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# ASSESS

*Assessment of the contribution of the TEN and other transport policy measures to the mid-term implementation of the White Paper on the European Transport Policy for 2010*

FINAL REPORT

**ANNEX I REVIEW OF WHITE PAPER MEASURES**

European Commission

**DG TREN**

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# Preface

This is ANNEX I of the final report for '*Assessment of the contribution of the TEN and other transport policy measures to the mid-term implementation of the White Paper on the European Transport Policy for 2010*'.

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# Scope

## Scope of the ASSESS project

The ASSESS study is about the *“Assessment of the contribution of the TEN and other transport policy measures to the mid-term implementation of the White Paper on the European Transport Policy for 2010”*.

The European Commission’s White Paper of 12.9.2001 “European transport policy for 2010: time to decide” aims to promote a sustainable transport policy. The White Paper proposes to achieve sustainability by gradually breaking the link between transport growth and economic growth, principally in three ways: changing the modal split in the long term, clearing infrastructure bottlenecks and placing safety and quality at the heart of the transport policy.

As foreseen, the White Paper on Transport undergoes in 2005 an overall *assessment concerning the implementation of the measures it advocates and to check whether its targets* - for example, on modal split or road safety - *and objectives are being attained or whether adjustments are needed*.

ASSESS provides technical support to the Commission services for the above mid-term assessment of the White Paper.

The analysis accounts for the economic, social and environmental consequences of the proposed measures and their contribution to sustainable development objectives. It provides also a detailed analysis of those effects of enlargement likely to affect the structure and performance of the EU transport system.

The study takes a three pillar approach based on the use of analysis, indicators and models. National transport policies are reviewed for compatibility and coherence with the White Paper objectives. The models used allow a detailed analysis of the freight market, the passenger market and their infrastructure networks under a number of scenarios.

## Scope of this Annex

This Annex takes into consideration the implementation of the proposed White Paper measures upto 2005. The main research question that is answered is: To what extent have the policies proposed by the White Paper been implemented in terms of legislation, investments, institutionalization etc.? This document includes an inventory of these activities in order to determine the output of the White Paper up to 2005. On basis of this inventory each proposed measure is assessed on basis of a four point scale, i.e. No, low, medium and high advancement of the implementation activities.



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# *ANNEX I Review of White Paper measures*

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## **I.1. Introduction**

In order to implement the White Paper on transport and its action plan the commission has started a wide variety of follow-up activities in all fields addressed by the White Paper, i.e. road, air, maritime and rail transport.

These include communications, proposals for regulations, recommendations (COM-docs) as well as investments in infrastructure and research. This document includes an inventory of these activities in order to determine the output of the White Paper up to 2005.

The main research question that is answered is: To what extent have the policies proposed by the White Paper been implemented in terms of legislation, investments, institutionalization etc.?

This inventory is limited to follow-up actions of the commission itself and more particularly by DGTREN since they are directly responsible for the implementation of the more than 60 measures proposed by the White Paper. The policy review will also give some indication about the extent the implemented policies really changed the transport sector. It must however be mentioned that the outcome of policies (i.e. the impacts on the performance of the transport system and the wider sustainability goals) goes beyond the scope of this document. The outcome measurement is part of further work with e.g. modelling.

It is not aimed to make an extensive and comprehensive overview. This has been done in previous studies commissioned by the Commission (e.g. the INDIC study). The task of this document is to use and synthesis this existing material, if possible update and complete it, and to draw conclusions on it with regard to the mid-term evaluation of the White Paper on transport.

## **I.2. Methodology**

The 12 policies mentioned in the White Paper are reviewed, each policy in a separate chapter. Each policy is implemented by means of a number of measures. These measures are mentioned in the annex of the White Paper and are listed by the INDIC study. All measures of the INDIC study, including the numbering is taken over.

The evaluation of the implementation of each measure is reported in a fixed template. First the intention of the measure is summarised, then the action done in the last 5 years and expected to be done in coming 5 years are presented. On basis of this data the progress of the implementation is evaluated. Finally, an indication is given of the expected impact of the measure on transport system.

Four categories are distinguished in the evaluation:

- No advancement, the status of the policy is not beyond the proposal stage as laid down in the White Paper.
- Low advancement, most of the policy is still in the proposal phase. There is not yet much approved legislation.
- Medium advancement, part of the policy has been implemented by approved directives/ regulations.
- High advancement, almost all of the measures proposed has been implemented by means of approved legislation.

A measure receives a 'high advancement' score if a directive or regulation is approved by the European institutions within the period 2001-2005. Member states are obliged to translate a directive in national legislation within two or three years after approval of the directive by the European institutions<sup>1</sup>. A regulation does not need implementation in national legislation and is on the moment of approval by the European institutions directly applicable in all member states.

A measure receives a 'medium advancement' score if part of the measure is implemented by means of an approved directive or regulation in the period 2001-2005 while another part is not yet approved (for example when part of the measure is still in the proposal phase).

A measure receives a 'low advancement' score if there is a proposal of the European Commission but this proposal is not yet approved by the European institutions. If the implementation is expected before 2010 than this is mentioned.

A measure receives a 'no advancement' score if there is no proposal whatsoever then it is concluded that no visible progress has been made. There might be progress within the Commission services but this has not yet resulted in a formal proposal approved by the European Commission.

## **1.3. Improving quality in the road transport sector**

### **1.3.1. Objectives**

The greatest competitive advantage of road transport is its capacity to carry goods all over the European Union, and indeed the entire continent, with unequalled flexibility and at a low price. But this capacity has been built up in highly paradoxical circumstances. Haulage companies compete fiercely against other modes and against each other. As operating costs (for fuel and new equipment) mount, this has reached such a pitch that, in order to survive in this extremely competitive environment, undertakings are forced to side-step the rules on working hours and authorisations and even the basic principles of road safety. To overcome these problems the Commission has set the following main objectives for improving the quality in the road transport sector:

- Enable fair prices (i.e. prevent price dumping) by protecting carriers from consignees by enabling them to revise their tariffs in event of a sharp rise in fuel prices
- Enable fair prices by harmonising and tightening up inspection procedures in relation to social legislation and rules on workers' rights

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<sup>1</sup> The EU Institutions are the European Parliament, whose members are directly elected by the people, and the Council, which represents the interests of the Member State governments.

To achieve these objectives the White Paper has introduced a number of measures. In the next section an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

### **1.3.2. Modernizing road transport services**

#### *1.3.2.1. Harmonise clauses in commercial road transport contracts*

*Intention:* harmonise the minimum clauses in contracts governing transport activity in order to allow tariffs to be revised should costs increase (e.g. in case of fuel price rises). This should help to protect carriers from pressure from consignors.

*Action:* up till now no proposal has been adopted by the Commission. However, a feasibility study is being carried out. There is a measure under preparation to amend regulation 4058/89 which fixes rates for international road freight transport.

*Evaluation:* no advancement

#### *1.3.2.2. Driving restrictions on heavy goods vehicles on designated roads*

*Intention:* several Member States asked the Commission to present a proposal which limits as far as possible the negative effects of driving restrictions for international transport operations, while respecting the competence of the Member States to manage national and local traffic as effectively as possible.

*Action:* it was on this basis that the Commission adopted a proposal for a Directive (COM (1998) 115 later amended by COM (2000) 759 and subsequently amended by COM (2003) 473) on a transparent system of harmonised rules for restrictions on heavy goods vehicles involved in international transport on designated roads. This proposal for a Directive establishes a transparent system of harmonised rules and information concerning driving restrictions applied for certain periods to heavy goods vehicles undertaking international transport on the roads of the Trans-European road network. Member States would be allowed to impose driving restrictions for all heavy goods vehicles from 16 September to 14 June between the hours of 22h00 on Saturday and 22h00 on Sunday. From 15 June to 15 September, driving bans could be applied between the hours of 07h00 on Saturday and 22h00 on Sunday. Rules are also proposed for driving restrictions applicable on a public holiday and during the night. Member States will continue to have the right to set unlimited driving bans both for all roads other than the TEN-R network and for all national traffic.

*Evaluation:* low advancement, implementation expected before 2010

*Expected impact:* Weekend bans are already used by central European member states. This measure does harmonize the conditions. It does not necessarily imply an increase or decrease in the number of weekend bans.

#### *1.3.2.3. Training of professional drivers*

*Intention:* The vast majority (90-95%) of professional drivers in the Community are working solely on the basis of their driving licence. There is no compulsory vocational training. Although Member States may extend the provisions to national transport or prescribe more extensive training, the only Member States to have introduced basic compulsory vocational training are France and the Netherlands. The White Paper

has expressed the ambition to harmonise training of professional drivers, among others in order to enhance safety on European roads.

