COMMON TRANSPORT POLICY: OVERVIEW

Transport policy has been one of the EU’s common policies for more than 30 years, effectively since 22 May 1985 when the Court of Justice of the European Union (CJEU) handed down a ruling in the case brought by Parliament against the Council for its failure to act in this area. Alongside the opening-up of transport markets and the creation of the Trans-European Transport Network, the ‘sustainable mobility’ model will take on even greater importance between now and 2020 — particularly in view of the constant rise in greenhouse gas emissions from the transport sector, which threatens to jeopardise the European Union’s efforts to achieve its climate goals.

LEGAL BASIS

Article 4(2)(g) and Title VI of the TFEU.

OBJECTIVES

As long ago as in the Treaties of Rome, Member States stressed the importance of a common transport policy by devoting a separate title to it. Transport was therefore one of the Community's first common policy areas. The first priority was the creation of a common transport market, in other words the establishment of freedom to provide services and the opening-up of transport markets. This goal has been achieved to a large extent, because even rail markets (domestic passenger transport services) have steadily been opened up to competition.

As transport markets open up, it is vital to create fair competitive conditions both within individual modes of transport and between them. For this reason, the harmonisation of national laws, regulations and administrative provisions, and of the technological, social and tax environment in which transport services are provided, has taken on ever increasing importance.

Despite the decline in traffic in the wake of the 2008 economic crisis, seen over a longer period volumes of goods and passengers transported have increased as a result of the completion of the European internal market, the abolition of internal borders, the drop in transport prices as a result of the opening-up and liberalisation of transport markets and changes in manufacturing and stock management systems. An economically very successful and dynamic transport sector found itself facing increasingly serious increasing social and environmental constraints, however, so that the 'sustainable mobility' model has become more important than ever before.

This model is the key to achieving two different sets of goals. On the one hand, safeguarding fairly priced and efficient mobility for people and goods is a central element in a competitive EU internal market and is a precondition for freedom of movement. On the other, increased traffic volumes need to be managed in such a way as to minimise external costs, such as road accidents, respiratory diseases, climate change, noise, environmental damage or traffic congestion.

This model calls for an integrated approach designed to optimise the efficiency of the transport system, transport organisation and safety and to reduce energy consumption and
the environmental repercussions. The cornerstones of this model include improving the competitiveness of environmentally friendly modes of transport, the creation of integrated transport networks used by two or more modes of transport (combined transport and intermodality) and the creation of fair conditions of competition between modes of transport through fair charging for the external costs they generate.

Despite all the efforts made, European transport policy still faces many challenges in the area of sustainability, particularly in combating climate change. The transport sector accounts for almost a quarter of all greenhouse gas emissions (GHG) in the EU, making it the sector with the second highest GHG emissions, just behind the energy sector. What is more, transport is the only sector in the EU whose emissions have risen since 1990 – by 22% in total. (Since the 2008 recession, emissions have fallen slightly, but the long-term trend remains upward). This is why the 2011 White Paper on transport recommends a 20% reduction in transport emissions (including those from international aviation, but excluding international maritime transport) between 2008 and 2030 and a reduction of at least 60% between 1990 and 2050. It also recommends a 40% reduction in emissions from international maritime transport between 2005 and 2050. The White Paper urges that sustainable, low-carbon fuels should account for 40% of consumption in aviation by 2050, and a 50% shift away from conventionally fuelled cars in urban transport by 2030, with the aim of phasing them out totally by 2050.

