13 compromise amendments. These confirmed that all those responsible in the pollution chain could be prosecuted and that, in the most serious cases, penalties could include imprisonment or heavy fines. Despite the opposition of some Member States, the compromise incorporated a Commission feasibility study on a European coastguard dedicated to pollution prevention and response.

Another compromise amendment was adopted setting out a number of tasks for EMSA, which would work with the Member States in developing technical solutions and providing technical assistance. The Agency should also assist the Commission in implementation, including visits to Member States if appropriate.

Member States are required to report to the Commission every three years on the application of the Directive by the competent authorities. On the basis of these reports, the Commission will assess the desirability of revising or extending the Directive's scope; describe the evolution of relevant case-law in the Member States; and consider the possibility of creating a public database containing such case-law.

The Directive entered into force on 1 October 2005 with a deadline for implementation of 1 March 2007.

## **Penalising ship-source pollution**

---

Rapporteur: Luis de Grandes Pascual (EPP-ED, ES) – 2008/0055 (COD)

First reading expected in April 2009

### **Filling a legislative void**

Directive 2005/35/EC (on ship-source pollution and on the introduction of penalties for infringements) and Framework Decision 2005/667/JHA (which sought to strengthen the criminal law framework for the enforcement of the law against ship-source pollution) were both adopted in 2005. The Commission had originally put them forward as one Directive. Objections from some Member States led the Commission to remove the provisions on criminal law from the Directive and put them forward as a Framework Decision instead.

In a case brought by the Commission (Case C-440/05), the European Court of Justice ruled that the Community was, in fact, competent to require its Member States to introduce criminal sanctions in the context of transport policy. It ruled, however, that the Community was not competent to determine the type and level of such criminal penalties. The Framework Decision was therefore annulled and the Commission came forward with a new proposal amending Directive 2005/35/EC.

### **Translating a Framework Decision into a Directive**

The Commission proposal aims to fill the legal vacuum created by the Court's ruling by adapting the main provisions of the Decision into the existing Directive. It requires Member States to lay down that any discharge of polluting substances, as defined in the Directive, into any of the areas specified, is to be considered as a criminal offence if it is committed with intent, recklessly or with serious negligence. In conformity with the judgement, the Commission has not set the type and level of the penalties.

### **A multi-layered approach**

In elaborating his draft report the rapporteur has held several meetings with the draftspersons for opinion from the Committee on Legal Affairs and the Committee on the Environment, Public Health and Food

Safety, as well as the shadow rapporteurs of the Committee on Transport and Tourism. He concurs with the European Commission's prudent approach in reiterating the consensus reached in the context of the Framework Decision. He has nevertheless sought to build on the Commission proposal by introducing a differentiation between administrative penalties for so called "minor cases", where the discharge does not cause a deterioration of the quality of the water, and those cases necessitating criminal penalties. The report leaves Member States the possibility of imposing criminal penalties for repeated instances of "minor cases".

## Vessel traffic monitoring system

Rapporteur: Dirk Sterckx (ALDE, BE) – 2005/0239 (COD)

Adopted in conciliation

Part of Third Maritime Package

### Better ways to guide ships in need of assistance

The process of improving vessel traffic monitoring (VTM) and rethinking the treatment of ships in need of assistance started with the shipwreck of the oil tanker 'Erika' off the coast of Brittany in 1999. As a consequence of this accident the EU revised its legislation on maritime safety. A first result was the revised Directive 2002/59/EC on vessel traffic monitoring. Shortly after, the EP's temporary MARE committee investigated the Prestige disaster.

As part of the Third Maritime Package, the Commission proposed a further revision of Directive 2002/59. The main intention of the Commission was twofold. First, accidents should be better prevented via the SafeSeaNet information system. Furthermore, fishing vessels, which tend to cause a relatively high number of accidents, should be equipped with "automatic identification systems" (AIS) to better identify their position. Secondly, in the event of an accident, the vessel in need of assistance should be brought to a safe place of refuge as soon as possible. To this end, an independent and competent authority was needed in each Member State. This authority could then decide objectively and efficiently where to guide a ship in need of assistance.

### Parliament pushes Council to accept independent decisions of the competent authority

Council had reservations about the Commission's proposal. Discussions in Council focussed on the role and independence of the competent authority which would decide on the place of refuge for a ship in distress. For Parliament it was of utmost importance that the competent authority could take its decisions completely independently and only on the grounds of safety. In first reading, Parliament put forward amendments to reinforce the Commission proposal in this respect. Council did not take these amendments into account when presenting its Common Position. Parliament also sought to reinforce other elements in its first reading, for instance the fair treatment of seafarers, who should not be criminalised after an accident, and compensation for ports accommodating a ship in distress.

In second reading, much progress was made between Council and Parliament on these issues. Agreement was finally reached in the framework of conciliation negotiations. At Parliament's insistence a formula was agreed for the definition of competent authorities as having "the required expertise and the power to take independent decisions". This should prevent hesitation and loss of time when decisions have to be taken on guiding a ship to a port of refuge.

## Investigating accidents in the maritime transport sector

Rapporteur: Jaromír Kohlíček (GUE/NGL, CZ) – 2005/0240(COD)

Adopted in conciliation

Part of Third Maritime Package

### Investigating accidents to prevent future disasters

One of the shortcomings of EU maritime safety policy used to be the lack of mandatory provisions to ensure that technical investigations of maritime casualties were undertaken systematically. By contrast, in the air transport sector, such rules were in existence since 1994. Accident investigations are of key importance for improving maritime safety, since they may lead to conclusions that help prevent future disasters.

Consequently, the Commission proposed a Directive obliging Member States to set-up independent investigative bodies, which have to carry out accident investigations on the basis of a common methodology. These investigations should be purely technical and strictly separate from judicial investigations. Each investigation should result in a publication of a report with conclusions and recommendations. Moreover, the proposal provided for cooperation between Member States and between Member States and third parties.

### A strong legal framework for the investigation of accidents

In its first reading on 25 April 2007 Parliament introduced only minor adjustments, leaving the main elements of the Commission proposal untouched. The amendments adopted provided for an even clearer differentiation between accident investigations and criminal investigations and furthermore enhanced the protection of witnesses by preventing their statements being used for purposes other than the safety investigation. This was intended to avoid discriminatory or retaliatory measures being taken against witnesses because of their participation in the investigations. Likewise, an Article was added ensuring that during accident investigations seafarers would be treated fairly and in accordance with relevant guidelines of the International Maritime Organisation (IMO).

Council's Common Position of 9 April 2008 disregarded the majority of Parliament's amendments. More importantly, however, Council extensively modified the Commission's proposal by watering-down a number of substantial requirements. In particular, the Common Position would limit the Directive's scope to only very serious incidents (thus excluding serious accidents). Furthermore, Member States would have more flexibility in deciding which methodology to apply, whereas the proposal foresaw that the joint methodology must be respected.