*Action:* In September 2003 Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers entered into force. On 10-9-2008, it will be applied for bus drivers, on 10-9-2009, it will be applied for truck freight drivers.

*Evaluation:* realised, implementation by member states before 2010

*Expected impact:* Since not many countries are already applying periodic training for professional drivers it can be expected that the implementation as foreseen has significant impact on training practices in the member states and indirectly on transport safety.

### **1.3.3. Harmonisation of working conditions**

#### *1.3.3.1. Social harmonisation of road transport*

*Intention:* Harmonise working times, driving times and enforcement in commercial road transport, in order to improve road safety, safeguard the health and safety of workers and prevent distortion of competition

*Action on working times:* A Directive 2002/15/EC was adopted in March 2002. It lays down minimum requirements with regard to working time for all mobile workers performing road transport activities, including self-employed drivers. It also supplements the provisions of Regulation (EEC) 3820/85 which lays down common rules on drivers' driving time and rest periods. More particularly, it contains provisions such as a maximum working week of 48 hours, not more than 6 hours should be worked consecutively without a break, not more than 10 hours in any 24-hour period can be night work. The rules will be applicable to all mobile workers from March 2005. The Commission will draw up a report by March 2007 on the consequences of the exclusion of self-employed drivers and shall either submit a proposal on how they can best be included or propose their exclusion. In any event the rules will apply to all self-employed drivers by March 2009.

*Action on driving times and rest periods:* The Commission has adopted a proposal (COM (2003) 490) providing for the updating of the rules governing driving times, breaks and rest periods for drivers of heavy good vehicles and passenger buses. The proposal defines a clearer and simpler set of rules that is thought to be more easily understood, interpreted and applied by the road transport industry and Community enforcement agencies. A provision is included which allows a Member State to impose a sanction for an infringement detected in its territory even where that infringement has been committed in the territory of another Member State or third country. The proposal also includes some technical amendments on the use of tachograph recording devices in commercial vehicles. The Parliament has adopted the recommendations in April 2005 for second reading. It is generally expected that a conciliation procedure will now be set in motion.

*Action on enforcement:* To improve compliance with the rules, the Commission adopted a proposal (COM (2003) 628) final by which it intends to update and amplify Directive 88/599/EC. The proposal lays down minimum conditions for checking the correct and uniform implementation of the Regulations on driving time and rest periods and the Directive on working time. When the new Directive has been adopted Member States will be obliged to: (1) increase the number of checks carried out both at the roadside and on the premises of undertakings; (2) improve the quality of enforcement by ensuring enforcement staff are well trained and equipped, that Member State enforcement agencies co-operate at national and interna-

tional level and (3) recognize that certain offences should be considered serious and hence attract appropriate sanctions, and indeed make use of the full range of sanctions available, so that a common approach be developed towards the issue of offences and sanctions. The Parliament has adopted these recommendations in April 2005 for second reading. It is generally expected that a conciliation procedure will now be set in motion.

*Evaluation:* medium advancement, it is however expected that in 2010 this measure is completely implemented.

*Expected Impact:* The measures do have a significant impact on social conditions in the road sector and can be expected to increase road safety, safeguard the health and safety of workers and prevent distortion of competition. However, the observances of the recommendations on enforcement are important to achieve a real impact.

#### *1.3.3.2. Introduction of the digital tachograph*

*Intention:* The digital tachograph (introduced by Regulation 2135/98 which amends Regulation 3821/85/EEC) is a more secure and accurate recording and storage device than the present analogue equipment. The new device will record all the vehicle's activities, for example distance, speed and driving times and rest periods of the driver. The system will include a printer, for use in road side inspections and the driver will be given a card incorporating a microchip, which he must insert into the tachograph when he takes control of the vehicle. This personal driver card will ensure that inspections remain simple.

*Action:* The technical specifications for the digital tachograph have been laid down in two Commission Regulations (1360/2002/EC and 432/2004/EC). The obligatory introduction on August 5 of the digital tachograph in newly registered utility vehicles, buses and coaches will take place as planned. The Commission will allow a phasing-in period for its implementation, up to 1.1.06.

*Evaluation:* high advancement

*Expected Impact:* The digital tachograph will help to enforce the social legislation mentioned earlier and has no independent impact on the transport system although it will make a real change in compliance.

#### **1.3.4. Conclusion**

It is fair to say that most White Paper measures that aim to harmonise social conditions in the road transport sector in order to improve road safety, safeguard the health and safety of workers and prevent distortion of competition have been given a follow up and are realised or can be expected to be realised in 2010. The only measure which has not been given a follow up is the intention to harmonise clauses in commercial road transport contracts to protect carriers from pressure from consignors.

**Table 1: Legislative implementation of measures related to the policy ‘Improving quality in the road transport sector’**

Nr.*	Measures	Output in 2005
1	Harmonise clauses in commercial road transport contracts	No progress yet, no relevant proposal exists
2	Harmonised driving restrictions on heavy goods vehicles on designated roads	In progress by means of proposal COM(2003)473
3	Training of professional drivers	Realised by means of Directive 2003/59/EC
4	Social harmonisation of working time in road transport	Realised by means of Directive 2002/15/EC
	Social harmonisation of rest time in road transport	In progress by means of proposal COM(2003)490 updating Regulation (EEC) 3821/85
	Enforcement of social rules in of road transport	In progress by means of proposal COM(2003)628 adapting Directive 88/599/EC
5	Introduction of the digital tachograph	Realised by means of Regulation 2135/98/EC amending regulation 3821/85/EEC and Regulation 2002/1360/EC and Regulation 2004/432/EC

\* Measure number in conformance with the INDIC-study

## **I.4. Revitalising the railways**

### **I.4.1. Objectives**

One of the main objectives of the railway policy of the European Commission is to liberalise the rail transport sector and to open up the rail markets, not only for international freight transport services, but also for cabotage on the national markets and for international passenger services. The following objectives have been set:

- Stimulating rail usage by increasing the quality by integrating rail transport in the internal market, especially with regard to freight
- Taking care that rail safety is guaranteed also in case of growth of rail transport: Interoperability must guarantee a level of safety at least equal to, if not higher than, that achieved today in the national context.
- Building step by step to a European network of dedicated freight railway lines, support the creation of new infrastructure.
- Modernisation of services, in the end aiming at equal access for all railway companies and equipment manufacturers, enabling engine drivers to cross borders, infrastructure management at the European level, regular exchange of information between railway regulators, integration of services (info, ticketing etc) by rail operators, high safety standards and train punctuality and an average speed for international freight trains in Europe up to 80 km/h, i.e. four times faster than nowadays.
- Maintaining rail freight market share in the countries of central and Eastern Europe over 35% and bringing back modal share of railways to its 1998 level for the EU-15.

To achieve these objectives the White Paper has introduced a number of measures. In the next section an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

### **I.4.2. Separated management of infrastructure and services and market opening to international services in TEN-Freight railways**

*Intention:* The so called *first railway package* aims to define the general framework for the Trans European Rail Freight Network (TERFN), open up international rail freight services to competition within the TERFN, introduce a detailed and transparent framework for infrastructure capacity allocation, infrastruc-

ture charging and safety certification, and require a regulatory body for licensing of railway undertakings to be set up in each Member State.

*Action:* The first railway package consists of three Directives (2001/12-14/EC). These directives have thus far been transposed by around half the Member States, though the deadline for transposing them was 15 March 2003. This railway package provides that different organisational entities must be set up for transport operations and infrastructure management. Essential functions, such as rail capacity allocation, infrastructure charging and licensing be separated from transport operations to enable new rail operators fair access to the rail market. This Directive also foresees that Railway Undertakings set up different account for passenger transport services and freight transport services.

*Evaluation:* high advancement by around half of the member states.

*Expected impact:* the first railway package is a prerequisite for the second and third package. The separated management enable better services but the largest impacts will be found after the market opening of the rail market as launched in this first package and completed in the second and third railway package.

### **1.4.3. Completing market opening for international freight market and opening the national one**

*Intention:* The so-called second railway package aims to speed up the process of regulated opening up of international goods transport (see first railway package) and extend it to national goods transport operations (cabotage). In addition it improves safety and allows greater interoperability, as a result of a number of specific directives and the setting up of the European Agency for Rail Safety and Interoperability.

