

# TRANNEWS

Newsletter from the European Parliament  
Committee on Transport and Tourism  
Number 81, 14 April 2011

questions & subscription:  
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**TRAN Committee meeting  
11-12 April 2011, Brussels**

## **Adoption of draft recommendation**

### **Charging of heavy goods vehicles for the use of certain infrastructures (Eurovignette)**

**Rapporteur: Mr Saïd El Khadraoui (S&D, BE)**

**Ordinary legislative procedure, second reading**

In future, road toll prices for the haulage industry will reflect the cost of noise and air pollution as well as infrastructure costs. The Committee approved new rules designed to strike a balance between the economic interests of the countries on the EU's periphery and environmental needs.

The draft text approved at second reading took account of the Member States' wishes to a large extent. It allows exemptions for lorries between 3.5 and 12 tonnes provided the Member State provides a justification. To encourage fleet renewal, it includes phased, time-limited exemptions for heavy vehicles with the cleanest engines (EURO 5, 6), including in sensitive areas such as mountain regions.

Toll prices can also vary according to the time of day but must remain revenue-neutral. The aim is to encourage lorries to avoid certain road stretches during peak hours (to be limited to a maximum of 8 hours a day), without generating additional revenue.

In exchange, the Committee wants national finance ministers to be transparent about the level of toll revenues as well as the use made of this money. It should be reinvested in transport infrastructure with at least 15% initially being earmarked for trans-European transport projects.

As in the past, the introduction of distance-based tolls for lorries will remain optional. However, in four

years' time, the Commission must examine the effectiveness of this measure and the possibility of adapting it for other forms of pollution and vehicle categories.

Armed with the result of the Committee's vote, Mr El Khadraoui will now ask the Council to support his text before it is submitted to the full Parliament and put to the vote during the June plenary session.

The recommendation was adopted by 27:1:11.

Timetable foreseen:

- Adoption in plenary: June 2011.

## **Adoption of draft report**

### **Programme to support further development of an Integrated Maritime Policy**

**Rapporteur: Mr Georgios Koumoutsakos (EPP, EL)**

**Ordinary legislative procedure, first reading**

The Rapporteur presented both the financial and the longer-term political impact of this Regulation, underlining the importance of a clear idea about its objectives, scope and implementation.

Mr Koumoutsakos explained that his aim was to include as many amendments as possible in compromises while avoiding replacing sectoral policies with this horizontal one.

Most Members agreed with the Rapporteur's approach and supported the compromises. In the debate, several speakers stressed the importance of Parliament being kept informed and involved, and nearly all speakers mentioned that the programme's financial envelope was relatively limited.

The Commission said that the IMP aimed at bridging the gaps between existing policies instead of replacing them and expressed its wish to focus financing on three areas: maritime spatial planning, the integration of marine knowledge and the integration of maritime surveillance.

The report was adopted by 36:0:2.

Timetable foreseen:

- Adoption in plenary: June 2011.

## **Presentation of draft recommendation**

### **Cross-border exchange of information on road safety related traffic offences**

**Rapporteur: Ms Inés Ayala Sender (S&D, ES)**

**Ordinary legislative procedure, second reading**

The Rapporteur recalled what had happened since Parliament's first reading in 2008. At the time, Parliament adopted an ambitious proposal which reinforced the follow-up of infringements after the

exchange of data originally proposed by the Commission and contained guidelines for road safety best practices. The proposal came back in second reading after having been blocked in Council for more than two years. The Belgian Presidency achieved a breakthrough by changing the legal base to police cooperation and by weakening the proposal's content.

The Rapporteur considered this to be a first step to continue work in the field of road safety. She welcomed the extension of the scope to other road safety infringements such as driving under the influence of drugs. Nevertheless, she deplored the fact that three Member States refused to opt-in to the Directive and that follow-up procedures had been abandoned.

Ms Ayala Sender proposed to accept Council's first reading as a starting point, which should be extended in future by new proposals under the Transport legal base. Her main recommendation was therefore to reinforce the revision clause by inserting references in the article and in a new annex to Parliament's first reading. Provisions on information to be received by drivers and on data protection should also be strengthened compared to Council's first reading.

Members generally regretted Council's lack of ambition, the change of the legal base and the refusal to go beyond a simple exchange of data. Most of them supported the Rapporteur's draft recommendation as realistic in order to pursue an agreement with Council and to pave the way for future more ambitious proposals.

Some Members criticised the choice of the EUCARIS system as the software application capable of dealing with the large number of road safety infringements. Other issues such as data protection, the determination of the responsibility of the owner or the driver in case of infringements and the guidelines listed in the annex proposed by the Rapporteur were also raised by Members. The Commission broadly supported the approach proposed by the Rapporteur.

