

TRAN NEWS

Newsletter from the European Parliament
Committee on Transport and Tourism
Number 82, 26 May 2011

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TRAN Committee meeting 23-25 May 2011, Brussels

Adoption of draft recommendation

Cross-border exchange of information on road safety related traffic offences **Rapporteur: Inés Ayala Sender (S&D, ES)** **Ordinary legislative procedure, second reading**

The Committee adopted Ms Ayala Sender's draft recommendation for a second reading position on the proposed Directive facilitating the cross-border exchange of information in the field of road safety. The broad support for the Rapporteur's approach was demonstrated by the adoption of all her amendments, which mainly concerned data protection and a strong revision clause. This revision clause opens the possibility of an enforcement system of sanctions in a future Commission proposal. The result of the vote might pave the way for a second reading agreement by accepting a changed legal base for the Directive.

Several additional amendments were also adopted to reinforce the data protection provisions or people's rights in terms of information, confidentiality, storage and access to the data processed.

In the debate prior to the vote, Members criticised the Council's lack of willingness to make significant progress on the cross-border enforcement of road safety offences. However, despite this disappointment, they supported Ms Ayala Sender's aim of achieving an agreement with Council on this difficult dossier. They also insisted on the need to guarantee a sufficient level of protection of personal data for the drivers affected by the proposed Directive.

Ms Ayala Sender and Parliament's negotiating team now have a strong mandate to continue the negotiations with the Council in order to achieve an agreement before the plenary vote in July.

The recommendation was adopted by 38:1:2.

Timetable foreseen:

- Vote in plenary: July 2011.

Adoption of draft reports

Statistical returns in respect of the carriage of goods by road **Rapporteur: Brian Simpson (S&D, UK)** **Ordinary legislative procedure, first reading**

The draft Regulation seeks to put in place new provisions on delegated and implementing acts. Further to the meeting on 16 March 2011, the Committee continued the discussion and voted on this recast proposal.

The 22 amendments tabled dealt primarily with setting conditions for delegation of powers to the Commission. In addition, amendments focusing on timeliness of data publication and collection of new statistical variables were proposed. The Commission supported amendments on delegated and implementing acts but found other changes to the proposal either redundant or not in line with the statistical method used for collection of data under the recast.

In the vote, the Committee unanimously adopted amendments concerning delegation of powers and implementing acts as well as those on timeliness of data publication and collection of variables on Euro class of the vehicles and tachographs.

The Committee gave the Rapporteur a mandate to negotiate an agreement with Council and the Commission.

The report was adopted by 42:0:0.

Timetable foreseen:

- Vote in plenary: September II 2011.

Aviation security with a special focus on security scanners **Rapporteur: Luis De Grandes Pascual (EPP, ES)** **Own-initiative report**

The Committee asked the Commission to add security scanners to the list of authorised screening methods, with appropriate rules for their use to protect the health and fundamental rights of the persons scanned. It requested strict safeguards for the use of security scanners, in particular a ban on the use of body images and of ionising radiation technology (X-rays). Passengers should have a right to refuse a machine scan and then be controlled otherwise.

The Committee also reiterated Parliament's positions on aviation security financing, where Council is urged to adopt a position, and on the end of the ban on liquids in hand luggage in 2013. It also called for improved air cargo security checks, in particular by making use of existing customs information.

The amendments to Mr de Grandes Pascual's draft report had already been discussed in April.

The report was adopted by 37:2:3.

Timetable foreseen:

- Vote in plenary: June 2011 (mini-plenary).

Adoption of draft opinion

Approval and market surveillance of two- or three-wheel vehicles and quadricycles **Rapporteur: Roberts Zile (ECR, LV)** **Opinion to IMCO Committee**

Mr Zile has focused on the transport dimension of this proposal, in particular on road safety aspects.

The main elements of the adopted opinion are:

- 1) The creation of new subcategories for off-road vehicles (ATVs, Enduro and Trial motorcycles) so that they come within the scope of this Regulation. In the Committee's view, off-road vehicles are frequently also used on public roads and should therefore also fulfil the minimum functional safety requirements for on-road use;
- 2) The introduction of the Euro 4 emission level for mopeds three years earlier (by 2014) than proposed by the Commission because of the fact that mopeds are the most problematic L-vehicle sub-category in terms of emissions;
- 3) The Rapporteur's key amendments dealing with anti-lock braking systems. The Committee believes that anti-lock braking systems are one of the most important features to improve the weak road safety performance of motorcycles. It would extend the mandatory fitting of anti-lock braking systems (ABS) to all motorcycle sub-categories including the whole sub-category L3e-A1 (low-performance motorcycles). This measure was considered even more necessary as many young drivers start with motorcycles of this category.