*Action on opening up the national and international freight markets:* Directive 2004/51/EC extends the right of access to infrastructure to rail freight services within a Member State and speeds up the opening of the market. Whereas in the previous Directive (91/440/EEC) it was provided that licensed railway undertakings are granted rights of access to the trans-European Rail Freight Network and, at the latest from 2008, to the whole network for international rail freight services, the new Directive (2004/51/EC) speeds this up to as from January 2006. Moreover this last Directive extends those access right to all kinds of rail freight (between and within Member States) services as from January 2007. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive before December 2005

*Action on ensuring a high level safety for the railway network*

Directive 2004/49/EC establishes the key elements of safety systems for infrastructure managers and railway undertakings. It develops a common approach to safety and introduces a common system for the issuing, contents and validity of safety certificates, and also, as in other sectors, introduces the principle of independent technical investigations in the event of accident. The latter has to take place through the establishment, in every Member State, of a safety authority and an accident and incident investigating body. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive before 20 April 2006.

*Action on updating the interoperability directives on high-speed and conventional railway networks:* On the basis of Directive 96/48/EC amended by Directive 2004/50/EC, a series of mandatory technical specifications for interoperability (TSIs) were adopted for high-speed rail systems. To prepare the TSIs, and guide the technical choices made in projects with low advancement, the Commission had adopted two instruments: De-

cision 2001/260/EC on the characteristics of the ERTMS<sup>2</sup> system and Recommendation 2001/290/EC on the basic parameters of the trans-European high-speed rail system. With regard to the conventional railway network, directive 2001/16/EC amended by Directive 2004/50/EC on the interoperability of the conventional rail system accords priority to dealing with aspects of importance to international rail freight, with an initial series of specifications to be drawn up by April 2004. Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive before April 2006.

*Action on European Railway Agency:* The Agency has been established by Regulation 881/2004/EC. It will be progressively set up between May 2004 and May 2006. After this phasing in period, the Agency shall be fully operational with about 100 members of staff, most of them being professionals from the railway sector itself. The Agency will prepare and propose Common Safety Methods and Common Safety Targets. *In the field of railway interoperability* the Agency will be responsible for drawing up and revising the mandatory Technical Specifications for Interoperability (Directive 2004/50), on the basis of work completed or being done by the European Association for Railway Interoperability (AEIF). Responsibilities are transferred from the AEIF to the Agency.

*Evaluation:* high advancement

*Expected impact:* the opening up of the freight market can have significant impact on the railway sector. It will however take some time before impacts will become visible since the market has to become accustomed with the new situation.

#### **1.4.4. Opening up international passenger services**

*Intention:* With the adoption on March 2004 of its "third railway package" (COM (2004)139,142-144) the Commission is proposing to continue the reform of the railway sector by opening up international passenger services to competition within the European Union. The Commission is also proposing to improve the rights of passengers using international services, establish a certification system for locomotive drivers and step up the quality of freight services..

*Action on certification of train crews and trains on the Community rail network:* A draft Directive (COM (2004) 142) on the certification of locomotive drivers, has been drawn up in close consultation with all sides in the railway industry, establishes a mechanism allowing a more precise definition of the skills and responsibilities in terms of training, assessment and recognition of qualifications of locomotive drivers and train crew responsible for safety aspects. A driver will have to possess personal certificates attesting to his general qualifications and valid throughout the Community. To this must be added a certificate issued by the railway undertaking recognising specific training relating to the route operated, the equipment used and the operational and safety procedures specific to that undertaking. If the directive is accepted, gradual implementation takes place: from 2006-2008 in national Member States law, from 2008-2010 an initial group of cross-border drivers will be certified, 2010-2015 certification of the other drivers and staff.

*Action on gradual opening-up of international passengers services:* It is proposed (COM (2004) 139) that as from 1 January 2010, railway undertakings which have a licence and the required safety certificates should be able

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<sup>2</sup> ERTMS is a major industrial project being implemented by Europe, a project which serves to make rail transport safer and more competitive. The objective is to arrive at "a harmonised control-command and signalling system on Europe's key corridors within 10 to 12 years" as part of Trans-European Transport Networks projects.

to operate international services in the Community. For example, existing services such as Thalys and Eurostar could see the arrival of competitors. It is proposed that operators be permitted to pick up and set down passengers at any station on an international route, including stations located in the same Member State. This has been organised in such a way as to safeguard the economic equilibrium of public service contracts which could be affected by this, while at the same time not placing exaggerated constraints on the operating conditions of new international operators. If the directive is accepted MS shall implement the provisions of the Directive within 18 months after final adoption

*Action on promoting measures to safeguard the quality of rail passenger services and users' rights for international services:*

As has already been introduced in the aviation sector, with the protection of passengers rights in the event of denied boarding and delays, the Commission is proposing to establish a framework to protect the rights of passengers using international rail services. It consists of a proposal for a Regulation (COM (2004) 143) establishing minimum standards for information for passengers before and during their journey, the rules to be followed in the case of delays, treatment of complaints and assistance for individuals with reduced mobility. This regulation constitutes the basis for the introduction of more favourable measures which will be encouraged through voluntary agreements between the industry and passenger organisations.

*Action on improving quality of the rail freight services:* As regards the transport of goods, the Commission has presented a draft Regulation (COM (2004) 144) final aiming to introduce minimum quality clauses in contracts between railway undertakings and their customers, which is already considered a good practice within the industry. The precise content of the quality commitments is left to the discretion of the contracting parties, but the proposed text aims to guarantee that quality factors are systematically discussed and taken into account in contracts. The lack of quality assurance for freight services, particularly for international services involving several railway undertakings on the same route, has a negative impact on the attractiveness of rail transport and is still one of the major reasons why its market share is steadily declining.

*Evaluation:* In progress

*Expected impact:* the opening up of the passenger market can have significant impact on the railway sector. It will however take some time before impacts will become visible since the market has to become accustomed with the new situation.

#### **1.4.5. Other measures**

##### *1.4.5.1. Dialogue with rail industries to reduce adverse environmental impact*

*Intention:* Enter into dialogue with the rail industries in the context of a voluntary agreement to reduce adverse environmental impact

*Action:* In September 2001, the Commission asked the European Association for Rail Interoperability to work out the Technical Specifications for Interoperability (TSI) fixing profitable but ambitious limit values of noise level of the new conventional rolling stock and of the suitable rules on maintenance. Also around Directive (2002/49/EC) on environmental noise there has been contacts via the Working Group Railway Noise.

*Evaluation:* medium advancement, there are some signs of cooperation, however there is no voluntary agreement to reduce adverse environmental impacts.

*Expected impact:* in case of an agreement there could be a significant impact on noise levels.

#### 1.4.5.2. *Support the creation of new infrastructure, and in particular rail freight freeways*

*Intention:* Support the creation of new infrastructure, in particular Rail Freight Freeways

*Action:* The Trans-European Rail Freight Network (TERFN) is defined by Directive 2001/12/EC amending on the development of the Community's railways. Decision 884/2004/EC amending Decision 1692/96/EC on Community guidelines for the development of the trans-European network is addressing the strategy of developing the trans-European network in the period up to and year 2020. The rail freight projects clearly specified in the Decision shall be finalised in the time frame recommended in the Decision. There are however not many project that develop rail infrastructure solely for rail freight. See also the appendix for a list of the TEN projects.

*Evaluation:* medium advancement

*Expected impact:* Large

### 1.4.6. **Conclusion**

In general the legislation to open up of the railway market with regard to freight is well on its way. Table 2 summarises the outputs in the period 2001-2005.

**Table 2: Legislative implementation of measures related to the policy 'Revitalising the railways'**

Nr.*	Measures	Implementation in 2005
6	Separating functions of management of infrastructure and service operation and opening access to international services	Realised by means of Directive 2001/12/EC and Directive 2001/13/EC and Directive 2001/14/EC
7	Opening up the national and international freight markets	Realised by means of Directive 2004/51/EC
8	Ensuring a high level safety for the railway network	Realised by means of Directive 2004/49/EC
9	Updating the interoperability directives High-speed rail system	Realised by means of Directive 2004/50/EC amending Directive 96/48/EC and Decision 2001/260/EC, 2001/290/EC and several TSIs
	Updating the interoperability directives Conventional lines	Realised by means of Directive 2004/50/EC amending Directive 2001/16/EC
10	European Railway Agency	Realised by means of Regulation 881/2004/EC
11	Certification of train crews and trains on the Community rail network	In progress by means of Proposal COM(2004)142 for a Directive
12	Gradual opening-up of international passengers services	In progress by means of Proposal COM(2004)139 for a Directive amending Directive 91/440/EEC
13	Promoting measures to safeguard the quality of rail passenger services and users' rights for international services	In progress by means of Proposal COM(2004)143 for a Regulation
14	Improving quality of the rail freight services	In progress by means of Proposal COM(2004)144 for a Regulation
15	Enter into dialogue with the rail industries in the context of a voluntary agreement to reduce adverse environmental impact	Commission asked the European Association for Rail Interoperability to work out a TSI
16	Support the creation of new infrastructure, and in particular rail freight dedicated lines	Realised by means of Decision 884/2004/EC amending Decision 1692/96/EC

## **I.5. Controlling the growth in air transport**

### **I.5.1. Objectives**

Every day, more than 25 000 aircraft fly the skies above Europe, and judging by growth trends this figure can be expected to double every 10–14 years. Though the skies are vast, this traffic density poses some real problems. The increasing number of delays is a clear sign of saturation. Yet airlines expect air traffic almost to double by 2020. To sustain such growth, an air-traffic management will need to be reformed and sufficient airport capacity guaranteed in the enlarged European Union. The community policy on air transport aims to maintain and improve the competitive position of Europe's air industry by:

- creation of the single European sky by improving air traffic control in order to overcome chaos in the air and increase the transport capacity
- regulate the unavoidable expansion of airport infrastructure in the Union and prevent further development of congestion on airports
- reduce noise and gaseous emissions in relation to air transport
- improve aircraft safety.