Timetable foreseen:

**Deadline for amendments: 18 April 2011**

Adoption in TRAN Committee: May 2011.

## Presentation of draft reports

### **Aviation security with a special focus on security scanners**

**Rapporteur: Mr Luis De Grandes Pascual (EPP, ES)**

#### **Own-initiative report**

The Rapporteur stressed that scanners bring added value in the fight against terrorism. He announced that he would work to find compromises with all amendments aimed at better protection of fundamental rights and health. These included those seeking to ban all X-ray technology, use of body images and data storage. There were other issues where there was much convergence, such as on a security strategy, on avoiding discrimination, on information to passengers and on training of

operators. On the issue of liquids in hand luggage, the Rapporteur suggested focusing on the end of the liquid ban in 2013.

Many Members pointed out that scanners emitting X-rays should not be allowed, nor should any use of body images or storage of data. Some Members emphasised that scanners are only one of several tools for ensuring security. While several Members expressed scepticism about passenger profiling, others underlined the importance of profiling and intelligence. Some suggested using the term "body scanners" instead of "security scanners" as defined in the Commission Communication.

Several Members said that security measures for cargo and mail should be tightened. Members pointed to the importance of common rules in the field of aviation security, while many underlined the importance of good working conditions and training for operators.

The Commission underlined the higher detection efficiency of scanners compared to metal detectors, and believed that many of the health and fundamental rights concerns would be resolved when the impact assessment was published. The Commission suggested keeping the rules technologically neutral and referred to existing legislation on radiation protection. On cargo, the Commission considered that the main issue concerned flights from third countries into the Union.

The Rapporteur expressed his satisfaction with the broad consensus among Committee Members on the need to protect passengers' health and privacy.

Timetable foreseen:

- Adoption in TRAN Committee: May 2011
- Adoption in plenary: June 2011.

### **Europe, the world's N°1 tourist destination - a new political framework for tourism in Europe**

**Rapporteur: Mr Carlo Fidanza (EPP, IT)**

#### **Own-initiative report**

The Rapporteur said he would be able to support many amendments which reinforced his draft report. These concerned the need to respect the subsidiarity principle, measures to improve the quality and sustainability of tourism (while avoiding a proliferation of quality labels) and calls for innovation, particularly by SMEs.

There was also broad support for diversification of tourism offers, the introduction of safety standards and measures to make tourist accommodation more accessible to people with reduced mobility. In addition, there were calls for a holistic and integrated tourism policy taking into account related policy areas, such as transport.

More controversial amendments included the introduction of a charter of rights for tourists and the suggestion to simplify visa procedures for tourists from the BRIC countries. Some Members also spoke against amendments highlighting country-specific issues and considered that the report should retain a strictly European perspective.

The Rapporteur announced that he will propose a number of consolidated and compromise amendments for discussion with Shadow Rapporteurs ahead of the vote in Committee.

Timetable foreseen:

- Adoption in TRAN Committee: May 2011
- Adoption in plenary: June II 2011.

**Towards a European road safety area**  
**Rapporteur: Mr Dieter-Lebrecht Koch**  
**(EPP, DE)**  
**Own-initiative report**

The Rapporteur said he was ready to accept a range of amendments, fully or in the form of compromises, on issues such as lifelong learning, event data recorders, medical exams, road safety trainings, special demerit point systems, alcolocks, ITS, safe routes to school, and secure parking areas. Referring to his proposal on the creation of the office of a European Coordinator for road safety, he outlined a potential compromise in regards to the Coordinator's role and detailed responsibilities.

In the subsequent debate, many Members supported the Rapporteur's general approach. However some opposed the idea of a European Coordinator. Several Members insisted on a stronger focus on vulnerable road users such as children, pedestrians or cyclists. Furthermore, the need for a modal shift towards public transport as well as the need for speed limits of 30 km/h in urban areas and of 120 km/h on highways was stressed. One Member strongly opposed more EU legislation in the field of road safety, arguing for the principle of subsidiarity and the need for simplification. However, this approach was not shared by a large majority of Members.

The Commission welcomed the draft report and, in particular, the idea of a European Coordinator for road safety as an "ambassador for road safety". In his final remarks, the Rapporteur announced his intention of working closely with the Shadow Rapporteurs in order to find compromises which can be supported by a broad majority of the TRAN Committee.

Timetable foreseen:

- Adoption in TRAN Committee: May 2011
- Adoption in plenary: June 2011.