In line with its overall strategy on the package of legislative proposals on maritime safety, Parliament, in its second reading, re-introduced all its amendments from first reading. Moreover, it restored the text of the Commission proposal where it considered that Council's changes would jeopardize the Directive's effectiveness. During the subsequent negotiations in third reading, Parliament partly succeeded in defending this position. Firstly, it convinced Member States that investigations should not only be held in the event of very serious accidents. In the case of accidents which are not "very serious" but which are still deemed to be serious, a preliminary assessment will have to be made as to whether a full investigation is necessary. The Directive also stipulates that the common methodology must be respected and that Member States may only deviate from it in exceptional cases. Finally, Parliament obtained appropriate legal protection for witnesses and a provision ensuring the fair treatment of seafarers.

## Port State control of ships using Community ports

Rapporteur: Dominique Vlasto (EPP-ED, FR) – 2005/0238 (COD)

Adopted in conciliation

Part of Third Maritime Package

### More inspections and targeting for problem cases

This proposal was to recast the previous Directive on Port State Control to make it clearer and tighter, and in so doing improve inspections in the Community. Port State Control refers to the regime of inspecting vessels entering EU ports to make sure they respect international and EU standards in terms of the condition of the vessel and its operation.

The Port State Control regime the Commission proposed to reform was based on compliance with the purely quantitative threshold of 25% of ships inspected by a Member State, which not only allowed many ships to pass through the net, but also sometimes caused authorities to carry out unjustified inspections solely to reach this figure. The Commission proposed establishing a collective objective which would be to inspect all ships calling at ports in the Union, with high risk ships being inspected more frequently and quality ships less so.

In addition, the new Directive would improve the expanded inspection regime, extend and simplify access refusal measures, ensure a more effective application of the system of controls in ports and anchorages, and facilitate monitoring by the Commission of the implementation of the Directive.

### Anchorages and banning persistent offenders

In its first reading, Parliament made a number of amendments aimed at tightening up and clarifying some of the provisions relating to the inspection regime, the criteria for selecting ships for inspection and the parameters for calculating a ship's risk profile. Council on the other hand used its Common Position to remove anchorages from the scope of the provision and to allow recidivists to enter European ports after a period of three years under certain conditions. Council also introduced a "flexibility mechanism" for the number of inspections to be carried out in individual ports.

In its second reading Parliament insisted that the position on anchorages be clarified in such a way as to ensure their inclusion within the scope of the Directive, and insisted that ships which were repeatedly found to be seriously substandard or refused entry could be definitively banned.

These points went forward to detailed negotiations with Council on the proposal and other elements of the Third Maritime Package in conciliation.

At the conclusion of those negotiations Council accepted the unambiguous inclusion of anchorages within the scope of the Directive and that ships which persistently failed inspections on serious points would be banned.

## Classification Societies

Rapporteur: Luis de Grandes Pascual (EPP-ED, ES) – 2005/0237A(COD) and 2005/0237B(COD)

Adopted in conciliation

Part of Third Maritime Package

### A fourth reform of the Classification Societies Directive

The original Directive established a system of Community-wide recognition of classification societies, which are private sector organisations to which flag states delegate some ship inspection functions. Classification societies also contribute to the development of technical safety standards for ships via their technical rules and regulations. Since the adoption of this Directive in December 1994, developments in the relevant legislation at EU and international level has required some further adjustments and this was the Directive's fourth revision.

### A new system of oversight and recognition

The Commission proposal aimed at reforming the system to address certain weaknesses it had identified. A number of new elements were introduced including a requirement for legal personality and that a recognised organisation must have its accounts independently certified. A reform of the criteria for recognition as a classification society within the Community, by moving away from the existing quantitative based method of recognition to a new system using qualitative and performance criteria, was proposed, as was a reform of the system of sanctions, and penalties were introduced. Via comitology, the Commission will be able to develop more flexible enforcement measures against failing classification societies. There is a greater emphasis placed upon the Commission's powers of inspection as well as the mutual recognition of certificates between recognised organisations and a requirement for classification societies to establish a new independent body to assist the Commission in their oversight of the Community system.

### No great divergence between the two legislative branches

In its first reading, Council was favourable to Parliament's amendments and took on a great number in its position, in particular on the mutual recognition of certificates, oversight via a joint entity and sanctions. Council split the original proposal into a Directive and a Regulation for the sake of legal clarity, a change with which the rapporteur was content. The draft Directive focused on the relationship between the Member States and the recognised organisations, whereas the draft Regulation dealt with the recognition system as a whole, for which it was felt complete consistency in the Union was needed.

Had the file been treated individually, rather than as part of the Maritime Package, a swift second reading agreement would have been expected. This was not to be and Parliament reintroduced all amendments rejected by Council in first reading in order to ensure the text was taken to conciliation along with the rest of the Maritime Package. In addition, elements of the Flag States proposal to which Council was strongly opposed were introduced into the Directive.

In actual fact, the remaining questions were relatively few. The main points of disagreement were the name of the new independent body, the liability of a recognised organisation when working on behalf of a Member State and the inclusion of a recital on international law, which both the Commission and Parliament felt undermined the text. The two texts were among the first to be agreed during conciliation, with Parliament successfully resisting Council's attempt to insert the recital on international law and the two Institutions agreeing that the body should be referred to as an "independent Quality Assessment and Certification Entity", a compromise that both satisfied Parliament's desire to underline the independence of the Entity, and Council's wish that the final form be left to the organisations themselves.

# Tourism





**T**ourism as a cross-cutting sector is important for the regional and national economies of Member States; it contributes significantly to the objectives of the Lisbon Strategy by creating growth and jobs. The promotion of European destinations and the economic, social and environmental sustainability of tourism were highlights of the debates and resolutions of the Committee on Transport and Tourism.

The Committee stressed the need for an integrated approach to tourism (tourism and maritime policy, tourism and the TEN-T, etc.), for better consumer protection and for better information for citizens so that the interests of the consumers are taken into account, while respecting the environment and protecting sites of particular natural or historic interest.

## Prospects and challenges for sustainable European tourism

Rapporteur: Luis Queiró (EPP-ED, PT) – 2004/2229(INI)

Resolution adopted in September 2005

### Sustainability as a guiding principle

In its Communication of November 2003, the Commission stated that ensuring the economic, social and environmental sustainability of European tourism was crucial for sustainable development in Europe and world-wide, and for the viability and competitiveness of the sector. The challenges for sustainable tourism were linked to consumption patterns, in particular its uneven distribution through the year, and production patterns, i.e. the value chain and tourist destinations. The Commission considered that it was necessary to reinforce the existing framework and to make best use of it, as well as to complement existing policies by some specific measures.

The Commission's approach was to continue promoting sustainable tourism, including by assistance to developing countries, and to reinforce cooperation with international organisations. The Commission intended to launch a "Tourism Sustainability Group" made up of stakeholder representatives. It would draft a detailed framework for action, allocating specific activities to individual stakeholders and including an agreed timetable for implementation.