RESULTS

A. General policy guidelines

The White Paper on the completion of the internal market, published in June 1985, included recommendations on guaranteeing the freedom to provide services; it also contained transport-specific recommendations and set goals for all types of transport (land, water and air) to be achieved by 31 December 1992 at the latest. The goals included the development of transport infrastructure of Community interest, the simplification of border controls and formalities and improved safety. On 2 December 1992, the Commission adopted the White Paper on the future development of the common transport policy (COM(1992)0494). It advocated the opening-up of transport markets, extending the Trans-European Transport Network, improving safety and harmonising social provisions. At the same time, the White Paper marked a decisive shift towards an integrated, intermodal approach based on the model of ‘sustainable mobility’. In the subsequent White Paper of 22 July 1998, entitled ‘Fair payment for infrastructure use: a phased approach to a common transport infrastructure charging framework in the EU’ [COM(1998)0466], the Commission drew attention to the significant differences between Member States in the area of charging for transport services, which was leading to intra- and intermodal distortions of competition. What is more, in the Commission's view the existing charging systems failed to take sufficient account of the environmental and social aspects of transport.

In its White Paper entitled ‘European Transport Policy for 2010: Time to decide’ [COM(2001)0370], the Commission first analysed the problems and challenges facing European transport policy — in particular with regard to the then forthcoming eastern enlargement of the EU. It predicted a massive rise in the volume of traffic, which would go hand in hand with traffic jams and overcongestion, particularly in the case of road and air transport, and increasing health and environmental costs. In order to counter these trends and to contribute to the creation of an economically efficient but also environmentally and socially responsible transport system, the Commission put forward a package of 60 measures. They were designed to break the link between economic and traffic growth and combat the unequal growth in the various modes of transport. The goal of the 2001 White Paper was to stabilise the shares of
traffic accounted for by rail, inland navigation and short sea shipping at 1998 levels (which, according to Parliament report A5-0444/2002, p. 8, is the minimum objective). This goal would be achieved by means of measures to revive rail transport, to promote sea and inland waterway transport and to foster the interlinking of all modes of transport. In addition, the Commission placed the emphasis on a revision of the guidelines for the Trans-European Networks (TEN-T/5.8.1), with a view to adapting them to the demands of the enlarged EU and to encouraging even greater efforts to eliminate cross-border ‘bottlenecks’. The third part of the White Paper, which focused on the rights and obligations of transport users, made provision for an action plan on road safety, the consolidation of users' rights and cost transparency for all types of transport through the harmonisation of charging principles. In the fourth section, the Commission stressed the need to tackle the consequences of globalisation in the transport sector.

**IMPLEMENTATION AND DEBATE ON THE FUTURE OF TRANSPORT**

**A. 2001-2008**

Despite the Commission’s efforts, the common transport policy made only stuttering progress until the second half of the 1980s. The way forward to common legislation in the transport sector was only cleared when the European Parliament brought proceedings against the Council for failure to act. In its 22 May 1985 judgment in Case 13/83, the CJEU urged the Council to act and thus start the process of developing a genuine common transport policy. Many of the measures announced in the 1992 and 2001 White Papers have since been implemented or introduced. The EU also launched some ambitious technological projects during this period, such as the European satellite navigation system Galileo, the European Rail Traffic Management System (ERTMS) and the SESAR programme to improve air traffic control infrastructure. In June 2006, the Commission submitted a mid-term appraisal of the White Paper [COM(2006)0314]. It had already stated its view that the measures proposed in 2001 were not comprehensive enough to achieve the objectives set. The new instruments introduced included: (a) action plans for goods transport logistics [COM(2007)0607], for the deployment of intelligent transport systems in Europe [COM(2008)0886] and for urban mobility [COM(2009)0490], (b) ‘Naiades’ and Naiades II (2013), an integrated European action programme for inland waterway transport [COM(2006)0006], and (c) strategic goals and recommendations for the EU’s maritime transport policy until 2018 [COM(2009)0008].

In July 2008, the Commission presented the ‘Greening transport' package, focusing on a strategy to internalise the external costs of transport. The package consisted of three communications and a proposal for a revision of the Eurovignette Directive (see fact sheet 5.6.4 – A.2 Infrastructure charging).