## Exchanges of view

**on the EMSA Regulation**  
**Rapporteur: Mr Knut Fleckenstein (S&D,**  
**DE)**

EMSA's role in promoting maritime safety and the additional contribution it could make to policies such as the "Single European Sea" were broadly supported during the discussion of Mr Fleckenstein's working document. He identified key issues including whether EMSA should be involved not only in responding to but also preventing pollution from oil and gas platforms, how to improve cooperation with third countries, the need to simplify customs procedures for ships travelling between Member States and measures to develop training for seafarers. However he noted that discussion in

Council was not very encouraging and that Parliament would therefore need a clear majority in order to make progress.

Members agreed that EMSA was playing a valuable role and most considered that, where appropriate, its existing technology and systems should be used to support other European projects. Some expressed concern about aspects of the Commission's proposal including changes to the role of EMSA's administrative board and the lack of clear definitions for new tasks. Others recalled that Parliament had already endorsed proposals such as a European coastguard and a maritime space without borders.

The Commission representative welcomed the broad consensus regarding EMSA's added value and noted that aspects of the proposal had been discussed during the adoption of the third maritime package. It was also underpinned by an external evaluation and an impact assessment. EMSA would continue to have safety and protection of the marine environment as its core tasks but, where it had built up useful expertise, this should be made available to assist other policies. Inspecting oil platforms would first require legislation to be adopted setting out the standards to which they should comply.

Timetable foreseen:

- Draft report: June 2011
- Adoption in TRAN Committee: October 2011

## on the Working time directive

The Commission has recently published a document on the review of the (general) working time Directive 2003/88 as well as a report on the implementation of Regulation 561/2006 on driving and rest times and the specific working time Directive on road transport activities (Directive 2002/15) in 2007-2008. The Commission representatives outlined the main issues relevant for road transport.

In regards to the current review of the (general) working time Directive, the Commission pointed out that the specific situation of certain road transport mobile workers could deserve particular attention as some provisions regarding daily rest, breaks, weekly rest periods, night rest and night work periods do not apply to them. Neither are they covered by the specific Directive. For example, vehicles under 3.5 tonnes, vehicles suited to carrying fewer than 10 persons, and regular passenger transport services whose route is less than 50 km are excluded from the scope of the specific Directive 2002/15. The Commission therefore considered that greater harmonisation of working time rules for all road transport mobile workers might be needed.

Referring to the implementation report of the driving and rest times Regulation and the working time Directive for road transport, the Commission stressed that many Member States were not respecting their data reporting obligations and that they were - in addition - focusing too much on random checks instead of targeted ones. The Commission also outlined the reasons for the considerable differences in the frequency of detection of offences between the Member States as well as potential problems in regards to the digital

tachograph. The difficulties in controlling the implementation of the working time Directive for road transport were also briefly addressed.

In the subsequent debate, many Members criticised the Member States for not fully respecting their reporting and enforcement obligations. The problems revolving around a lack of secure parking places, the tampering of digital tachographs, and social dumping and infringements by transport companies from third countries were also highlighted. The same applies to differences in national penalty systems as well as to the need for simplification and a handbook on the implementation of the rules on driving and rest times.

Many Members agreed with the Commission on the importance of more targeted checks at undertakings' premises, as required by EU legislation. Some criticised the fact that self-employed drivers are included in the scope of the specific working time Directive. Some Members requested more flexibility and derogations for SMEs while others stated that the same road safety rules should apply to all professional drivers.

### **on the Single European Railway area Rapporteur: Ms Debora Serracchiani (S&D, IT)**

Two detailed briefing notes were presented and discussed in the context of the Recast of the First Railway Package. In order to inform its debate on the Recast, the Committee had requested scientific insight on the issues of "The impact of separation between infrastructure management and transport operations on the railway sector in the EU" and a "Typology and structure of regulatory bodies in the EU railway sector". The main author, representing the consultant Steer Davies Gleave, presented the essential findings of both documents. By way of introduction, he gave a short overview of the rail sector's market development and its share relative to other transport modes.

On the national regulatory bodies, the author stated that their primary objective was to ensure independent and impartial oversight of the market. EU legislation required regulatory bodies to be independent of the infrastructure manager, railway undertakings, charging or allocation bodies. Member States have followed different approaches in setting up such bodies which often, however, reveal various shortcomings, mostly related to insufficient independence and inadequate resources and powers to monitor the market effectively. The author concluded that:

- the effectiveness of regulatory bodies varies significantly across the EU;
- there is a clear case for strengthening existing legislation to ensure that they have greater independence, including from government influence;
- regulatory bodies need to be given the necessary resources.