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

### **Single European Sky**

*Intention:* With the establishment of a Single European Sky the commission intends to improve safety, to restructure European airspace as a function of air traffic flow, rather than according to national borders, to create additional capacity and to increase the overall efficiency of the air traffic management system.

*Action on the legislative needs of a single European Sky:* The European Commission has put forward legislation to establish a Single European Sky (SES), that became effective on 20 April 2004. The legislation applies to current member states and to future member states as they join the Union. In addition, membership of the SES is open to non-member states, and Norway, Iceland and Switzerland have agreed to participate. Implementation of the law will necessitate changes in the way air navigation service providers (ANSPs) and national regulatory bodies are organised and work. The legislative package comprises a Framework Regulation (549/2004/EC) plus three technical regulations (550-552/2004/EC)<sup>3</sup> covering the essential elements for a seamless European Air Traffic Management System, which are interoperability of the European Air Traffic Management network, organization and use of the airspace and the provision of air navigation services. The framework regulation (549/2004/EC) establishes a harmonised institutional and regulatory framework for the creation of the Single European Sky. It requires Member States to nominate

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<sup>3</sup> The first technical regulation is the service provision regulation (550/2004/EC) which aims to establish common requirements for the safe and efficient provision of air navigation services in the Community. It sets out the tasks of the National Supervisory Authorities and mandates the adoption of Eurocontrol Safety Regulatory Requirements (ESARRs). The second technical regulation is the airspace (551/2004/EC) regulation that aims to create the conditions and requirements for creating functional airspace blocks. The definition of configuration and subdivisions of EUIR (Europe Upper flight Information Region) will be produced by 1 April 2006. Extension of the Single European Sky to lower airspace is envisaged before 31 December 2009. The third technical regulation is the interoperability regulation (552/2004/EC) that aims to achieve interoperability, and to expedite the introduction of new operational concepts and technology, by defining essential requirements for the European Air Traffic Management network. The regulation will be supported by implementing rules, standards and Community specifications. Compliance with the regulation will be assured by a manufacturers 'declaration of conformity'.

'National Supervisory Authorities', separate from service providers. It creates a 'Single Sky Committee' and defines how implementing rules are to be developed through mandates to Eurocontrol. The actions defined in the regulation, also reinforce the integration of civil and military air traffic control. Implementation of the SES regulations has recently begun with the Commission issuing mandates to EUROCONTROL (The European Community has become a member of EUROCONTROL through Council Decision 636/2004/EC) to develop implementing rules in the areas of the flexible use of airspace in cooperation with the military, airspace design, functional airspace blocks, charging schemes and interoperability.

*Action on SESAME programme:* The SESAME programme is the industrial counter part of the legislative package and aims to modernize the European air traffic control infrastructure. It combines technological, economic and regulatory aspects and will make the Single Sky legislation operational. SESAME is an initiative which was initialized by ATM equipment manufacturers, but now receives the support and commitment of the whole air transport community. The first phase of SESAME, called the "definition phase" is being launched: it is co-funded by the European Commission under Trans European networks, and put under Eurocontrol's responsibility. This definition phase will end in 2007. The second phase of SESAME will be a development and implementation phase and will build the next generation of air traffic control systems, synchronise their deployment and implementation. This phase will span from 2007 to 2020+.

*Evaluation:* medium advancement, the legislation is well on its way and will be implemented before 2010. The industrial counterpart that however is less far advanced and will take till 2020.

*Expected impact:* The new legislation will already have a positive impact on the management of the European sky and hence reduce the number of delays and increase the capacity of the European sky. The largest impact can however be expected after 2010 when the SESAME project has resulted in an adequate European air traffic control infrastructure.

## **1.5.2. Airports**

### *1.5.2.1. Airport charges*

*Intention:* Harmonisation of airports charges, a non-discriminatory charging policy

*Action:* The two proposals presented so far (in the 1990s) by the Commission have been rejected. In 2000, the Court of First Instance gave an opinion on the issue stating that the Commission was right to demand, on the basis of Community law, that charges should be non-discriminatory, which does not necessarily mean that they must all be the same. This allows for the possibility of having different levels of charges as long as the differences can be justified on the basis of objective, non-discriminatory criteria. The Commission is expected to present a new proposal this year in which the findings of the Court will be taken into account.

*Evaluation:* No advancement

*Expected impact:* if the proposals are approved the effect will be significant. If the harmonisation of charges will be implemented, this ensures fair competition between different airlines and a non-discriminatory pricing policy.

#### *1.5.2.2. Slots on community airports*

*Intention:* introducing a market mechanism in the slot allocation that enables airports to distribute traffic over the day and tackle airport congestion.

*Action:* A new Regulation (793/2004/EC) amending a previous Regulation has entered into force on July 2004. The basic objective to improve the technical functioning of the slot allocation system has been considered in the amending Regulation. In addition, a broadening definition of “new entrant” was accepted as well as a provision giving a greater priority to new entrants in the allocation of slots from the “slot pool”. Finally, the “use-it-or-loose-it” rules, which requires air carriers to use 80% of their slots in one scheduling season in order to receive them again for the next season, was adapted in the sense that unforeseeable circumstances, on which an air carrier has no influence, were also incorporated. However, this revision has not enabled the Commission to introduce a market mechanism to address congestion problems by rendering slot mobility technically and economically attractive.

*Evaluation:* medium advancement, only the technical objectives have been realised. The introduction of market mechanism has not been realised yet.

*Expected impact:* The measure will have a serious impact on the manner of allocation of slots on airports, especially those with a shortfall in capacity. The basis of allocation of the slots will be changed by the future revised regulation, and a form of market mechanism in the slot allocation will be introduced.

#### *1.5.2.3. Noise charges and restrictions at Community airports*

*Intention:* construct framework for noise charges and introduce noise-related restrictions

*Action:* The measure splits in two parts: the Community framework for noise charges on civil subsonic aircraft and noise-related operating restrictions at Community airports. The legislative implementation of the first part is still pending (COM/2001/74 final), while noise-related operating restrictions have been introduced with a Directive (2002/30/EC). The provision of this Directive had to be implemented by the Member States by September 2003.

*Evaluation:* medium advancement

*Expected impact:* On the first part is the impact relatively low, only a Community framework for noise charges has been set up. The second part will have a larger impact, the ICAO sees this Directive as an important step towards achieving noise reduction, laying down rules to facilitate the introduction of operating restrictions in a consistent manner.

#### *1.5.2.4. Airport capacity expansion*

*Intention:* regulate airport expansion, especially in the new member states

*Action:* Airport capacity expansion is facilitated by the Community through financial support provided by TEN-T programmes. However, airports are historically one of the transport modes with the lowest TEN-T allocations, given their high self-financing and revenue generation capacity. The Commission has published on the internet a draft set of guidelines on the financing of airport infrastructure and State aid for the start-up of new routes departing from regional airports. The draft guidelines are currently open to comments from the member states. The guidelines aim to avoid any discrimination with regard to start-up

aid. The draft guidelines restrict such aid to between 30 and 50% of the additional costs over a period not exceeding 5 years. The Commission will take steps to ensure that no advantages accrue to any particular airport manager as a result of the infrastructure funding, and that access to the infrastructure will not favour one or more airlines. A Communication will be launched by end 2005 which will focus on the better and more efficient use of airport capacity.

*Evaluation:* low advancement

*Expected impact:* Through support of investment in airport capacity expansion it will be easier to expand airports and thus it will have a positive impact in the amount of congestion at crowded airports.

