



TRANSPORT AND TOURISM

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21 DECEMBER 2011



ADOPTION OF DRAFT REPORT

Agreement on certain aspects of air services between the EU and the Republic of Indonesia

Rapporteur: Brian Simpson (S&D, UK)
Consent procedure

The Members unanimously supported the conclusion of the Agreement.

Timetable foreseen	
Vote in plenary	January 2012

and TEN-T, particularly in Member States adjoining SECAs, to provide targeted assistance [...] to that effect.

Some Members had proposed giving the Commission the possibility of postponing the entry into force of the sulphur limits; however in the debate and subsequent vote this idea did not receive much support.

A number of further amendments (covering provisions on LNG and delegated acts) were also adopted.

ADOPTION OF DRAFT OPINION

Sulphur Content of marine fuels

Rapporteur: Vilja Savisaar-Toomast (ALDE, ET)
Opinion to ENVI Committee

Ms Savisaar-Toomast explained that failing to translate the International Maritime Organisation agreement into European law would create legal uncertainty and undermine the credibility of the EU and Member States as negotiators at the international level.

During the exchange of views, Members raised the issues of unfair competition and fuel availability. Several amendments incorporated steps towards resolving these issues. In the vote, a compromise on the possible extension of the Sulphur Emission Control Area (SECA) limit to all other EU seas received wide support.

In response to concern about modal backshift, Ms Savisaar confirmed that avoiding or at least minimising the risk of modal backshift was a priority. A compromise amendment was adopted establishing that “[...] the Commission should make full use of existing instruments such as Marco Polo



Timetable foreseen	
Vote in ENVI Committee	January 2012

PRESENTATION OF DRAFT REPORTS

Functioning and application of established rights of people travelling by air

Rapporteur: Keith Taylor (Greens/EFA, UK)
Own-initiative report

In his presentation, the Rapporteur addressed problems of legal certainty, interpretative clarity and uniform application of rules on air passengers' rights across the EU. The case-law, including the notion of



'extraordinary circumstances' and rules on compensation, should be incorporated into the future legislative revision. In addition, the draft Report addressed the role of independent enforcement bodies, add-on charges, airlines' insolvency, more balanced burden sharing and clear, timely information for passengers, including information on the environmental footprint.

In the debate, Mr Bataller, the Rapporteur of the Economic and Social Committee, presented its opinion on the subject. He touched on the definition of "extraordinary circumstances" and "persons with reduced mobility", stressed the need to take account of the Court's rulings and expressed concern about the extent to which the airlines should be accountable in case of compensation.

Shadows and Members expressed various and often contradicting views on the matter. A lively discussion revolved around questions of "extraordinary circumstances", infant seats, information provided to passengers and rights for compensation and assistance in case of delayed or lost luggage. With regard to air carriers' responsibility for damages attributable to third parties, it was underlined that a mechanism allowing fast reimbursement of passengers by air carriers as well as efficient redress for airlines should be put in place.

Many Members opposed the idea of introducing a 48 hour cooling off period to allow passengers to withdraw from an online booking. On the other hand, there seemed to be a general consensus on the need for passengers to receive better and timely information. Finally, some Members considered that the issue of Passenger Name Records (PNR) should not be part of this Report. A few others favoured creating an independent Europe-wide point of call for all transport modes that could handle all the complaints and act as an intermediary between passengers seeking redress and the industry.

The Commission's representative welcomed the report as very timely. It will constitute an important input to the revision of the Regulation 261/2004, due in November 2012. She was of the view that rules on PNR and passengers' protection against bankruptcy should not be dealt with in the Report. The Commission would seek to improve the consistency of passenger rights across all modes of transport.

The Rapporteur concluded by saying that despite the many amendments that he was expecting, he was open for a compromise result that would benefit all passengers.



Timetable foreseen	
Deadline for amendments	12 January 2012
Vote in TRAN Committee	February 2012
Vote in plenary	March II 2012

Accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers

Rapporteur: Dominique Riquet (EPP, FR)
 Ordinary legislative procedure, first reading

The Rapporteur said that this was a technical recast and therefore his main objective was to align the Commission's proposal on delegated acts to the standard clauses currently used by Parliament. This included limiting the duration of the delegated acts to five years (renewable), asking for a report from the Commission before each renewal and increasing the EP's deadline for objecting from 2+1 months to 2+2 months.