### Need to focus on consumer protection and regional policy

Parliament proposed a Community-wide classification of hotel facilities so as to identify and harmonise professional profiles in the industry. It called on Council to restart work on the revision of Directive 77/388/EEC on the special scheme for travel agents, reiterating its support for the simplification of this special VAT scheme in order to maintain the competitive position of operators established in the EU vis-à-vis third countries. Parliament also considered that consumer rights in the sector should be defined and better protected, calling on the Commission to consider drafting a 'tourism package' reviewing the existing Directives on consumers rights and proposing new measures to improve consumer protection and raise quality.

The resolution stressed the need for all parties in the sector to capture new demand outside the high season, to spread visits over the year and to make better use of facilities. It also considered that, as the tourism industry played a key role in Mediterranean countries' economies, a tourism training exchange programme should be considered within the framework of the Barcelona process.

Parliament said that, when adopting the new structural policy instruments, strategic guidelines should provide an integrated approach to tourism, comparable to that of the LEADER, Interreg and Urban programmes, in order to create a genuine regional tourism policy. It welcomed the Commission's initiative to establish state-aid guidelines for regional airports and low-cost companies, so as to ensure fair competition in favour of tourist accessibility and regional development.

Parliament also called on the Commission and the Member States to assess the possibility of designating outstanding European tourist destinations, comparable to the European Capital of Culture initiative, allowing regions to be selected annually on the basis of quality indicators. The Commission and the Member States should promote such destinations, both inside and outside the EU, through a suitable communication campaign.

## **A stronger partnership for European tourism**

---

Rapporteur: Paolo Costa (ALDE, IT) – 2006/2129(INI)

Resolution adopted in November 2007

### **An EU tourism policy defined in the framework of the Lisbon strategy**

In its Communication of March 2006, the Commission recalled the importance of the tourism sector as part of the Lisbon strategy for growth and jobs. It took on board the European Parliament's call for the impact of EU measures that might affect tourism to be identified better and for the coordination of such measures to be improved.

The Communication envisaged revising the Directive on tourism statistics by inserting tourism satellite accounts and simplifying Directives on package travel and on timeshare. Finally, to promote European destinations, the Commission indicated that it would examine Parliament's idea of having a "European destination of excellence award", financed through a €1 million budget line.

### **Promoting consumer protection and information**

Parliament said tourism should be made more attractive for people from outside the EU and renewed its support for a "European destination of excellence" to be selected annually. Whilst it would be very difficult to achieve a common EU classification system for accommodation, given the variety of hotel types and tourist accommodation, as well as the very different structures of current classification plans, Parliament nevertheless considered that the Commission should establish a set of guidelines based on uniform criteria for the entire Union, taking into account the interests of the consumer, while respecting the environment and local characteristics.

The resolution agreed that passenger rights and consumer protection were indispensable for a well-functioning tourist market, as electronic booking became increasingly common. It therefore recommended that sites providing information and offering electronic tourist services should be certified. Member States should ensure that passengers received adequate information where a defaulting operator failed to provide compensation, so as to establish easy access to arbitration mechanisms. An EU-wide blacklist of such operators might be created.

Parliament recalled the need for adequate data about tourism, requesting a review of Council Directive 95/57/EC on the collection of statistical information in the field of tourism. The Commission was called upon to examine the statistical information and quality data available to assess the impact of tourism, to publish a

report on the various national schemes in place for the protection of special natural and historic sites and to draw up a harmonised scoreboard describing such sites.

Parliament felt that a specific Community Directive was needed to define the recognition of hydrothermal resorts and, more generally, the role of health tourism and thermal cures in connection with tourist facilities in the various Member States. Parliament welcomed initiatives to coordinate, at a European level, information on accessible tourism and called for an “Access for all” EC label guaranteeing core accessibility facilities for tourists with reduced mobility.



# Comitology

## Adaptation to the new procedure with scrutiny

European Directives and Regulations decided by Council and Parliament under codecision contain the main elements of European legislation but many implementing measures are left to the Commission, which is assisted by committees made up of Member State experts. This system is referred to as “comitology”. Under comitology politicians decide on the outline and intent of legislation and experts then complete the technical details. Experience has shown that these details can be extremely important. Furthermore, comitology has evolved to include more than just technical measures but also “quasi-legislative measures”.

## Ensuring Parliament’s control over implementing measures

Until the recent reforms, Parliament had almost no influence on decisions taken under comitology. This changed significantly in 2006, when Parliament and Council reached agreement on a new Parliamentary control mechanism over measures deemed to be quasi-legislative, referred to as the “regulatory procedure with scrutiny” (RPS). For these quasi-legislative measures, Parliament obtained an ex-post veto, which can be exercised during a scrutiny period of three months at most. The veto is only applicable if Parliament is of the opinion that the Commission has exceeded its implementing powers, or the draft measure is not compatible with the aim or content of the basic legal instrument on which it is based, or the draft measure does not respect the principles of subsidiarity or proportionality.

## Introducing scrutiny in existing legislation

As part of this new procedure, the basic legal act must indicate which implementing measures are considered as “quasi legislative” and therefore fall under the scope of RPS. Existing legislation has therefore had to be aligned to the new scrutiny instrument. Most legislation was aligned in 2008 after an extensive screening procedure by the Commission. About 225 legal acts, including several concerning transport, were adapted in this exercise for which the Committee on Legal Affairs was in the lead. For these cases the Committee on Transport and Tourism gave an opinion. Legislative acts that were adapted to the scrutiny procedure before this alignment were dealt with by the Committee on Transport and Tourism itself. This was the case for the following four reports which each inserted new scrutiny procedure for amendments to the technical annexes:

Inland waterway vessels: technical requirements, reference to the new regulatory procedure with scrutiny in the implementing powers conferred on the Commission, Rapporteur: Paolo Costa (ALDE, IT) – 2006/0210 (COD). The technical requirements for inland waterway vessels are developed by the Central Commission for Navigation on the Rhine (CCNR) and then incorporated into EU law by the directive 2006/87 (see page 33);

Civil aviation: technical requirements and administrative procedures, reference to the new regulatory procedure with scrutiny in the implementing powers conferred on the Commission, Rapporteur: Paolo Costa (ALDE, IT) – 2006/0209(COD). The technical requirements and administrative procedures for civil aircraft are developed by the International Civil Aviation Organisation (ICAO) and then incorporated into EU law by the Regulation 1900/2006 (see page 89);

Transport of dangerous goods by road: uniform procedures for checks, as regards the implementing powers conferred on the Commission, Rapporteur: Bogusław Liberadzki (PSE, PL) – 2007/0184(COD). Uniform procedures for checks on the transport of dangerous goods by road are set out in Directive 2008/54 (see page 83); and

Statistical returns in respect of the carriage of goods by road, adaptation to the regulatory procedure with scrutiny, Rapporteur: Georg Jarzembowski (EPP-ED, DE) – 2007/0269(COD) The statistical returns for the carriage of goods by road are dealt with in Regulation 1172/98. In its first reading, Parliament adopted only one amendment of a technical nature, deleting an Article deemed to be superfluous. Council has not yet established a Common Position.