### **I.5.3. Air Safety**

#### *I.5.3.1. European Aviation Safety Agency (EASA)*

*Intention:* establishing a European Aviation Safety Agency

*Action:* A single European Aviation Safety Agency (EASA) has become a reality in 2003 after the adoption of Regulation 1592/2002/EC, which puts in place a Community system of air safety and environmental regulation and creates an aviation safety agency.

The Agency's main tasks are:

- To assist the European Commission in preparing legislation, and support the Member States and industry in putting the legislation into effect to ensure the highest level of safety and environmental compatibility;
- To adopt certification specifications and guidance material, conduct technical inspections and issue certificates where centralised action is more efficient;
- To assist the European Commission in monitoring the application of European Community legislation.

EASA also provides its technical assistance in contacts and negotiations with the aeronautical authorities of third countries and international organisations competent for civil aviation safety and environmental protection. EASA is able to assist the Community and its Member States with their co-operation and assistance activities with third countries.

*Evaluation:* high advancement

*Expected impact:* The impact on air safety is significant. The establishment of an EASA eases the construction of regulations on air safety at European level.

#### *I.5.3.2. Air transport insurance requirements*

*Intention:* the measure aims at ensuring adequate levels of insurance cover in the sense that the same basic conditions apply to all air carriers and all aircraft operators flying within, into, out or over Community territory.

*Action:* A Regulation (785/2004/EC) has been adopted on insurance requirements for air carriers and aircraft operators. This regulation seeks to re-establish equilibrium in the aviation insurance market in Europe following the events of 11 September 2001 in the US, when airlines were suddenly left without

insurance and governments had to step in and take on the role of insurers. The Regulation applies to all air carriers and to all aircraft operators flying within, into, out of or over the territory of a Member State to which the Treaty applies. It shall enter into force after 12 months, on April 2005.

Evaluation: high advancement

*Expected impact:* With the introduction of the new regulation it became possible again for air carriers in the Community to insure their aircrafts. This, among others, enables fair competition between air carriers.

#### *1.5.3.3. Safety of third country aircraft*

*Intention:* In order to improve safety the measure aims to harmonise the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States.

*Action:* A Directive (2004/36/EC) has been adopted which introduces a harmonised approach to the effective enforcement of international safety standards within the Community by harmonising the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States. According to the Directive each Member State shall put in place the appropriate means to ensure that third-country aircraft suspected of non-compliance with international safety standards landing at any of its airports open to international air traffic shall be subject to ramp inspections. Where non-compliance with international safety standards is clearly hazardous to flight safety, measures should be taken by the aircraft operator to rectify the deficiencies before flight departure. If the competent authority performing the ramp inspection is not satisfied that corrective action will be carried out before the flight, it shall ground the aircraft until the hazard is removed and shall immediately inform the competent authorities of the operator concerned and of the State of registration of the aircraft. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by April 2006.

Evaluation: high advancement

*Expected impact:* By means of check-ups with international safety standards a minimum level of air safety is guaranteed. This minimum level is in compliance with the international safety standards.

#### *1.5.3.4. Occurrence reporting*

*Intention:* improve the air safety by reporting, collecting, storing, protecting and disseminating of relevant information on safety

*Action:* Besides setting up the EASA and harmonizing the rules and procedures for ramp inspections of third-country aircraft also a Directive (2003/42/EC) on occurrence reporting has been adopted. The objective of this Directive is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated. The Member States shall implement this directive before July 2005.

Evaluation: high advancement

*Expected impact:* The measure will enable better research on safety issues. Consequently, it will affect air safety indirectly.

## **1.5.4. Other**

### *1.5.4.1. Air service agreements with third countries*

*Intention:* establishing an “open skies” agreement with third countries, remove bilateral agreements.

*Action:* A Regulation (847/2004/EC) has been adopted which establishes, in response to the judgements of the Court of Justice in the “open skies” cases of 2002, a legal framework for ongoing negotiations and assigns the appropriate competences to the Community and its Member States in the sphere of international aviation relations. Member States shall not enter into any arrangements that eliminate the possibility for more than one Community carrier to provide service in between its territory and a third country, either in respect of the entire air transport market between the two parties or on the basis of specific city pairs. Member States shall notify the Commission in writing their intentions of negotiation bilateral agreements and following notification the Commission shall examine whether the draft agreement is compatible with Community law and the objectives of the Community in this field.

Two years after the “open skies” rulings (November 2002) confirming the EU's external competence with regard to certain aspects of international air services agreements the Commission has announced it will formally ask authorization from EU member states to "start negotiations aimed at ambitious air agreements with China and Russia". Currently there are already negotiations ongoing with the EU's neighbouring countries in the Mediterranean (Morocco) and along its eastern borders (Western Balkans). Furthermore twelve member states were told to eliminate previous bilateral air agreements with the United States which contain so-called 'nationality clauses' reserving privileged access to US air markets for their national airlines. These air agreements contain "nationality" clauses whereby only national companies in the signatory countries can benefit from the agreement.

Evaluation: high advancement

*Expected impact:* the impact on the realisation of an open European sky is large. Removal of bilateral agreements enables fair competition and will therefore lower costs and improve service levels.

### *1.5.4.2. Protection against subsidised air services from third countries*

*Intention:* provide protection against subsidisation and unfair pricing practices in the supply of air services from third countries

*Action:* A Regulation (868/2004/EC) has been adopted which lays down the procedure to be followed to provide protection against subsidisation and unfair pricing practices in the supply of air services from third countries in so far as injury is thereby caused to the Community industry. A redressive measure is imposed for the purpose of offsetting:

- a subsidy granted, directly or indirectly, to a non-Community air carrier; or
- unfair pricing practices by non-Community air carriers, concerning the supply of air services on one or more routes to and from the Community which cause injury to the Community carriers.

Redressive measures, whether provisional (six months) or definitive, will be imposed on a per carrier basis and shall preferably take the form of duties. In practice, the Member States authorities collecting an “airport tax” could also collect the duty. Duties collected will be remitted to the Community budget in line with existing provisions applied within the European Union on redressive and countervailing duties.

*Evaluation:* high advancement

*Expected impact:* Removal of subsidies and unfair pricing practices enables fair competition and will possibly enlarge the market share of community air carriers.

#### *1.5.4.3. Introduction of kerosene taxation*

*Intention:* introduction of taxation on kerosene to charge the environmental effects

*Action:* The EU has failed to rally international partners to introduce fuel taxes or charges on international flights during a meeting of the ICAO, the world aviation body. The assembly of ICAO, the UN civil aviation body, agreed that no taxes or charges related to climate change caused by aviation could come into effect until after the organisation's next assembly in 2007. There is still a discussion going on to tax all intra European flights but this has not resulted in proposal for legislation yet. However, Directive 2003/96 restructuring the Community framework for energy products and electricity, allows MS to tax fuel for domestic flights, and subject to mutual agreement, flights between them. A Communication is being prepared (DG ENV) on the aviation impact on climate change.

*Evaluation:* no advancement

*Expected impact:* if there will be reached an agreement the impact on costs of flying could be significant. It is likely that new taxes will increase ticket prices and this will have, although limited, a reducing impact on transport volumes.

#### *1.5.4.4. Introduction of differential en route air navigation charges*

*Intention:* Introduction of differential en route air navigation charges to taken account of the environmental impact of aircrafts.

*Action:* EUROCONTROL was mandated to prepare a common charging scheme for air navigation services in accordance with the framework Regulation and the service provision Regulation of March 2004. According to the terms of the mandate issued by the European Commission, developing a common charging scheme would achieve:

- A “harmonised system of charging for aerodrome control and approach control services”;
- “Enforcement power to apply current en-route charges principles and in particular the principles on cost calculation, cost allocation and information disclosure”;
- A “ common framework for the introduction of financial incentives on airspace users”;
- A “ common framework to charge Functional Airspace Blocks separately (need to take into account the Flight Level).”

EUROCONTROL drafted a comprehensive proposal with the objectives to develop a common charging scheme covering all phases of flights, to achieve greater transparency with respect to the determination, imposition and enforcement of charges to airspace users and to provide a framework for incentives and common projects which would encourage the safe, efficient and cost-effective provision of air navigation services. The proposed draft Implementing Rules was delivered to the European Commission by the end of 2004.

*Evaluation:* No advancement

*Expected impact:* If charges do indeed differentiate on basis the environmental impact of aircrafts than it is likely that there will be environmental benefits of the measurement. However, till now it remains unclear to what extent the common charging scheme does indeed differentiate on basis of environmental impacts.