During the exchange of views following the Rapporteur's presentation, Members broadly endorsed his approach.

The possibility of repeating past environmental catastrophes such as Erika in 1999 and the Prestige in 2002 was raised. These represented a tragedy for marine fauna and flora and for the tourism industry. Indeed, one of the main aims of this Regulation was to reduce this risk of pollution and ecological damage from maritime accidents involving oil tankers.

The accelerated phasing-in was recognised as a necessity, yet this could not guarantee that there would be no natural disasters in the future. Good design of ships and good seamanship played a key role in ensuring safety for oil tankers.

Timetable foreseen	
Deadline for Amendments	13 January 2012
Vote in TRAN Committee	February 2012
Vote in plenary	April 2012

PRESENTATION OF DRAFT OPINIONS

Discharge 2010: EU general budget Section III, Commission

Rapporteur: Inés Ayala Sender (S&D, ES)
Discharge Procedure
Opinion to CONT Committee

The Rapporteur expressed satisfaction with the Court of Auditors' report as it concerned the transport sector, even if it showed shortcomings in some areas. Now we have the Treaty of Lisbon, the Commission should be more ambitious in proposing tourism programmes. Lessons also needed to be learnt for the next Financial Perspective, particularly with regard to Trans-European Transport Networks.

Other Members broadly endorsed the Rapporteur's approach, noting Member States' responsibility to co-finance TEN-T programmes. The Commission representative explained various technical factors affecting the utilisation of certain budget lines.

Timetable foreseen	
Deadline for amendments	11 January 2012
Vote in TRAN Committee	February 2012

Discharges 2010: European Maritime Safety Agency, European Aviation Safety Agency, European Railway Agency and SESAR

Rapporteur: Knut Fleckenstein (S&D, DE)
Discharge Procedure
Opinion to CONT Committee

The Rapporteur explained that, in each case, the Court of Auditors had found that the Agency's accounts were reliable and the underlying transactions legal and regular in all material respects. A number of specific weaknesses had been identified, particularly concerning financial planning and recruitment procedures.

Some of the Court's criticism represented a repeat of previous years. This concerned the European Railway Agency in particular, where the Court had once again found problems with carryovers of funds from one financial year to another. However the Rapporteur considered that the Court's Reports meant that Parliament should grant discharge to each of the Executive Directors.

Shadows supported the Rapporteur's approach. Some expressed concern about the repeated problems with carryovers in the European Railway Agency and called for a stronger position to be taken. The Commission representative explained that measures were being taken to address the shortcomings. Problems with carryovers in the European Railway Agency were caused by slow



procurement procedures. The Agency has deployed new techniques, including the use of framework contracts, in order to speed up procurement.

Timetable foreseen	
Deadline for amendments	11 January 2012
Vote in TRAN Committee	February 2012

EXCHANGES OF VIEWS

with the European Investment Bank on transport lending policy and the European PPP expertise centre

EIB Directors Dominique de Crayencour and Tom Barrett presented the Bank's revised transport lending policy and its work on Public-Private Partnerships. Mr de Crayencour explained that the economic crisis had put infrastructure investment at risk. The key was to select good projects (with economic rather than purely financial benefits) then prepare them well and ensure good funding conditions.

The EIB offered long-term funds, taking account of a project's expected financial returns and risks. Giving grants to projects that could service loans was not efficient and would reduce the overall level of infrastructure that could be financed.

Project bonds were issued by the private sector. While a large quantity of finance was available from pension funds and others for high quality loans, infrastructure projects often required their credit rating to be enhanced. A small contribution from the EU budget could be turned into an EIB subordinated loan worth five times as much and this would leverage a much larger quantity of investment-grade bonds.

Mr Barrett added that PPPs were no longer mainly a British phenomenon, Spain had been the most

valuable market last year and France would be this year. Such projects could bring additional resources and expertise. The EPEC allowed Member States to share information and experience to ensure that the public sector obtained financing on good terms.

Some Members expressed concern about the costs of PPPs and questioned the reliability of the ratings system. Others asked for more information about the methodology for choosing projects and the oversight of the Bank's activities.