### **Applying the scrutiny procedure in the field of transport**

Until now, the Committee on Transport and Tourism has yet to apply the new scrutiny procedure formally by objecting to a draft implementing measure that has been sent to Parliament. However, it questioned the Commission about several draft implementing measures, asking for clarification of particular aspects. This was, for instance, the case for the technical requirements and administrative procedures in civil aviation. The Committee challenged the Commission on the use of “loop belts” for babies and infants, permitted under these rules but which has proven to be dangerous, potentially causing lethal injury to children in the case of an incident. In response to these questions, the Commission has promised to look into this matter and take it into account in a next revision if this is deemed necessary.

Parliament also pressed the Commission about security measures in aviation, in particular the ban on liquids and the use of “body scanners”. The use of the latter device was criticised in a Parliamentary resolution under Rule 108, which did not formally object to the draft measure. The Commission responded to this political signal by withdrawing from its draft measure the body scanner as a permitted instrument for passenger checks. Another comitology issue about which the Committee raised questions was the fees and charges of the European Agency for Safety in Aviation (EASA). These examples show that even without formally objecting to any draft measure, the new scrutiny powers enable Parliament to control the Commission more effectively than before.

# Opinions

In addition to the reports described in the previous chapters, on subjects for which Parliament's rules of procedure gave the Committee on Transport and Tourism lead responsibility (see annex II), the Committee also sought to contribute to the work of other Committees, so as to ensure that specific transport or tourism issues were taken into account in the development of broader policies.

The Committee paid particular attention to the annual and multi-annual financial cycles, seeking to influence the allocation of EU funds for TEN-T (described in more detail in the chapter on interoperability), providing opinions on the annual budget and closely scrutinising the Community agencies falling within its responsibilities. It also exercised financial control through opinions as part of the discharge procedure.

More generally, the Committee sought to integrate the objectives of promoting interoperability, market access, consumer protection and sustainability in policies affecting transport. A certain number of illustrative cases are discussed below. This is followed by a list of the opinions adopted by the Committee, in chronological order.

## **Aviation and climate change**

Committee on the Environment, Public Health and Food Safety's rapporteur:  
Caroline Lucas (Greens/EFA, UK) – 2005/2249(INI)

Committee on Transport and Tourism's draftsman:  
Jeanine Hennis-Plasschaert (ALDE, NL)

Committee on the Environment, Public Health and Food Safety's rapporteur:  
Peter Liese (EPP-ED, DE) – 2006/0304(COD)

Committee on Transport and Tourism's draftsman:  
Georg Jarzembowski (EPP-ED, DE)

The Committee believed that, to avoid distorting competition, an internationally-agreed system for incorporating aviation into emissions trading schemes should be sought. It favoured a total level of emission allowances that would allow a moderate increase in air traffic without imposing additional costs on airlines. It also recommended a higher threshold for small aircraft, which would not be included in the emission trading scheme. The Committee called for increased research and technological development and more efficient air traffic management, seeing these as offering the possibility of significant reductions in greenhouse gas emissions independently of an emissions trading scheme.

## **Galileo – developing satellite navigation**

Committee on Industry, Research and Energy's rapporteur:  
Etelka Barsi-Pataky (EPP-ED, HU) – 2004/0156(COD)

Committee on Transport and Tourism's draftsman: Patrick Louis (IND/DEM, FR)

The Committee strongly supported the proposal to ensure a Community financial contribution to the construction and deployment of the Galileo satellite network. It proposed a number of amendments intended to ensure that the Community contribution would be repaid if the project's revenue exceeded a certain

threshold. The Committee also sought to link the Galileo project more clearly to other European satellite radio navigation programmes.

### **Modernising air traffic management**

Committee on Industry, Research and Energy's rapporteur:

Erna Hennicot-Schoepges (EPP-ED, LU) – 2005/0235(CNS)

Committee on Transport and Tourism's draftsman: Philip Bradbourn (EPP-ED, UK)

The Committee welcomed the proposal to establish a joint undertaking to develop a new generation air traffic management system ("SESAR"). It saw this as being primarily a research and development project which would allow EU air traffic control equipment to be standardised. It favoured an equal balance of public and private sector financing and opposed an additional levy on air navigation charges.

### **Promoting cleaner road transport**

Committee on the Environment, Public Health and Food Safety's rapporteurs:

Matthias Groote (PSE, DE) – 2005/0282(COD)

Dan Jørgensen (PSE, DK) – 2005/0283(COD)

Matthias Groote (PSE, DE) – 2007/0295(COD)

Committee on Transport and Tourism's draftspeople:

Bogusław Liberadzki (PSE, PL)

Silvia-Adriana Țicău (PSE, RO)

Johannes Blokland (IND/DEM, NL)

The Euro emission standards seek to limit emissions of NO<sub>x</sub> and particulates with a view to improving air quality, particularly in urban areas. The Committee supported this objective but proposed various amendments that sought to give industry sufficient time to adapt and a reasonable degree of stability. It also favoured public authorities taking "green criteria" into account when purchasing vehicles and encouraged Member States to provide incentives for vehicles meeting the highest standards. In addition, the Committee put forward a number of more technical amendments on topics such as replacement parts and testing.

Readers of the electronic version will be able to find the texts of the Committee's adopted opinions by clicking on the relevant hyperlink in the table below, then on the link in the Legislative Observatory to "EP: tabled legislative report, 1st reading or single reading". This latter link begins A6-