## **1.5.5. Conclusion**

**Table 3: Legislative implementation of measures related to the policy ‘Striking a balance between growth in air transport and the environment’**

<b>Nr</b>	<b>Measures</b>	<b>Output in 2005</b>
17	Single European Sky legislation	Realised by means of Regulation 549/2004/EC and Regulation 551/2004/EC and Decision 636/2004/EC and Regulation 550/2004/EC and Regulation 552/2004/EC. Sesame project Definition phase up to 2007, Development and implementation phase 2007-2020+
20	Harmonisation of Airport charges	New proposal expected in 2005
21	Slots on community airports	Partially realised by means of Regulation 894/2002/EC and Regulation 793/2004/EC amending Regulation 95/93/EEC and a new Proposal for market mechanism is expected
22	Noise charges and restrictions at Community airports	Partially realised by means of Directive 2002/30/EC and Proposal COM/2001/74 final
26	Airport capacity expansion	Not realised; TEN-T limited support and a Draft set of guidelines on the financing of airport infrastructure and State aid for the start-up of new routes departing from regional airports. Communication foreseen for 2005.
18	European Aviation Safety Authority (EASA)	Realised by means of Regulation (EC) No 1592/2002
19	Air transport insurance requirements	Realised by means of Regulation (EC) No 785/2004
24	Safety of third country aircraft	Realised by means of Directive 2004/36/EC
	Occurrence reporting	Realised by means of Directive 2003/42/EC
25	Air service agreements with third countries	Partially realised by means of Regulation (847/2004/EC) and Negotiations with China, Russia and US, Twelve member states were told to eliminate previous bilateral air agreements with the United States
23	Protection against subsidisation and unfair pricing practices	Realised by means of Regulation 868/2004/EC
77	Introduction of kerosene taxation	EU has failed to rally international partners to introduce fuel taxes or charges on international flights during a meeting of the ICAO. Directive 2003/96 allows MS to tax fuel for domestic flights.
78	Introduction of differential en route air navigation charges	No relevant proposal exists

## **1.6. Promoting transport by sea and inland waterway**

### **1.6.1. Objectives**

Intra-Community maritime transport and inland waterway transport are two key components of intermodality which must provide a means of coping with the growing congestion of road and rail infrastructure and of tackling air pollution. Up until now these two modes have been underused, even though the Community has huge potential (35 000 km of coastline and hundreds of sea and river ports) and virtually unlimited transport capacity. The White Paper introduces the following objectives:

- Raising the modal share of short sea shipping in millions of tonne-kilometres by linking up sea, inland waterways and rail (motorways of the sea), especially on those corridors that provide a way around the bottlenecks in the Alps and the Pyrenees.

- Raising the modal share of inland waterway transport in millions of tonne-kilometres, by establishing ‘waterways branches’ and transshipment facilities and by harmonising technical requirements for vessels, boatman certificates and social conditions.
- Improving maritime safety by providing minimum social rules and a genuine European maritime traffic management system
- Promote the reflagging of as many ships as possible to Community registers
- Offering efficient port services based on principles of regulated competition

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

## **1.6.2. Promotion of maritime transport**

### *1.6.2.1. Motorways of the seas*

*Intention:* Motorways of the Sea (Mos) are water corridors which should offer efficient, regular and frequent services that can compete with road, for instance, in terms of transit time and price. They have to provide a competitive alternative to road especially around the bottlenecks (Alps and Pyrenees) on the continent in order to move substantial flows from road freight transport to the sea. Ports connected to the Motorways should have adequate hinterland connections (swift transfer to other modes of transport) and offer a high level of service to short-sea customers (including smooth administrative procedures). Telematics interconnections between ports, on the one hand, and ship’s communication systems (such as Vessel Traffic Management and Information Systems - VTMIS), on the other, should be extended and become interoperable to integrate locally distributed systems into a European network.

*Action:* The MoS are included as a new priority project adopted in the new guidelines for the trans-European transport network (Decision 884/2004/EC amending Decision 1692/96/EC). The following MoS are defined:

- Motorway of the Baltic Sea (linking the Baltic Sea Member States with Member States in Central and Western Europe) (2010);
- Motorway of the sea of western Europe (leading from the Iberian peninsula via the Atlantic Arc to the North Sea and the Irish Sea) (2010);
- Motorway of the sea of south-east Europe (connecting the Adriatic Sea to the Ionian Sea and the Eastern Mediterranean to include Cyprus) (2010);
- Motorway of the sea of south-west Europe (western Mediterranean), connecting Spain, France, Italy and including Malta, and linking with the motorway of the sea of south-east Europe (2010).

*Evaluation:* Realised, with regard to the four corridors mentioned above. It must however be questioned whether the current TEN investments in ports alone will be sufficient. The INDIC study argues in favour of additional investments in enlarging the speed of sea transport. The present technology allows the design of very fast vessels (70 km/hour). However, since emission impacts and fuel consumption are higher at this speed compared to road freight transport at least one of the goals of the motorways of the sea might not be achieved by these means.

*Expected impact:* the expected impact on modal shift will be relatively low, it is whether questionable if TEN-investments in a few ports in Europe alone will be sufficient. Such investments, in order to be successful, must be related to other investments.

### *1.6.2.2. Port services liberalization*

*Intention:* As part of a policy of transferring goods and passengers to more environment-friendly modes of transport, the EU wants to boost sea transport by making shipping more competitive. The European Commission has argued that one way to do this is to bring down the cost of port services - a crucial factor for ship owners - and enhance competition between ports.

*Action:* With this in mind, the European Commission put forward a draft directive in 2001 introducing a clear framework for access to the port services market. This was a piece of legislation which the European Parliament had the power to amend substantially. During its three-year passage through Parliament, the legislation was heavily amended by MEPs. In November 2003 the deal was rejected when it was put to a vote by all MEPs at Parliament's plenary session, because the attempt to liberalise port services ran up against concerns that safety and workers' rights could be jeopardised. On October 2004 the Commission approved a new proposal (COM (2004) 654) for a Directive on market access to port services, notably cargo handling, towage, pilotage, and mooring services. The key philosophy, principles and objectives the Commission wished to attain with its 2001 Communication remain the same. The main new elements included in the new Commission proposal are for pilotage the Commission will propose the text which was approved during the conciliation procedure. One of the changes is that, as a general rule, self-handling for cargo & passengers operations may be provided using the land-based personnel of the self-handler.

*Evaluation:* in progress, although resistance is strong and well organised it may be expected that before 2010 at least part of the post service sector will be liberalised.

*Expected impact:* if this proposal is approved, there is a good basis for competition in the ports, although the proposal is weakened compared to the preceding proposal.

### *1.6.2.3. Simplify sea and inland waterway custom formalities and linking up the players in the logistic chain*

*Intention:* Simplify the regulatory framework for maritime and inland waterway transport by encouraging in particular the creation of one-stop offices for administrative and customs formalities.

*Action:* There is various legislative implementation and working papers such as the Guide to Customs Procedures for Short Sea Shipping, SEC(2002) 632. With regard to the one-stop offices the Commission presented in July 2003 a Communication on a simple and paperless environment for Customs and Trade. The Communication suggests co-ordination between different authorities boarding the ship. This could ultimately lead to one-stop administrative shops traders, who would then have to deal with just one administrative body instead of three or four at present.

*Evaluation:* medium advancement, there has been much regulation to simplify custom formalities but a one-stop office is not yet realised.

*Expected impact:* The impact on the improvement of knowledge of customs procedures as such is of course realised by providing the information free of costs in an easily accessible way (DG TREN website). However, it is difficult to prove whether or not the indirect benefits - facilitating the use of ports by means of the measures described above are realized, although it stands to reason that it should have an impact. The most concrete way of measuring impacts could be through sample surveys at ports and/or involving shipping operators aiming to assess the speeding-up of the formalities for ships as well as formalities relating to hinterland transport (road, rail and inland waterways) into and out of the port area.

### **1.6.3. Security**

#### *1.6.3.1. Ship and port facility security*

*Intention:* The main objective of this measure is to implement measures to improve the security of European Community citizens and shipping in ports and at sea to counteract the threat of terrorism or other intentional unlawful acts against the ships, the crews, passengers or cargo.

*Action:* The Council has adopted a Regulation (725/2004/EC) on enhancing ship and port facility security. This Regulation introduces and implements Community measures aimed at enhancing the security of ships used in international trade and domestic shipping and associated port facilities in the face of threats of intentional unlawful acts. The Regulation also provides a basis for the harmonised interpretation and implementation and Community monitoring of the special measures to enhance maritime security adopted by the Diplomatic Conference of the IMO on December 2002. The above mentioned Regulation is confined to ships to and port facilities which represent the ship/port interface. This is in conformance with the measures proposed in the White Paper on transport. Additional extra legislation on security within ports has been adopted (Proposal COM (2004) 393) by the Commission.