In reply, the EIB representatives acknowledged the problems with credit ratings but suggested there was no better system. They assured Members that each project was reviewed by Member States representatives and by Commission DGs. This meant environmental aspects were fully taken into account. The fact that Member States and their Courts of Auditors accepted PPPs showed that it was incorrect to suggest that all the risk was ending up with the public sector.

with Commissioner Kallas

Mr Kallas explained the guiding principles which determine the content of the two legislative proposals on the revision of the TEN-T guidelines and the Connecting Europe Facility (CEF), in particular the two-layer approach, the methodology, the use-it-or-lose-it principle and the time horizon for the realisation of the core network (2030) and the comprehensive network (2050).

He underlined that the proposed budget of €31.7 billion for transport infrastructure should be targeted at projects of high European added value, missing cross-border sections and clean transport. Member States could not ask for proper financing of the core network if, at the same time, they wanted to reduce the EU budget.



For that reason the CEF contained a list of corridors which allow a greater modal integration, a better project management, a more realistic timetable and the application of the use-it-or-lose-it principle. €10 billion was earmarked within the cohesion fund. The CEF will be centrally managed with the TEN-T Executive Agency taking responsibility for the managing of the projects.

Mr Kallas asked for the Committee's support in defending the European dimension of the proposals. These also focused on interoperability and a better traffic management system (SESAR, ERTMS) in order finally to achieve a fully integrated European network instead of the existing patchwork.

At the end of his presentation, Mr Kallas outlined the major proposals to be delivered by the Commission within the Work Programme 2012: a package on clean, alternative fuels for different transport systems, a fourth railway package by the end of 2012, the revision of the air passenger rights Regulation and the close monitoring of the Single European Sky legislation. He did not exclude new legislative proposals on the latter, if Member States failed to fulfil their obligations, in particular on the FABs, by the end of 2012.

In a lively debate Coordinators and other Members mostly signalled support for the Commission proposals but voiced concerns about the reluctance and even opposition of certain Member States towards various aspects of the proposals, in particular against the corridor approach, and the earmarking of €10 billion of the cohesion fund. Questions concerned the functioning of the corridor platforms, the criteria for the allocation of money from the cohesion fund, the selection of pilot projects eligible for project bonds, and measures making interoperability happen.

Mr Kallas stressed that each Member State had been consulted at least twice on the proposals and

that pilot projects could start as soon as the instrument, project bonds, had been processed by the two legislators. The corridors were widely described in the TEN-T guidelines; they clearly mark European added value (taking account of traffic flows, missing links and the potential for job creation) and should be seen from a wider perspective still allowing a slight degree of flexibility for adjustments. The earmarked €10 billion were not being taken away from the cohesion fund but would be one part of the specific instrument for transport infrastructure and should serve to connect European citizens. He underlined that the €10 billion would allow a co-financing rate of up to 85%.

STUDY

on State aids to seaports

Against the background of possible distortion of competition among EU seaports, the study explored whether the existing rules on State aids for seaport infrastructure or superstructure and their application were satisfactory or if specific EU guidelines on State aids for EU seaports were needed. The study was made up of a review of seaport policy and organisation in nine EU countries, the Commission's reviews of State aid cases and an examination of initiatives pertaining to State aids since 1992.

During his presentation, the contractor described the seaport sector in Europe as being characterized by a growth of container trades and, consequently, by increasing demand for infrastructure capacity. As a result, ports were becoming specialised and competition among them was increasing. Infrastructure capacity projects were capital intensive and required a stable and transparent legal framework.

The EU could be divided into two shipping markets: the Northern Range and the Mediterranean/Black



Sea. Higher traffic of container trade to northern seaports was caused by their location, closer to Europe's industrial centres, and the reliability and permeability of the rail traffic. There was comparatively little competition between northern and southern seaports.

Whereby Article 107 TFEU defined (incompatible) State aid, its subparagraphs allowed for derogations. Interpretations of the possible derogations were evolving which contributed to non-transparency. According to the contractor, there was, however, no indication that southern seaports had been given any advantage through State aid.

Seaports varied as far as their organisation is concerned. In the EU, all types were represented: public service ports, tool ports, landlord ports and private service ports. According to the organisation, the infrastructure, superstructure and port labour could be of a public or private nature or a mixture of the two. Consequently, public financing varied from 100% to 0%.