The opinion was adopted by 39:0:2.

Timetable foreseen:

- Vote in IMCO: June 2011.

Presentation of draft report

Single European Railway area **Rapporteur: Debora Serracchiani (S&D, IT)** **Ordinary legislative procedure, first reading**

The Rapporteur considered that the recast should create a European railway model which consisted of a few clear rules that lead to a truly European transnational railway area with non-discriminatory access to the rail transport market. It should not favour one existing system over the other but create a new model that would revitalise rail as a powerful means of transport with strong companies that play

an important economic role. At the same time, the recast should contribute to the decarbonisation of transport.

In particular, this exercise should deal with the issue of railways' financing, regulatory oversight and the separation of infrastructure management and transport operations ('unbundling'). These elements form a package that should enable the rail sector to regain its strength. Moreover, the use of ERTMS and the internalisation of external costs generated by noise should be further promoted while the respect of social and working conditions and safety standards should be ensured.

The discussion took place against a background of demonstrations by rail sector trade unions. Following Ms Serracchiani's presentation, many Members took the floor. The most controversial issue was the separation of infrastructure management from transport operations, i.e. the breaking-up of holding structures that, in certain Member States, dominate the market. Whereas most Members agreed that more competition was a welcome common objective that would lead to a stronger rail market with a higher modal share, a number did not consider unbundling to be the key to achieving this goal.

Members generally agreed that a strong regulatory body was crucial to ensure non-discriminatory access to the market. Such a body would need to be equipped with the appropriate powers and sufficient means in terms of qualified staff and budget. Several Members proposed to include liberalisation of the national passenger market in the recast. As for railways' financing, many Members criticised Member States' unwillingness to provide sufficient financial support to rail infrastructure. There was support to encourage the use of ERTMS and of noise-reducing technologies provided that this would not disadvantage railways compared to road transport.

Members also addressed the difficult technical subject of how track access charges should be designed. Such charges should allow the infrastructure manager to generate revenue without discouraging operators from offering their transport services. Access to rail-related services also generated various remarks, which either expressed support for greater independence of providers of such services or opposition to this measure for fear of out-sourcing and privatisation. Most Members rejected the Commission's inclusion of a reference to a minimum service in case of strikes, highlighting the importance of the right to withdraw labour as a basic right governed by national rules rather than European ones. Members from the Baltic States drew attention to their countries' particular situation as regards rail freight transport services originating from Russia and favoured specific rules to address this issue.

The Commission generally welcomed Ms Serracchiani's report and in particular her proposals on the creation of a network of regulatory bodies at the European level under the direction of the Commission and on the idea of creating a European regulatory body in a future proposal.

On the issue of unbundling, the Commission considered that the Rapporteur's solution would be

the best way of avoiding any conflicts of interests. Such a proposal would come in 2012 when opening the national passenger markets. This had been announced in the Commission's White Paper on the Future of Transport. The Commission disagreed with Members' interpretation of the proposal regarding the right to strike. It considered this to be merely a reference to existing national legislations where such legislation existed.

The Commission also criticised the Rapporteur's amendments relating to delegated acts, whose scope Ms Serracchiani intends to reduce, and some amendments related to the level of insurance and of security certificate allowing access to markets. These could create some barriers for new entrants. The Commission was ready to consider any solution to address the specific situation of the Baltic States.

Timetable foreseen:

- Vote in TRAN Committee: 12 July 2011
- Vote in plenary: September 2011.

State of play

Charging of heavy goods vehicles for the use of certain infrastructures (Eurovignette) **Rapporteur: Saïd El Khadraoui (S&D, BE)** **Ordinary legislative procedure, second reading**

When Eurovignette 2 was concluded in 2006, Parliament did not manage to include the "polluter-pays" principle in the Directive. It has continued to advocate this long awaited first step towards a more sustainable road transport policy. Now, almost three years after the Commission proposal, the deal is there.