## Adopted Opinions

### 2004-2009

Title	Draftsperson	Voted in Committee	Main Committee Rapporteur
2005 budget: Section III, Commission - 2004/2001(BUD)	Mathieu Grosch (EPP-ED, BE)	1.9.2004	Budgets Salvador Garriga Polledo
Tackling vehicle crime with cross-border implications (Netherlands initiative) - 2004/0803(CNS)	Emanuel Jardim Fernandes (PSE, PT)	23.11.2004	Civil Liberties, Justice and Home Affairs Carlos Coelho
Communication from the Commission to the Council and the European Parliament: Financial Perspectives 2007-2013 - 2004/2209(INI)	Etelka Barsi-Pataky (EPP-ED, HU)	2.2.2005	Policy Challenges and Budgetary Means of the enlarged Union 2007-2013 Reimer Böge
Deployment and commercial operating phases of the European programme of satellite radionavigation - 2004/0156(COD)	Patrick Louis (IND/DEM, FR)	15.3.2005	Industry, Research and Energy Etelka Barsi-Pataky
Guidelines for trans-European energy networks - 2003/0297(COD)	Michael Cramer (Greens/EFA, DE)	15.3.2005	Industry, Research and Energy Anne Laperrouze
2003 discharge: EC general budget: Section III, Commission - 2004/2040(DEC)	Georg Jarzembowski (EPP-ED, DE)	15.3.2005	Budgetary Control Terence Wynn
General provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund - 2004/0163(AVC)	Michael Cramer (Greens/EFA, DE)	19.4.2005	Regional Development Konstantinos Hatzidakis
European Regional Development Fund - 2004/0167(COD)	Jaromír Kohlíček (GUE/NGL, CZ)	19.4.2005	Regional Development Claudio Fava
Cohesion fund - 2004/0166(AVC)	Josu Ortuondo Larrea (ALDE, ES)	19.4.2005	Regional Development Generoso Andria
Community financial aid in the field of the trans-european transport networks and energy - 2004/0154(COD)	Seán Ó Neachtain (UEN, IE)	24.5.2005	Budgets Mario Mauro
Public-private partnerships - 2006/2043(INI)	Paolo Costa (ALDE, IT)	30.8.2005	Internal Market and Consumer Protection Barbara Weiler

<b>Title</b>	<b>Draftsperson</b>	<b>Voted in Committee</b>	<b>Main Committee Rapporteur</b>
White Paper on services of general interest - 2005/2016(INI)	Emanuel Jardim Fernandes (PSE, PT)	30.8.2005	Economic and Monetary Affairs <b>Bernhard Rapkay</b>
2006 Budget: Section III, Commission - 2005/2001(BUD)	Bogusław Liberadzki (PSE, PL)	30.8.2005	Budgets <b>Gianni Pittella</b>
7 <sup>th</sup> framework programme of the for research, technological development and demonstration activities (2007 to 2013) - 2005/0043(COD)	Jaromír Kohlíček (GUE/ NGL, CZ)	10.10.2005	Industry, Research and Energy <b>Jerzy Buzek</b>
European Aviation Safety Agency: Term of office of Director - 2005/0087(COD)	Paolo Costa (ALDE, IT)	22.11.2005	Legal Affairs <b>Giuseppe Gargani</b>
European Maritime Safety Agency: Term of office of Director - 2005/0086(COD)	Paolo Costa (ALDE, IT)	22.11.2005	Legal Affairs <b>Giuseppe Gargani</b>
European Railway Agency: Term of office of Director - 2005/0088(COD)	Paolo Costa (ALDE, IT)	22.11.2005	Legal Affairs <b>Giuseppe Gargani</b>
Trans-Atlantic economic relations - 2005/2082(INI)	Stanisław Jałowicki (EPP-ED, PL)	24.1.2006	International Trade <b>Erika Mann</b>
Research RTD, 7 <sup>th</sup> EC Framework Programme 2007-2013: trans-national Cooperation specific programme on policy-defined themes - 2005/0185(CNS)	Jaromír Kohlíček (GUE/ NGL, CZ)	22.2.2006	Industry, Research and Energy <b>Teresa Riera Madurell</b>
Discharge 2004: Section III, Commission - 2005/2090(DEC)	Michael Cramer (Greens/ EFA, DE)	22.2.2006	Budgetary Control <b>Jan Mulder</b>
Discharge 2004: European Maritime Safety Agency - 2005/2117(DEC)	Michael Cramer (Greens/ EFA, DE)	22.2.2006	Budgetary Control <b>Umberto Guidoni</b>
Discharge 2004: European Aviation Safety Agency - 2005/2118(DEC)	Michael Cramer (Greens/ EFA, DE)	22.2.2006	Budgetary Control <b>Umberto Guidoni</b>
Energy efficiency or doing more with less - 2005/2210(INI)	Marta Vincenzi (PSE, IT)	21.3.2006	Industry, Research and Energy <b>Alejo Vidal-Quadras</b>
Cohesion policy in support of growth and jobs: Strategic guidelines 2007-2013 - 2006/2086(INI)	Zsolt László Becsey (EPP-ED, HU)	21.3.2006	Regional Development <b>Constanze Angela Krehl</b>
Passenger car related taxes - 2005/0130(CNS)	Jan Marinus Wiersma (PSE, NL)	19.4.2006	Economic and Monetary Affairs <b>Karin Riis-Jørgensen</b>
Reducing the climate change impact of aviation - 2005/2249(INI)	Jeanine Hennis-Plasschaert (ALDE, NL)	19.4.2006	Environment, Public Health and Food Safety <b>Caroline Lucas</b>

<b>Title</b>	<b>Draftsperson</b>	<b>Voted in Committee</b>	<b>Main Committee Rapporteur</b>
Thematic strategy on the urban environment - 2006/2061(INI)	Seán Ó Neachtain (UEN, IE)	19.4.2006	Environment, Public Health and Food Safety <b>Gyula Hegyi</b>
Application of Art. 85 and 86, and cabotage and international tramp vessel service - 2005/0264(CNS)	Fernand Le Rachinel (NA, FR)	1.6.2006	Economic and Monetary Affairs <b>Corien Wortmann-Kool</b>
Promotion of clean road transport vehicles - 2005/0283(COD)	Helmuth Markov (GUE/NGL, DE)	Rejected 20.6.2006	Environment, Public Health and Food Safety <b>Dan Jørgensen</b>
Type approval of motor vehicles re. emissions and vehicle repair information (Euro 5) - 2005/0282(COD)	Bogusław Liberadzki (PSE, PL)	20.6.2006	Environment, Public Health and Food Safety <b>Matthias Groote</b>
2007 budget: Section III, Commission - 2006/2018(BUD)	Anne E. Jensen (ALDE, DK)	12.9.2006	Budgets <b>James Elles</b>
Joint undertaking for European air traffic management system (SESAR) - 2005/0235(CNS)	Philip Bradbourn (EPP-ED, UK)	13.9.2006	Industry, Research and Energy <b>Erna Hennicot-Schoepges</b>
Biomass and biofuels action plan - 2006/2082(INI)	Marta Vincenzi (PSE, IT)	13.9.2006	Industry, Research and Energy <b>Werner Langen</b>
Green Paper: a European strategy for sustainable, competitive and secure energy - 2006/2113(INI)	Hannu Takkula (ALDE, FI)	10.10.2006	Industry, Research and Energy <b>Eluned Morgan</b>
Ratification of the ILO's 2006 Consolidated Maritime Labour Convention - 2006/0103(CNS)	Rodi Kratsa-Tsagaropoulou (EPP-ED, EL)	19.12.2006	Employment and Social Affairs <b>Mary Lou McDonald</b>
Court of Auditors' Special Report no. 6/2005 on TEN-T - 2006/2238(INI)	Jaromír Kohlíček (GUE/NGL, CZ)	19.12.2006	Budgetary Control <b>Margarita Starkevičiūtė</b>
Discharge for 2005: Section III, Commission - 2006/2070(DEC)	Michael Cramer (Greens/EFA, DE)	27.2.2007	Budgetary Control <b>Salvador Garriga Polledo</b>
Discharge for 2005: European Maritime Safety Agency - 2006/2164(DEC)	Michael Cramer (Greens/EFA, DE)	27.2.2007	Budgetary Control <b>Edit Herczog</b>
Discharge for 2005: European Aviation Safety Agency - 2006/2165(DEC)	Michael Cramer (Greens/EFA, DE)	27.2.2007	Budgetary Control <b>Edit Herczog</b>
Identification, designation and protection of European Critical Infrastructure - 2006/0276(CNS)	Renate Sommer (EPP-ED, DE)	5.6.2007	Civil Liberties, Justice and Home Affairs <b>Jeanine Hennis-Plasschaert</b>