In his conclusions, the contractor highlighted, on the one hand, the consensus between policymakers and industry stakeholders on the need for an initiative regarding State aids in seaports and on the other, the divergent views within the different Commission services, which seemed to be the reason for the lack of action in recent years.

For the sake of transparency in financing, future guidelines for State aids in seaports should respect the legal and organisational diversity of EU seaports and include a binding definition on infrastructure for which State aid would be eligible. It would be advisable to extend the Transparency Directive in order to cover all commercial seaports including those with a turnover under €40 million and to approach the question of EU competitiveness vis-à-vis third countries in the framework of WTO.

Members generally welcomed the study. Some critical remarks addressed the situation of Flemish seaports, cooperation and coordination problems in Germany and relations with third countries.

MINI-HEARING

Digital Tachograph

Rapporteur: Silvia-Adriana Țicău (S&D, RO)
Ordinary legislative procedure, first reading

The tachograph is used in road transport to monitor compliance with the rules on driving time and rest periods, in order to ensure road safety, decent working conditions for drivers and fair competition between transport businesses.

The new draft legislation, which will replace the 1985 tachograph Regulation, sought to make fraud more difficult, to better enforce social rules and to reduce the administrative burden by making full use of new technologies and introducing a number of new regulatory measures.

The mini-hearing was intended to provide Members with an overview of the proposal from the main stakeholders' points of view: drivers, transport companies, enforcement authorities and industry.

The Commission's representative, after setting out the principal shortcomings of the current tachograph system, explained the main technical and non-technical elements of the proposal. The new concept of a "smart tachograph" would add additional functionalities such as location recording by satellite positioning, remote communication for roadside checks and integration of the tachograph in intelligent transport systems to the digital tachograph.

The non-technical elements involved the merge of driver cards with driving licences, the status of



workshops, the problems with training of control officers or the scope of the exemptions.

Mr Nordvik, from the Joint Research Centre, explained the main vulnerabilities of the current system in regards to security and the administrative costs of the sub-optimal use of the tachograph system.

The representative from CORTE, Mr Granturco, pointed out that, from the enforcers' point of view, the main problem was the lack of uniform interpretation and application of the European social legislation. This point was also underlined by the International Road Users' representative, Mr Viccars, who also stressed that technology was not the only solution, and that enforcement should be given more emphasis.

Mr Parillo, from the European Workers' Federation, underlined that the Commission's proposal leaves many important aspects to be defined by delegated acts. Therefore, in his opinion, the text of the proposal could be seen as very ambiguous. He later examined specific aspects of the proposal, like the use for commercial purposes of small cars which are not within the scope of the tachograph proposal or the exemption related to postal services.

During the discussion, Members raised points including the importance of having statistics giving a clearer picture of the situation in Europe regarding fraud, the highly competitive nature of the road transport market and the danger this may represent, and the problem with drivers from non EU Member States.

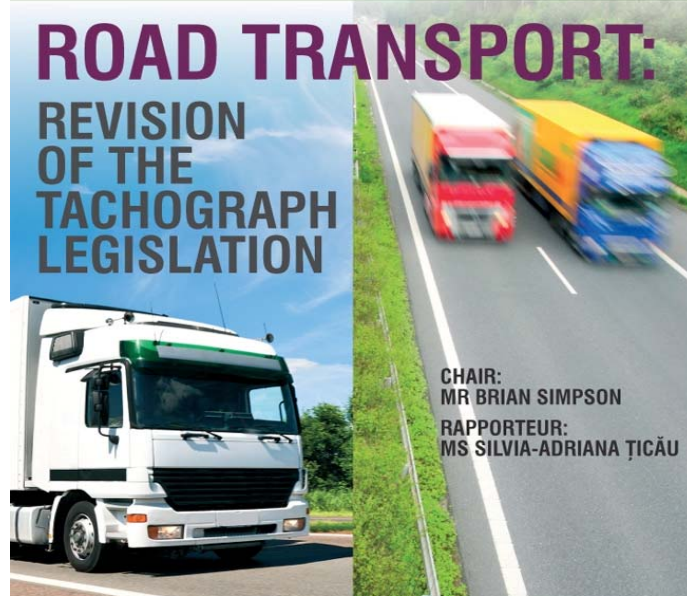

In relation to the proposal, concerns were expressed about the real costs of the new legislation for transport operators and Member States. Members appeared to agree on the need to harmonize the interpretation of the social legislation across Europe and to improve enforcement, which was considered

an essential aspect of any possible legislative solution.