*Evaluation:* high advancement, with the extra legislation on security within ports there has even been done more than proposed in the White Paper.

*Expected impact:* Since the measure is implemented by means of a regulation it is certain that the measure will be adopted by ports and that the security level of international shipping will improve.

### **1.6.4. Safety**

#### *1.6.4.1. European Maritime Safety Agency*

*Intention:* The measure consists of several activities. First: Establishing an European Maritime Safety Agency (EMSA) contributing to the enhancement of the overall maritime safety system in the Community, among others by determining safety standards for passenger ships in general and ro/ro passenger ships in particular and by developing a genuine European maritime traffic management system (EMTMS).

*Action on European Maritime Safety Agency:* The EMSA was established by Regulation 1406/2002/EC. New tasks (in particular creation of an oil pollution response capability within EMSA, as well as new training and security tasks) were assigned to the agency by Regulation 1644/2003/EC amending Regulation 1406/2002/EC.

*Action on safety standards for passenger ships:* With respect to safety rules and standards for passenger ships in 2003 a Directive (2003/24/ EC) amending a previous Directive (98/18/EC) has been adopted as well as a specific Directive for ro/ro ships (Directive 2003/25/EC) on specific stability requirements for ro/ro passenger ships. An extra incentive on the safety of shipping is the expansion on the application of the International Safety Management code (ISM-code). The European Parliament fully adopted on a draft regulation (COM (2003) 767) on the implementation of the ISM-code.

*Action on Traffic Management System:* In 2002 a Directive (2002/59/EC) has come into force where the establishment of an European traffic management system is dictated. The purpose of this Directive is to

establish in the Community a vessel traffic monitoring and information system with a view to enhancing the safety and efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships. Provisions are made on: ship reporting and monitoring, notification of dangerous or polluting goods on board ships, and monitoring of hazardous ships and intervention in the event of incidents and accidents at sea.

*Evaluation:* high advancement

*Expected impact:* The agency will improve the development and implementation of safety measures and hence have a positive impact on maritime safety. The size of the impact is however indefinite since it is too early to evaluate the performance of the agency yet.

#### *1.6.4.2. Port state controls*

*Intention:* The aim is to improve safety at sea by identifying, by means of a tight control system in ports, ships that do not meet the elementary safety requirements.

*Action:* Legislative implementation took place by adopting Directive 2001/106/EC. This Directive amends Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control). Entry into force of national legislation had to take place before July 2003.

*Evaluation:* high advancement

*Expected impact:* The impact on safety is significant; this measure will achieve a significant improvement of fleet safety standards. It will also raise costs, and may negatively affect modal share of sea transport.

#### *1.6.4.3. Double-hull oil tankers*

*Intention:* Banning the transport of heavy fuel-oil in single hull tankers and the speeding up at European level of phasing out single-hull tankers for the transport of all types of oil (setting age dependent max time limits for the remaining operational life of single-hull tankers).

*Action:* In 2002 a Regulation (417/2002/EC) was adopted. However, the PRESTIGE accident led the European Parliament and the Council to opt for an even faster rate of phasing out single hull tankers. This resulted in a new Regulation (1726/2003/EC amending regulation 417/2002/EC) on the accelerated phasing-in of double-hull or equivalent design for single-hull oil tankers. Before 2010 the single hull tankers are phased out.

*Evaluation:* high advancement

*Expected impact:* This will increase safety and decrease potential accidents with huge environmental impacts. Double-hull oil tankers are considered to be less likely to cause oil spills. It may also increase the costs of maritime transport slightly.

#### *I.6.4.4. Penal sanctions for ship source pollution*

*Intention:* Introducing penal sanctions for those responsible of causing oil spills or other ship–source type pollution

*Action:* A proposal (COM (2003) 92) has been adopted by the Commission on ship-source pollution and on the introduction of sanctions, even criminal sanctions, for pollution offences. The underlying objective of the Directive is to improve maritime safety and to protect the marine environment from pollution by ships. The proposal consists of two important measures. Firstly, it incorporates the applicable international discharge rules for ship-source pollution into Community law and regulates the enforcement of these rules in detail. This part of the proposal includes certain important new features, notably the inclusion of violations that have taken place in the high seas (sea areas beyond the jurisdiction of any State). Secondly, the proposed Directive establishes that violations of the discharge rules shall be criminal offences and provides guidance on the nature of the penalties to be awarded. The proposed Directive has been approved by the EP on 23.02.05 and it is foreseen now to be approved by the Council on 12.07.05. It should be effectively applied and enforced in the whole of the EU approximately by March 2007.

*Evaluation:* low advancement, approval by Council foreseen in July 2005 and application and enforcement in the whole of the EU approximately by March 2007.

*Expected impact:* The deliberate pollution by vessels is difficult to combat. Stringent enforcement may require the use of advanced detection systems. The introduction of penal sanctions will discourage ships to pollute the seas with illegal discharges.

#### *I.6.4.5. Oil pollution damage compensation fund*

*Intention:* The heart of the issue is the existing disproportionate division of responsibilities among shipping companies and the oil industry in the event of a shipping disaster.

*Action:* A start on revising the global oil fund and liability treaties, which lay down rules for financial compensation and liability in the event of damage and pollution caused by oil has been made by adoption of a Decision (2004/246/EC). This Decision authorises the Member States to sign, ratify or accede to, in the interest of the European community, the protocol of 2003 to the international convention on the Establishment of an International fund for compensation for Oil Pollution Damage.

*Evaluation:* high advancement

*Expected impact:* the impact on financial settlement after an oil disaster depends on the number of countries that sign the Protocol. If more countries sign the protocol the impact will be larger, because the costs will then be carried by more Countries.

#### *I.6.4.6. Sulphur content of marine fuels*

*Intention:* the proposal is part of a wider European strategy to reduce emissions of air pollutants and greenhouse gases from maritime transport, in accordance with the 6<sup>th</sup> Community Environment Action Programme.

*Action:* The Commission presented a proposal for a Directive (COM (2002)595) to reduce ships' emissions of sulphur dioxide and particulate matter by modifying the current Directive (1999/32/EC) on the sul-

phur content of liquid fuels. The Council adopted the Directive in May 2005. It introduces a 1.5% sulphur limit for marine fuels used by all ships in the Baltic Sea & North Sea, and by passenger vessels to or from all EU ports. It also sets a 0.1% sulphur limit for fuels used by ships at berth in ports from 2010..

*Evaluation:* high advancement

*Expected impact:* Once in force the directive will reduce ship emissions of sulphur dioxide by over 500,000 tonnes every year, and mean 2000 fewer human life years are lost as a result of exposure to air pollution. However these emissions reductions are likely to be cancelled out by a growth in EU ship movements, so more stringent limits may have to be progressively introduced if the benefits are to be maintained.

#### *I.6.4.7. Transfer of ship register*

*Intention:* Transfer of ship registers : encouraging the reflagging of the greatest possible number of ships to Community registers, based on the best practices developed in social and fiscal matters, by proposing in 2002 measures on tonnage based taxation and the revision of the guidelines on state aid to maritime transport. This to eliminate technical barriers to the transfer of cargo and passenger ships flying the flag of a Member State between the registers of the Member States while, at the same time, ensuring a high level of ship safety and environmental protection

*Action on transferring of ship register:* A Regulation (789/2004/EC repealing Regulation 613/91/EEC) on the transfer of cargo and passenger ships between registers within the Community which had the full support of the industry has been adopted. The purpose of this Regulation is to eliminate technical barriers and to reduce the costs and administrative procedures involved in a change of register within the Community. The Regulation states that the Member State of the losing register shall provide the Member State of the receiving register, or make available to the recognized organisation acting on its behalf, all relevant information on the ship, in particular, on her condition and equipment.

*Action on tonnage-based taxation system:* The tonnage-based taxation system should promote the reflagging of as many ships as possible to Community registers due to the fact that under this system, ship owners pay a tax based on the tonnage they operate, regardless of the actual earnings of the business. Up till now the Commission has made no proposal on this subject.

*Evaluation:* medium advancement.

*Expected impact:* A possible positive outcome could be an increased concentration of ships under national flags that, together with fiscal incentives, ensure a better compliance with environmental protection and safety requirements. The measure may also have a positive impact on the competitiveness of this mode of transport (easier market access, lower prices).

#### *I.6.4.8. Training of seafarers*

*Intention:* The measure aims at more uniformity and clarity on minimum training standards for personnel.