<b>Title</b>	<b>Draftsperson</b>	<b>Voted in Committee</b>	<b>Main Committee Rapporteur</b>
Including aviation activities in scheme for greenhouse gas emission allowance trading - 2006/0304(COD)	Georg Jarzembowski (EPP-ED, DE)	11.9.2007	Environment, Public Health and Food Safety <b>Peter Liese</b>
2008 budget: Section III, Commission - 2007/2019(BUDG)	Roberts Zile (UEN, LV)	11.9.2007	Budgets <b>Kyösti Virrankoski</b>
CARS 21: a competitive automotive regulatory framework - 2007/2120(INI)	Luca Romagnoli (NA, IT)	9.10.2007	Industry, Research and Energy <b>Jorgo Chatzimarkakis</b>
Black Sea Synergy - A new regional cooperation initiative - 2007/2101(INI)	Leopold Józef Rutowicz (UEN, PL)	9.10.2007	Foreign Affairs <b>Roberta Alma Anastase</b>
Development and commercial operating phases of the European programme of satellite radionavigation (GALILEO) - 2004/0156(COD)	Anne E. Jensen (ALDE, DK)	22.1.08	Industry, Research and Energy <b>Etelka Barsi-Pataky</b>
Green Paper on ship dismantling -2007/2279(INI)	Robert Evans (PSE, UK)	26.2.2008	Environment, Public Health and Food Safety <b>Johannes Blokland</b>
Protection of consumers in respect of certain aspects of timeshare, long-term holiday products, resale and exchange - 2007/0113(COD)	Emanuel Jardim Fernandes (PSE, PT)	26.2.2008	Internal Market and Consumer Protection <b>Toine Manders</b>
2006 discharge: European Maritime Safety Agency (EMSA) - 2007/2057(DEC)	Luca Romagnoli (NA, IT)	26.2.2008	Budgetary Control <b>Hans-Peter Martin</b>
2006 discharge: European Aviation Safety Agency (EASA) - 2007/2058(DEC)	Luca Romagnoli (NA, IT)	26.2.2008	Budgetary Control <b>Hans-Peter Martin</b>
2006 discharge: European Railway Agency (ERA) - 2007/2062(DEC)	Luca Romagnoli (NA, IT)	26.2.2008	Budgetary Control <b>Hans-Peter Martin</b>
2006 discharge: EC general budget, Section III, Commission - 2007/2037(DEC)	Georg Jarzembowski (EPP-ED, DE)	26.2.2008	Budgetary Control <b>Dan Jørgensen</b>
Proposal for a Regulation adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty - 2007/0262(COD)	Georg Jarzembowski (EPP-ED, DE)	26.2.08	Legal Affairs <b>József Szájer</b>
Proposal for a Regulation adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council decision 1999/468/EC as amended by decision 2006/512/EC, with regard to the regulatory procedure with scrutiny - 2007/0293(COD)	Georg Jarzembowski (EPP-ED, DE)	25.2.08	Legal Affairs <b>József Szájer</b>

<b>Title</b>	<b>Draftsperson</b>	<b>Voted in Committee</b>	<b>Main Committee Rapporteur</b>
Proposal for a Regulation on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information - 2007/0295(COD)	Johannes Blokland (IND/DEM, NL)	6.5.2008	Environment, Public Health and Food Safety <b>Matthias Groote</b>
Adaptation of a number of instruments subject to decision 1999/468/EC - adaptation to the regulatory procedure with scrutiny (Part IV) - 2008/0032(COD)	Georg Jarzembowski (EPP-ED, DE)	6.5.08	Legal Affairs <b>József Szájer</b>
2009 Budget: First reflections on the 2009 PDB mandate for the conciliation - 2008/2025(BUD)	Eva Lichtenberger (Greens/EFA, AT)	29.5.2008	Budgets <b>Jutta Haug</b>
Revised proposal for a Directive on the promotion of clean and energy efficient road transport vehicles - 2005/0283(COD)	Silvia-Adriana Țicău (PSE, RO)	29.5.2008	Environment, Public Health and Food Safety <b>Dan Jørgensen</b>
Parliament's new role and responsibilities implementing the Lisbon Treaty - 2008/2063(INI)	Paolo Costa (ALDE, IT)	29.5.2008	Constitutional Affairs <b>Jo Leinen</b>
Proposal for a directive of the European Parliament and of the council on safety rules and standards for passenger ships - 2007/0257(COD)	Georg Jarzembowski (EPP-ED, DE)	29.5.2008	Legal Affairs <b>József Szájer</b>
Proposal for a Directive on statistical returns in respect of carriage of goods and passengers by sea - 2007/0288(COD)	Georg Jarzembowski (EPP-ED, DE)	29.5.2008	Legal Affairs <b>József Szájer</b>
Proposal for a directive on roadworthiness tests for motor vehicles and their trailers - 2008/0044(COD)	Georg Jarzembowski (EPP-ED, DE)	29.5.2008	Legal Affairs <b>József Szájer</b>
Report on the implementation in 2003-2004 of Regulation (EEC) No 3820/85 on the harmonisation of the social legislation relating to road transport - 2008/2062(INI)	Helmuth Markov (GUE/NGL, DE)	24.6.08	Employment and Social Affairs <b>Alejandro Cercas</b>
Proposal for a Regulation: setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO <sub>2</sub> emissions from light-duty vehicles - 2007/0297(COD)	Seán Ó Neachtain (UEN, IE)	Rejected 24.6.08	Environment, Public Health and Food Safety <b>Guido Sacconi</b>
Energy produced from renewable sources - 2008/0016(COD)	Inés Ayala Sender (PSE, ES)	24.6.08	Industry, Research and Energy <b>Claude Turmes</b>
2009 Budget: Section III, Commission - 2008/2026(BUD)	Eva Lichtenberger (Greens/EFA, AT)	9.9.2008	Budgets <b>Jutta Haug</b>
Regional aspects of the impact of tourism in coastal regions - 2008/2132(INI)	Francesco Ferrari (ALDE, IT)	4.11.2008	Regional Development <b>Jamila Madeira</b>