MINI-HEARING
 COMMITTEE ON TRANSPORT AND TOURISM
 TUESDAY, 20.12.2011
 ALTIERO SPINELLI BUILDING, BRUSSELS
 15:00 – 17:30 ROOM: 1G-3

**ROAD TRANSPORT:
 REVISION
 OF THE
 TACHOGRAPH
 LEGISLATION**

**CHAIR:
 MR BRIAN SIMPSON
 RAPPORTEUR:
 MS SILVIA-ADRIANA ȚICĂU**

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Timetable foreseen	
Presentation of draft report	28 February 2012
Vote in TRAN Committee	April 2012
Vote in plenary	May/June 2012

COMMITTEE SAYS FAREWELL TO HEAD OF SECRETARIAT

Committee Chair Brian Simpson thanked Ute Kassnitz for her hard work over seven and a half years as head of the Committee Secretariat and wished her all the best in her new job as a Director dealing with infrastructure and logistics.



VOTES IN PLENARY: 13-15 DECEMBER 2011, STRASBOURG

European Maritime Safety Agency

Rapporteur: Knut Fleckenstein (S&D, DE)
Ordinary Legislative Procedure

The report was adopted by a show of hands.

White Paper on the future of Transport

Rapporteur: Mathieu Grosch (EPP, BE)
Own-initiative report

The report was adopted by a show of hands.

TRAN COMMITTEE MEETING, 23-25 JANUARY, BRUSSELS

Provisional agenda:

Monday, 23 January 2012, afternoon

Constitutive meeting
Exchange of views with Polish Presidency: Transport
Exchange of views with Polish Presidency: Tourism

Tuesday, 24 January, morning

Future of regional airports and air services / Bradbourn
ERDF/ Cohesion Fund: exchange of views

Tuesday, 24 January, afternoon

Exchange of views with Danish presidency
Exchange of views with Danish presidency

Wednesday, 25 January 2012, morning

tbc

TRAN COMMITTEE MEETINGS 2012, BRUSSELS

Monday, 6 February, 15.00-18.30

Monday, 27 February, 15.00-18.30

Tuesday, 28 February, 09.00-12.30

Tuesday, 28 February, 15.00-18.30

Wednesday, 29 February, 09.00-12.30

Wednesday, 29 February, 15.00-18.30

Monday, 26 March, 15.00-18.30

Tuesday, 27 March, 09.00-12.30

Tuesday, 27 March, 15.00-18.30

Monday, 23 April, 15.00-18.30

Tuesday, 24 April, 09.00-12.30

Tuesday, 24 April, 15.00-18.30

Wednesday, 25 April, 09.00-12.30

Monday, 7 May, 15.00-18.30

Tuesday, 8 May, 09.00-12.30

Full list of 2012 meetings available at <http://www.europarl.europa.eu/document/activities/cont/201109/20110919ATT26938/20110919ATT26938EN.pdf>



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<http://www.europarl.europa.eu/activities/committees/studies/searchPerform.do>

European Maritime Safety Agency newsletters:

<http://www.emsa.europa.eu/documents/newsletters.html>

European Aviation Safety Agency newsletters:

<http://easa.europa.eu/communications/general-publications.php>

European Railway Agency newsletters:

<http://www.era.europa.eu/Communication/Newsletter/Pages/home.aspx>

Trans-European Transport Network Executive Agency newsletters:

http://tentea.ec.europa.eu/en/news_events/newsletter/

DG MOVE newsletter:

http://ec.europa.eu/dgs/transport/newsletter/index_en.htm

Polish Presidency:

<http://pl2011.eu/en>

Transport Ministers' meetings:

<http://europa.eu/eucalendar/event/id/212055-transport-telecommunications--energy-council-transporttelecom/mode/window>

For more information and subscription, please contact the TRAN Secretariat:

tran-secretariat@europarl.europa.eu