The Rapporteur and Shadow Rapporteurs presented the agreement with Council that was reached finally during the evening of Monday 23 May after several difficult trilogues.

In future, EU Member States will have the right to apply the "polluter-pays" principle when setting road tolls on trucks and lorries. They will be able to levy charges not only for infrastructure use but also for noise and air emission costs and vary tariffs more efficiently so as to ease peak hour congestion.

Earmarking of revenues for transport infrastructure was the key point of the negotiations and the compromise reached builds on the provisions of the Emissions Trading Scheme Directive. It combines the strongest possible commitment from the Member States to reinvest the money in sustainable transport and to spend at least 15% on TEN-T projects, with proper transparency and reporting back obligations. In mountain areas, where extra mark-ups may be added to infrastructure and external costs, all revenues will have to be spent on financing TEN-T priority projects situated on the same TEN-corridor.

The compromise on the revenue-neutral infrastructure variation in congested areas will allow better traffic management tools. Toll variations of up to 175% will be allowed in congested areas, with top

tariffs collected during a maximum of 5 peak hours per day and lower tariffs applying the rest of the time on the same road section. For the benefit of users, Parliament's negotiating team successfully pushed for a simpler, clearer and interoperable system and insisted that a User Guide be issued.

The negotiating team successfully also pushed for the additionality of mark up and external costs that Council had in the past strongly contested. Member States will be able to charge older lorries with engines of Euro class 0, 1, 2 and 3 (starting in 2015) for infrastructure, mark up and external costs.

Out of the 36 TRAN amendments, 19 were finally approved by the Council (several redrafted but with essential elements maintained); 9 partly approved and 8 amendments not approved.

Nevertheless, the feelings amongst Shadow Rapporteurs and Members were mixed as not all expectations - for some on earmarking, for others on sustainability - were satisfactorily addressed.

Timetable foreseen:

- Vote in plenary: June 2011.

Exchanges of views

with the Commission on aviation security

Mattias Ruete (Director General, DG MOVE) explained the last-minute deferral of the first step towards the relaxation of the ban on liquids in hand luggage that had been foreseen on 29 April 2011. He said a large number of Member States were not prepared to implement it and this was combined with measures the US had announced in relation to liquids on flights from Europe.

He suggested amending the rules to abolish the 2011 obligation, and preparing the 2013 deadline for the lifting of the ban better, in particular by setting up a working group with representatives from Member States, industry, airports and other players to prepare a road map for the 2013 deadline. He also considered it important to cooperate with the US in the framework of the Open Skies Committee.

Nearly all speakers strongly criticised the Member States for not complying with the legislation. Several Members asserted that the reason behind the deferral was not security but financial issues. Others expressed their dissatisfaction with the legislation in force, criticising, in particular, Member States' ability to introduce more stringent measures as a get-out clause. Several speakers also criticised the way the legislation on aviation security standards handled technological developments.

All speakers agreed with the Commission's intention to set up a working group to prepare for the 2013 deadline and to cooperate with partners such as the US, although some suggested not insisting on a deadline. There was some controversy regarding the extent to which industry should be involved in the process while many Members insisted on the need to defend a European position in relation to the US.

Mr Ruete underlined the importance of a European approach and proposed to amend the legislation

now, retaining the 2013 date. In reaction to several remarks on Parliament's involvement in the working group, he said he would be pleased to return to the Committee regularly to discuss the liquids ban.

At the end of the debate, the implications of the new Icelandic ash cloud were briefly discussed.

with SESAR Director, Mr Patrick Ky

The Committee continued its examination of issues relating to the Single European Sky when Patrick Ky, Executive director of the SESAR Joint Undertaking, presented an overview of the Joint Undertaking's progress to date and the challenges now facing SESAR.

He said SESAR was on course and its priorities now are internationalisation, ensuring all projects are launched, involving non-EU companies as partners to widen SESAR's appeal and moving beyond laboratory or theoretical testing of systems to testing through practical use.

An independent study had confirmed the costs of delayed implementation and desynchronised implementation at €268 billion and €117 billion respectively.

In reply to Members' questions, Mr Ky confirmed that SESAR was an integral requirement for a Single European Sky and vice versa. SESAR and the equivalent American system had to be technically compatible and cooperation to this effect, with ICAO as a final arbiter, had been good. At another level, of course, the two systems were commercial rivals. SESAR was holding to the 10% emissions reduction target and the traffic growth it would engender would be carbon neutral.