**B. 2009-2015**

Less than 10 years after its second White Paper (2001), the Commission launched a debate on the long-term future of transport (looking 20 to 40 years ahead) and presented the results in the communication on ‘A sustainable future for transport: towards an integrated, technology-led and user friendly system’ [COM(2009)0279, p. 4]. The communication outlined the trends in, challenges facing and options for the EU’s future transport system in the light of, inter alia, (a) continuing globalisation, (b) the development of relations with third countries, (c) the expansion in goods transport, (d) changes in social structures and demographic trends, (e) continuing urbanisation, (f) future commercial trends, (g) possible advances in energy, transport and communications technologies, (h) possible consequences of climate change, and (i) forthcoming changes in the field of energy supply.
In its third White Paper on the future of transport over the period to 2050, entitled ‘Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system’ [COM(2011)0144] — published on 28 March 2011 — the Commission describes the transition between old and new challenges for transport and outlines ways of meeting those challenges. The Commission sets the (hard-to-achieve) objective of reducing greenhouse gas emissions by at least 60% compared with 1990 levels by 2050 without curbing transport growth and impairing mobility, together with an (ambitious) interim objective of reducing greenhouse gas emissions by about 20% compared with 2008 levels by 2020/2030. These objectives fall well short of the goal set at the December 2015 Climate Conference in Paris (COP21) of reducing greenhouse gas emissions by at least 20% between 2021 and 2030. Between now and 2020, realism will prove to be just as important as ambition when it comes to addressing the economic and environmental challenges facing the common transport policy and thus helping to cut emissions drastically. The transport sector thus needs to use less and cleaner energy, exploit modern infrastructure more effectively and reduce its impact on the environment. The White Paper on transport sets out its vision for the transport of tomorrow in 10 objectives (for instance for road freight transport, shifting 30% of freight to rail or waterborne transport by 2030 and more than 50% by 2050; tripling the length of the existing high-speed rail network by 2030 and moving the majority of medium-distance passenger transport to rail by 2050; establishing a fully functional multimodal TEN-T in the EU by 2030, with a high-quality and high-capacity network by 2050 and a corresponding set of information services, etc.). In particular, the Commission seeks to set up a Single European Transport Area by doing away with all remaining barriers between modes and national systems, easing the process of integration and facilitating the emergence of multinational and multimodal operators. A higher degree of convergence and enforcement of social, safety, security and environmental rules, minimum service standards and users’ rights must be an integral part of this strategy, in order to avoid tensions and distortions. Another aspect of the strategy is innovation for the future, drawing on new technologies and encouraging changes in behaviour in order to make mobility more sustainable. Lastly, modern transport infrastructure requires substantial resources, diversified sources of funding and intelligent pricing systems; the transport sector is thus the main beneficiary of the Connecting Europe Facility (set up by Regulation (EU) No 1316/2013), which has a budget of EUR 26 billion for the period to 2020.


ROLE OF THE EUROPEAN PARLIAMENT

A. Powers

Even in the area of transport, Parliament’s role has gradually shifted from a purely advisory one (prior to the entry into force of the Maastricht Treaty) to one based on co-decision, which places it on an equal footing with the Council.

The Lisbon Treaty (1.1.5) took a new approach by incorporating the common transport policy in its Title VI, even though it is one of the EU’s shared competences (under Article 4(2)(g) TFEU). Articles 91 and 100(2) also provide for the ordinary legislative procedure to be used in all areas of transport (1.4.1).
B. General approach

Alongside fundamental support for the liberalisation of transport markets, the European Parliament has continued to stress the need to combine this with comprehensive harmonisation of the social, tax and technological environment and of safety standards. Moreover, it has regularly made specific proposals and calls in support of the sustainable mobility model.