On the separation between infrastructure management and rail transport operations ("unbundling" or "vertical separation"), the author presented the theoretical models and gave an

overview of practical experience across Member States. He acknowledged that a number of infringement cases were pending before the ECJ for Member States having failed to properly implement EU legislation and briefly presented five case studies: Great Britain, Sweden, the Netherlands, Italy and France. The author drew a number of conclusions:

- despite structural changes, established relationships between the infrastructure manager and the incumbent railway undertaking remain in place in some Member States;
- the case studies suggest that the observed trends in the development of rail transport, its costs, fares and service quality can be explained by a wide range of factors and cannot be attributed to vertical separation alone;
- vertical separation can be seen as the most appropriate industry structure in order to achieve the benefits of an open rail market. The development of competition has been more successful in countries which have been subject to full separation;
- costs of vertical separation may be significant if complex contractual frameworks are required;
- regulation alone is unlikely to guarantee non-discrimination in access to rail networks;
- future policy options for ensuring non-discriminatory access and encouraging new entry could usefully focus on independence of operational decision making and on the ability of a dominant railway undertaking to unduly influence capacity allocation and other decisions through co-location with the infrastructure manager.

The presentation revealed differing national perceptions on the issue of unbundling and provoked mixed reactions among Members and a lively debate on the necessity of such separation.

Several Members criticised the fact that the case studies presented in the briefing notes did not represent all European countries and that an important country, such as Germany, or examples from the new Member States, in particular the Baltic States, had not been analysed.

Some Members were not convinced that unbundling was a relevant precondition for liberalisation and argued that it could have consequences for costs and safety. Others considered that such separation was necessary in order to achieve a fair and transparent open market for railways.

On the regulatory bodies, the reactions were more consensual, as most Members expressed their wish, supported by the study, for a reinforcement of the competences, powers and resources of national regulatory bodies.

In his reply, the author recalled the constraints in terms of time and length, linked to the format of a briefing note, which did not permit an analysis of all European countries in extenso. He presented the costs and benefits of unbundling and compared the different models existing in Member States. There was no proof that unbundling had a negative impact

on costs or on safety. For the author, separation was not an objective in itself, as, in general, its main purpose was to increase competition and efficiency.

Timetable foreseen:

- Draft report: May 2011
- Vote in TRAN Committee: 12 July 2011
- Vote in Plenary: September 2011.

## **Adoption in plenary 4-7 April 2011, Strasbourg**

### **European statistics on tourism Rapporteur: Mr Brian Simpson (S&D, UK) Ordinary legislative procedure, first reading**

Parliament confirmed by an overwhelming majority a first reading agreement with Council on a Regulation which updates and improves the regulatory framework for the collection of statistical information in the field of tourism.

The Regulation will ensure that decision-makers at all levels have complete, relevant and comparable data as a basis for implementing successful tourism policies, including measures taken within the new framework for European tourism policy outlined in a recent Commission Communication.

The text agreed with Council incorporates the majority of amendments that had been adopted by the Committee. These include amendments restricting the delegation of implementing powers to the Commission, the introduction of variables for same-day visits and a provision on pilot studies on Tourism Satellite Accounts as well as on the environmental impact of tourism. Furthermore, the Council accepted the introduction of a provision requiring the collection of data on the accessibility of tourist accommodation for Persons with Reduced Mobility. The new rules will apply from 2012.

The report was adopted by 634:30:10.

## **TRAN Committee meeting 23-25 May, Brussels**

Provisional agenda:

### **Monday, 23 May 2011, afternoon**

- Cross-border enforcement road safety / Ayala Sender
- European Road Safety Area / Koch
- Approval and market surveillance two- or three-wheel vehicles and quadricycles / Zile
- Statistical returns carriage of goods by road / Simpson

### **Tuesday, 24 May, morning**

- Cross-border enforcement road safety / Ayala Sender **(vote)**
- Civil aviation safety agreement Brazil / Țicău **(vote)**
- European Road Safety Area / Koch **(vote)**
- Security scanners / De Grandes **(vote)**

- A new political framework for tourism in Europe / Fidanza **(vote)**
- Approval and market surveillance two- or three-wheel vehicles and quadricycles / Zile **(vote)**
- Statistical returns carriage of goods by road / Simpson **(vote)**

### **Tuesday, 24 May, afternoon**

- Single European Railway Area / Serracchiani

### **Wednesday, 25 May, morning**

- Exchange of views with Director on SESAR
- Air agreement EC-United Mexican States / Țicău

## **TRAN Committee meetings 2011, Brussels**

Monday, 20 June, 15.00-18.30  
Tuesday, 21 June, 9.00-12.30  
Tuesday, 21 June, 15.00-18.30

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  
Wednesday, 13 July, 15.00-18.30

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