<b>Title</b>	<b>Draftsperson</b>	<b>Voted in Committee</b>	<b>Main Committee Rapporteur</b>
Council framework decision on the use of Passenger Name Record (PNR) for law enforcement purposes - 2007/0237(CNS)	Eva Lichtenberger (Greens/ EFA, AT)	4.11.2008	Civil Liberties, Justice and Home Affairs <b>Sophia in 't Veld</b>
2007 discharge: EU general budget Section III, Commission - 2008/2186(DEC)	Luca Romagnoli (NA, IT)	17.2.09	Budgetary Control <b>Jean-Pierre Audy</b>
2007 discharge: European Maritime Safety Agency - 2008/2265(DEC)	Michael Cramer (Greens/ EFA, DE)	17.2.09	Budgetary Control <b>Christofer Fjellner</b>
2007 discharge European Aviation Safety Agency - 2008/2266(DEC)	Michael Cramer (Greens/ EFA, DE)	17.2.09	Budgetary Control <b>Christofer Fjellner</b>
2007 discharge European Railway Agency - 2008/2270(DEC)	Michael Cramer (Greens/ EFA, DE)	17.2.09	Budgetary Control <b>Christofer Fjellner</b>
Amending Directive 2005/15/EC on the organisation of working time of persons performing mobile road transport activities - 2008/0195(COD)	Johannes Blokland (IND/ DEM, NL)	17.2.09	Employment and Social Affairs <b>Marie Panayotopoulos-Cassiotou</b>

# Annexes



# Members of the Committee

## TRAN: Committee on Transport and Tourism

### BUREAU



**COSTA, PAOLO**  
(PRESIDENT, ALDE, IT)



**ALBERTINI, GABRIELE**  
(1VP, EPP-ED, IT)



**SAVARY, GILLES**  
(2VP, PSE, FR)



**ŢICĂU, SILVIA-ADRIANA**  
(3VP, PSE, RO)



**QUEIRÓ, LUÍS**  
(4VP, EPP-ED, PT)

### MEMBERS

Each political group's coordinator is shown first and in bold type, followed by the other Members. Deputy coordinators are shown after the coordinator in *italic*.

#### EPP-ED



**JARZEMBOWSKI, GEORG**  
(DE)



*GROSCH, MATHIEU*  
(BE)



**BARSI-PATAKY, ETELKA**  
(HU)



**DE GRANDES PASCUAL, LUIS**  
(ES)



**DE VEYRAC, CHRISTINE**  
(FR)



**PETR DUCHOŇ**  
(CZ)



**FOURÉ, BRIGITTE**  
(FR)



**JALOWIECKI, STANISŁAW**  
(PL)



**KIRKHOPE, TIMOTHY**  
(UK)



**KOCH, DIETER-LEBRECHT**  
(DE)



KRATSA-TSAGAROPOULOU,  
RODI (EL)



MARINESCU, MARIAN-JEAN  
(RO)



RACK, REINHARD  
(AT)



SOMMER, RENATE  
(DE)



VENETO, ARMANDO  
(IT)



WOHLIN, LARS (SE)

## PSE



SIMPSON, BRIAN  
(UK)



AYALA SENDER, INÉS  
(ES)



EL KHADRAOUI, SAÏD  
(BE)



EVANS, ROBERT  
(UK)



FERNANDES, EMANUEL  
JARDIM (PT)



LEICHTFRIED, JÖRG  
(AT)



LIBERADZKI, BOGUSŁAW  
(PL)



RODUST, ULRIKE  
(DE)



STOCKMANN, ULRICH  
(DE)



TEYCHENNÉ, MICHEL  
(FR)



VAUGRENARD, YANNICK  
(FR)

## ALDE



STERCKX, DIRK  
(BE)



DEGUTIS, ARŪNAS  
(LT)



FERRARI, FRANCESCO (IT)



ORTUONDO LARREA, JOSU  
(ES)



PISKORSKI, PAWEŁ  
BARTOŁOMIEJ (PL)

## UEN



ZĪLE, ROBERTS  
(LV)



BOSO, ERMINIO ENZO  
(IT)



CHRUSZCZ, SYLWESTER  
(PL)



Ó NEACHTAIN, SEÁN  
(IE)

## GREENS/EFA



LICHTENBERGER, EVA  
(AT)



CRAMER, MICHAEL  
(DE)



KUSSTATSCHER, SEPP  
(IT)

## GUE/NGL



MEIJER, ERIK  
(NL)



KOHLÍČEK, JAROMÍR  
(CZ)



TOUSSAS, GEORGIOS  
(EL)

## IND/DEM



NATRASS, MICHAEL HENRY  
(UK)

## NA



ROMAGNOLI, LUCA  
(IT)



LE RACHINEL, FERNAND  
(FR)

## SUBSTITUTES

### EPP-ED



BECSEY, ZSOLT LÁSZLÓ  
(HU)



BRADBOURN, PHILIP  
(UK)



FERBER, MARKUS  
(DE)



GAWRONSKI, JAS  
(IT)



GEWALT, ROLAND  
(DE)



HIGGINS, JIM  
(IE)



HOŁOWCZYC, KRZYSZTOF  
(PL)



JACKSON, CAROLINE  
(UK)



JEGGLE, ELISABETH  
(DE)



KASOULIDES, IOANNIS  
(CY)



ALDIS KUŠĪS  
(LV)



LO CURTO, ELEONORA  
(IT)



LÓPEZ-ISTÚRIZ WHITE,  
ANTONIO (ES)



PANAYOTOPOULOS-  
CASSIOTOU, MARIE (EL)



PATRICIELLO, ALDO  
(IT)



VATANEN, ARI  
(FR)



VLASTO, DOMINIQUE  
(FR)



OLDŘICH VLAŠÁK  
(CZ)



WORTMANN-KOOL, CORIEN  
(NL)

## PSE



IS-SUR ATTARD-MONTALTO,  
JOHN (MT)



BONO, GUY  
(FR)



COTTIGNY, JEAN LOUIS  
(FR)



FRANÇA, ARMANDO  
(PT)



GURMAI, ZITA  
(HU)



JACOBS, LILY  
(NL)



JØRGENSEN, DAN  
(DK)



KOPPA, MARIA ELENI  
(EL)



MIGUÉLEZ RAMOS, ROSA  
(ES)



ÖGER, VURAL  
(DE)



PAȘCU, IOAN MIRCEA  
(RO)



STIHLER, CATHERINE  
(UK)

## ALDE

---



COCILOVO, LUIGI  
(IT)



GRIESBECK, NATHALIE  
(FR)



HENNIS-PLOSSCHAERT,  
JEANINE (NL)



JENSEN, ANNE E.  
(DK)



KACIN, JELKO  
(SI)



SCHUTH, WILLEM  
(DE)

## UEN

---



BIELAN, ADAM  
(PL)



RUTOWICZ, LEOPOLD JÓZEF  
(PL)