Another positive development was the tendency for new applications undertaken by one Member State to encourage interest, previously absent, in the same development in other Member States. One example of this was remote Air Traffic Control towers.

The risk of cyber attack was taken seriously and the Joint Undertaking was cooperating fully with NATO and the European Defence Agency.

on Comitology: Pilot licences

The standing comitology Rapporteur, Mr El Khadraoui, opened the debate with three questions:

What was the current situation in respect of long distance flight crew relief and co-pilots?

Until the problem of EU-US mutual recognition was resolved how the costs and inconveniences of could double licences be avoided?

In respect of licences what was the current position on visual flying?

Matthew Baldwin (Director, DG MOVE) spoke for the Commission.

Regulation 216/2008 required the Commission to bring forward common rules, following advice from

EASA and after a process of consultation. This included on European pilot licences. Much of this endeavour was in fact nothing more than reproducing current ICAO rules and standards. In essence existing requirements were being confirmed. The Commission would present a legislative proposal in July which the Parliament could reject but, if accepted, Member States and other agencies would have until April 2012 to take the necessary measures in respect of their existing systems. For non JAA licences the transitional period envisaged was to 2018 and for light aircraft licences to 2014.

Members asked what would happen if the process of negotiation on mutual licence recognition was not successfully completed by 2014? What was the current American position on European licences? Are European procedures "heavier"? Why is membership of the regulatory committee not public? Why are American licence holders domiciled in Europe being asked to change licences, given the costs entailed?

In general the debate showed the political significance of some comitology issues. The Committee is determined to follow closely important comitology issues at all stages.

New reports and opinion

Reports:

Proposal for a Council decision on the conclusion of the Air Transport Agreement and on the conclusion of the Ancillary Agreement between the USA, of the first part, the EU and its MS, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part
Brian Simpson, S&D

Air Transport Agreement EC-Switzerland
ALDE

Proposal for a Council decision on the conclusion of the Agreement on Air Transport between the EU and its MS, of the one part, and the Federative Republic of Brazil, of the other part
Silvia-Adriana Ticau, S&D

Common aviation area with Moldova
ECR

Opinion:

Proposal for a Council Directive amending Directive 2003/96/EC restructuring the Community framework for the taxation of the energy products and electricity
GUE/NGL

TRAN Committee meeting 20-21 June, Brussels

Provisional agenda:

Monday, 20 June 2011, afternoon

- Single European Railway area / Serracchiani
- Road Safety / Koch

Tuesday, 21 June, morning

- Civil aviation safety agreement Brazil / Jicău **(vote)**
- Tourism in Europe / Fidanza **(vote)**
- Road safety / Koch **(vote)**
- Cross-border enforcement in field of road safety / Ayala Sender
- Air services agreement EC-United Mexican States / Jicău
- White Paper on Future of Transport / Grosch
- EMSA Regulation / Fleckenstein
- Athens Convention / Simpson

TRAN Committee meetings 2011, Brussels

Monday, 11 July, 15.00-18.30

Tuesday, 12 July, 9.00-12.30

Tuesday, 12 July, 15.00-18.30

Wednesday, 13 July, 9.00-12.30 (to be confirmed)

Wednesday, 13 July, 15.00-18.30 (to be confirmed)

Tuesday, 30 August, 9.00-12.30

Tuesday, 30 August, 15.00-18.30

Wednesday, 31 August, 9.00-12.30

Wednesday, 31 August, 15.00-18.30

Thursday, 8 September, 9.00-12.30

Monday, 10 October, 15.00-18.30

Tuesday, 11 October, 9.00-12.30

Tuesday, 11 October, 15.00-18.30

Monday, 21 November, 15.00-18.30

Tuesday, 22 November, 9.00-12.30

Tuesday, 22 November, 15.00-18.30

Wednesday, 23 November, 9.00-12.30

Wednesday, 23 November, 15.00-18.30

Monday, 19 December, 15.00-18.30

Tuesday, 20 December, 9.00-12.30

Tuesday, 20 December, 15.00-18.30

Wednesday, 21 December, 9.00-12.30

Wednesday, 21 December, 15.00-18.30