On 12 February 2003, Parliament adopted a resolution on the Commission’s (second) White Paper, entitled ‘European Transport Policy for 2010: a time to decide’. The resolution stressed that the idea of sustainability should be the foundation of and the standard for European transport policy and the importance of creating an integrated global transport system. It also advocated a shift of emphasis towards environmentally friendly modes of transport, without undermining the competitiveness of road transport, and fair charging to cover infrastructure and external costs for each mode of transport. Parliament fleshed out this general approach by making a multitude of specific calls and proposals covering each individual mode of transport, transport safety, the timetable for completing and funding for the TEN-T and more effective coordination with other EU policy areas. It did the same for the other transport-related topics of intermodality, research, development and new technologies.


In response to a further Commission communication, entitled ‘Together towards competitive and resource-efficient urban mobility’ (COM(2013)0913), published on 17 December 2013, on 2 December 2015 Parliament adopted a resolution on ‘sustainable urban mobility’. MEPs encouraged Member States and towns to draw up sustainable urban mobility plans which give priority to low-emission modes of transport, alternatively fuelled vehicles and intelligent transport systems, and which meet the specific needs of persons with reduced mobility. They also advocated a parking policy (parking space supply, use of intelligent parking systems and appropriate pricing) which can be part of an integrated urban policy and a reduction in traffic-related noise in cities. The Commission and the Member States were urged to: i) establish a Sustainable Mobility Network of best-practice examples of spatial planning and space use (including carpooling, public transport, cycling and walking); ii) encourage cities to take part in the Smart Cities and Communities European Innovation Partnership; iii) set up public awareness campaigns that promote sustainable mobility.

In its resolution of 6 July 2010 on a sustainable future for transport, and looking ahead to the new white paper, Parliament responded to the Commission communication by putting forward a wide-ranging list of calls. In its 42 paragraphs, the resolution covers the whole spectrum of EU transport policy.

Parliament has adopted two resolutions since the third White Paper was published. In the resolution of 15 December 2011, entitled ‘Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system’, MEPs carried out an ex-ante assessment of the main objectives outlined in the 2011 White Paper and gave a partial thumbs up to the progress made in implementing the 2001 White Paper. As for the establishment of a Single European Transport Area by 2020, the resolution stresses the as yet insufficiently
explored potential of transport in many areas, and emphasises the importance of a system that focuses on interconnection and interoperability, based on genuinely European management of transport infrastructure, with a view to eliminating 'border effects' between Member States in all transport modes. Parliament approved the 10 objectives for a competitive and resource-efficient transport system and the goals set in the White Paper for 2030 and 2050. MEPs did recommend more detailed provisions for the period to 2020, however. For example, as part of the 2020 Strategy: a 20% reduction in CO₂ emissions from road traffic, a 20% reduction in noise and energy consumption from rolling stock, a 30% reduction in CO₂ emissions from air transport throughout EU airspace and a 30% reduction in emissions of CO₂ and pollutant substances from maritime transport. All the intermediate targets are to be prioritised and are subject to annual review. Parliament also made a number of targeted recommendations in the areas of road, rail, air and sea transport. On 9 September 2015 it adopted a second resolution on the implementation of the 2011 White Paper on transport: ‘taking stock and the way forward towards sustainable mobility’. In the context of the mid-term review, Parliament invited the Commission to maintain at least the level of ambition shown when setting the original goals. MEPs insisted on receiving an overview of the progress made in implementing the 40 initiatives listed in the annex to the White Paper (the Commission responded by publishing the working document of 1 July 2016, see above). What is more, Parliament stressed that there is a great deal of work to be done on an operational and financial level to achieve these goals, and called on the Commission to come up with additional legislative measures and a comprehensive strategy for the development of low-carbon transport so that the long-term objective of at least a 60% reduction in GHG emissions from transport can be achieved by 2050. Parliament made a series of recommendations seeking to integrate all transport modes with a view to creating a more efficient, sustainable, competitive, accessible and user-friendly transport system. The main points included modal shift and co-modality, modern infrastructure and smart funding, urban mobility, placing people at the heart of transport policy and the global dimension of transport.

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06/2017