TATARELLA, SALVATORE  
(IT)

## GREENS/EFA

---



AUKEN, MARGRETE  
(DK)



HUDGHTON, IAN  
(UK)



LAGENDIJK, JOOST  
(NL)

## GUE/NGL

## IND/DEM



GUERREIRO, PEDRO  
(PT)



MARKOV, HELMUTH  
(DE)



REMEK, VLADIMÍR  
(CZ)



BLOKLAND, JOHANNES  
(NL)

## NA



CLAEYS, PHILIP  
(BE)



GOLLNISCH, BRUNO  
(FR)

## FORMER COMMITTEE MEMBERS AND SUBSTITUTES

### In memoriam



WILLI PIECYK (DE)  
1948-2008

PSE COORDINATOR 2004-2008,  
MEP 1992-2008

## EPP-ED

---



DIONISI, ARMANDO (IT)  
MEMBER BETWEEN  
21.07.2004 - 27.04.2008



SCHMITT, INGO (DE)  
MEMBER BETWEEN  
21.07.2004 - 17.10.2005



MUSOTTO, FRANCESCO  
(IT) SUBSTITUTE BETWEEN  
22.07.2004 - 22.06.2007

## PSE

---



HEDKVIST PETERSEN, EWA  
(SE)  
MEMBER BETWEEN  
21.07.2004 - 30.01.2007



NAVARRO, ROBERT (FR)  
MEMBER BETWEEN  
21.07.2004 - 30.09.2008



VINCENZI, MARTA (IT)  
MEMBER BETWEEN  
21.07.2004 - 29.06.2007



SIFUNAKIS, NIKOLAOS (EL)  
SUBSTITUTE BETWEEN  
21.07.2004 - 25.09.2007



ELENA VALENCIANO  
MARTÍNEZ-OROZCO (ES)  
SUBSTITUTE BETWEEN  
31.01.2007 - 31.03.2008



WIERSMA, JAN MARINUS  
(NL)  
SUBSTITUTE BETWEEN  
21.07.2004 - 04.09.2007



CORREIA, FAUSTO (PT)  
SUBSTITUTE BETWEEN  
21.07.2004 - 09.10.2007

**ALDE**

**BOURLANGES, JEAN-LOUIS (FR)**  
MEMBER BETWEEN  
31.01.2007 - 31.12.2007



**HELLVIG, EDUARD RAUL (RO)**  
MEMBER BETWEEN  
18.01.2007 - 30.01.2007



**ANDRIA, ALFONSO (IT)**  
SUBSTITUTE BETWEEN  
30.07.2004 - 02.09.2004



**TAKKULA, HANNU (FI)**  
SUBSTITUTE BETWEEN  
22.07.2004 - 30.01.2007

**UEN**

**GOBBO, GIAN PAOLO (IT)**  
MEMBER BETWEEN  
31.01.2007 - 22.06.2008



**KAMIŃSKI, MICHAŁ TOMASZ (PL)**  
SUBSTITUTE BETWEEN  
15.02.2006 - 06.08.2007

**GUE/NGL**

**RIBEIRO, SÉRGIO (PT)**  
SUBSTITUTE BETWEEN  
21.07.2004 - 11.01.2005

**IND/DEM**

**LOUIS, PATRICK (FR)**  
MEMBER BETWEEN  
21.07.2004 - 0.01.2007



**ADWENT, FILIP (PL)**  
SUBSTITUTE BETWEEN  
21.07.2004 - 26.06.2005

**NA**

**SIMONOT, CHANTAL (FR)**  
MEMBER BETWEEN  
21.07.2004 - 30.09.2004



## ANNEX VI of the Rules of Procedure of the European Parliament:

### Powers and responsibilities of standing committees

#### XI. Committee on Transport and Tourism

Committee responsible for:

1. matters relating to the development of a common policy for rail, road, inland waterway, maritime and air transport, in particular:
  - (a) common rules applicable to transport within the European Union,
  - (b) the establishment and development of trans-European networks in the area of transport infrastructure,
  - (c) the provision of transport services and relations in the field of transport with third countries,
  - (d) transport safety,
  - (e) relations with international transport bodies and organisations;
2. postal services;
3. tourism.



## HEARINGS 2004-2009

TITLE	DATE
<b>2005</b>	
What Policies are Needed for Sustainable European Tourism?	01.02.2005
Marco Polo II Programme	15.03.2005
Access to Port Services	14.06.2005
The Automotive Regulatory Framework of the Next 10 Years "Cars 21" High Level Group (*)	06.10.2005
<b>2006</b>	
ERTMS	24.01.2006
Inland Waterways	20.04.2006
Road Safety	14.09.2006
Freight Transport Logistics	19.12.2006
<b>2007</b>	
Maritime Policy	20.03.2007
Liquids in Hand Luggage	24.05.2007
Aviation Emissions Trading	27.06.2007
Sustainable EU Transport Policy	09.10.2007
Occupation of Road Transport Services	22.10.2007
<b>2008</b>	
Urban Mobility	14.02.2008
Eurovignette	02.12.2008
<b>2009</b>	
Intelligent Transport Systems (ITS)	22.01.2009

(\*) joint hearing with the Committees on the Environment, Public Health and Food Safety; Industry; Research and Energy; and the Internal Market and Consumer Protection.

Programmes and contributions to the hearings can be found on the Committee website, for recent hearings and for those earlier in the Parliamentary term.

In addition, the Committee has commissioned a large number of external and internal studies to assist its work. These are available by checking the transport and tourism box on the Parliament website. It has also arranged for delegations of Members to visit key locations to gain first hand knowledge of transport and tourism issues.



ЕВРОПЕЙСКИ ПАРЛАМЕНТ    PARLAMENTO EUROPEO    EVROPSKÝ PARLAMENT    EUROPA-PARLAMENTET  
EUROPÄISCHES PARLAMENT    EUROOPA PARLAMENT    ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ    EUROPEAN PARLIAMENT  
PARLEMENT EUROPÉEN    PARLAIMINT NA HEORPA    PARLAMENTO EUROPEO    EIROPAS PARLAMENTS  
EUROPOS PARLAMENTAS    EURÓPAI PARLAMENT    IL-PARLAMENT EWROPEW    EUROPEES PARLEMENT  
PARLAMENT EUROPEJSKI    PARLAMENTO EUROPEU    PARLAMENTUL EUROPEAN  
EURÓPSKY PARLAMENT    EVROPSKI PARLAMENT    EUROOPAN PARLAMENTTI    EUROPAPARLAMENTET

## Committee on Transport and Tourism



In the last five years we have achieved good results with Parliament playing its role by contributing, in almost all cases, to improving the Commission's proposals, taking a more pan-European, rather than national, perspective and also sometimes by fighting with Council, in the "third reading" conciliation committee until the very last moment.

**Paolo Costa**

Chairman of the Committee on Transport and Tourism



Publications Office  
*Publications.eu.int*