*Action:* The legislative implementation took place by adoption of a Directive (2003/103/EC amending Directive 2001/25/EC) on the minimum level of training of seafarers. The goal is that after the implementation of the directive, the uniformity and the abilities of the seafarers are sufficient higher than before. The directive should be implemented by may 2005 by the Member States.

Evaluation: high advancement

*Expected impact:* There is little doubt that this measure, the introduction of a system of community-wide recognition of labour supplying third countries, removes lot of duplication and red tape, that will benefit the market and will improve the exchangeability of non-EU seafaring personnel in the (highly volatile) market. Given the frequently occurring shortages of personnel in some market segments this measure should make the working of the internal EU-sea market better as well.

## **1.6.5. Promotion of inland river transport**

### *1.6.5.1. Eliminating bottlenecks in inland waterway transport*

*Intention:* This measure that aims to improve the Inland Waterway Transport Network is related to the other White Paper objective concerning “Eliminating bottlenecks”, under which improvements in the other TENs are classified.

*Action:* The final outcome of the revised guidelines (Decision 884/2004 amending Decision 692/96/EC) with respect to inland waterways transport is more ambitious than the initial Commission proposal of 2001 (see Table 6). More inland waterway projects are included.

Evaluation: high advancement

*Expected impact:* The river access of larger vessels will increase and this will impact upon the modal split.

### *1.6.5.2. River Information System*

*Intention:* With regard to inland waterway transport the White Paper prescribes “the installing of highly efficient navigational aid and communication systems on the inland waterway network” in order to make this mode of transport still more reliable, efficient and accessible. The principal aim of the River Information System (RIS) is to improve IWT-operations and improve waterway management.

*Action:* This Measure is a part of the IWT-measures proposed as new TEN-projects and which were adopted in April 2004. There’s also a proposal (COM (2004)392) for a directive on harmonised River Traffic Information Services on inland waterways in the Community. The proposed Directive aims at a Europe-wide framework for the implementation of the RIS concept in order to ensure compatibility and interoperability between current and new RIS systems at European level and to achieve effective interaction between different information services on waterways. It lays down the obligation for Member States to take the necessary measures to implement River Information Services, sets the principles for their development and defines the specific obligations of the Member States as regards the provision of data necessary for the execution of the voyage, the provision of electronic navigational charts and of notices to skippers as well as the capability of the competent authorities to receive electronic ship reports on the vessel and cargo.

Evaluation: medium advancement

*Expected impact:* After implementation of the RIS, the impact on travel time is significant. The travel time will decrease due to a harmonisation of current RIS systems. The vessels on the inland waterways have less trouble to switch over between the different information systems.

### *1.6.5.3. Greater harmonisation of boat masters' certificates*

*Intention:* The measure aims to set uniform, minimal standards for professional capabilities for personnel sailing with ships in the inland waterway network. This attempt is similar (of course on a much smaller scale) to attempt to harmonize of driving licenses in road transport. Furthermore the situation in inland waterways transport differs in the sense that until very recently practically no official requirements were needed for people to sail vessels in some countries.

*Action:* After having consulted with business representatives it was decided that the envisaged harmonisation was not needed at the moment. It was decided to drop attempts to implement this measure in legislation. So it never came to the announced initiative in 2002 and there was no legislation proposed.

*Evaluation:* no advancement

*Expected impact:* The impact on the exchangeability of boat masters is relatively low. Because there are in the most countries no certificates necessary to sail a vessel. The exchangeability nowadays is already pretty high.

### *1.6.5.4. Social legislation inland waterway transport*

*Intention:* The objective pursued by this measure is the harmonisation of social conditions in particular navigation and resting times and crew composition in inland navigation. This again has the twofold objective to contribute to more equal competition within the inland navigation industry as well as contributing towards higher safety levels in the industry.

*Action:* There is no legislation yet available on this measure.

*Evaluation:* no advancement

*Expected impact:* The impact on travel costs will be significant; the costs for labour are one of the main costs in running an inland waterway business. If the resting times or the crew composition changes it directly affects the costs of labour and following the travel costs.

## **1.6.6. Conclusions**

**Table 4: Legislative implementation of measures related to the policy 'Managing the effects of globalization'**

<b>Nr</b>	<b>Measures</b>	<b>Implementation in 2005</b>
27	Motorways of the Sea	Realised by decision 884/2004/EC amending Decision 1692/96/EC
28	Port services liberalization	In progress, proposal COM(2004)654 for a Directive
29	Simplify sea and inland waterway custom formalities and linking up the players in the logistic chain	Partial realised by means of Directive 2002/6/EC and Decision No 253/2003/EC and COM(2003) 452 final and a Commission Staff Working Document SEC(2004) and a Commission Staff Working Paper SEC(2002) 632, (last version updated on January 2004)
30	Ship and port facility security	Partially realised by regulation 725/2004/EC and proposal COM (2004) 393 and Directive 2001/105/EC amending Council Directive 94/57/EC
40	Port state controls	Realised by means of Directive 2001/106/EC amending Council Directive 95/21/EC

31	European Maritime Safety Agency	Realised by means of Regulations 724/2004/EC and 1644/2003/EC amending Regulation 1406/2002/EC and Directive 2004/84/EC and Directive 2002/84/EC and Directive 2003/25/EC and Directive 2003/24/EC amending Directive 98/18/EC
	European maritime traffic management system	Realised by means of Directive 2002/59/EC
	Safety rules (ISM-code, COSS)	Partially realised by means of EP adopted draft Regulation COM(2003)767 and Directive 2001/105/EC amending Council Directive 94/57/EC and Regulation 2099/2002/EC
32	Double-hull oil tankers	Realised by means of Regulation EC no 1726/2003 amending Regulation 417/2002/EC
	Penal sanctions for ship source pollution	In progress by means of Proposal COM (2003) 92, approved by the EP
33	Oil pollution damage compensation fund	Realised by means of Decision 2004/246/EC
41	Sulphur content of marine fuels	In progress by means of Proposal COM (2002) 594, adopted by Parliament in second reading
34	Transfer of ship register	Realised by means of Regulation 789/2004/EC and Communication COM(2004) 43 on State aid to maritime transport guidelines but there is no proposal on tonnage based taxation
35	Training of seafarers	Realised by means of Directive 2003/103/EC amending directive 2001/25/EC
36	Eliminating bottlenecks in inland waterway transport	Realised by means of Decision 884/2004/EC amending Decision 1692/96/EC
37	River Information System	Partially realised by means of Decision 884/2004/EC amending Decision 1692/96/EC and Proposal COM (2004) 392 for a directive
38	Greater harmonisation of boatmasters' certificates	Has been dropped
39	Social legislation inland waterway transport	No progress yet, no relevant proposal exists

## **I.7. Turning intermodality into reality**

### **I.7.1. Objectives**

The principal limitation in shifting the balance of modes in favour of modes such as rail, inland waterway or sea is that they are unable to carry freight from door to door. Unloading and reloading wastes time and adds to costs, making the services less competitive, to the benefit of road haulage, which has the advantage of a feeder network enabling it to carry goods almost anywhere. Technological research has produced many innovations in logistics concepts and systems. Many, however, have never got beyond the drawing-board or prototype stage, because all too often they have focused on just a single link in the intermodal chain. If this research is to bear fruit, it is important to create the right technical conditions for developing the profession of freight integrator, and to standardise loading units. So objectives are:

- Technical harmonisation, standardise loading units (containers and swap bodies).
- Improve the organisation of intermodal transport, encouraging the emergence of freight integrators
- Offering research and development budget to realise intermodal transport pilots

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

## **1.7.2. Turning intermodality into reality**

### *1.7.2.1. Marco Polo programme*

*Intention:* a programme to promote alternative solutions to freight road transport.

*Action:* The Marco Polo I Programme was adopted by Council and Parliament (Regulation 1382/2003/EC) on 22 July 2003. The Programme runs from 2003 to 2010, with a budget of 75 € million for the EU 15 for the period of 2003 to 2006. Each additional fully participating country will add to the budget. The budget for the remaining period will be discussed in 2006. In 2004 the Commission presented a proposal COM (2004) 478 to establish a second, significantly expanded "Marco Polo" programme from 2007 onwards. Marco Polo II, COM (2004) 0478, refocuses itself from a pure modal shift actions programme to an innovative actions programme for 2007-2013. This is driven by the fact that traditional Modal Shift action project opportunities will be gradually exhausted; the good projects are selected first, next projects provide less marginal benefits. Therefore, the new programme calls for a new approach in which infrastructure funding is allowed for Catalyst Actions, and three new type of actions are defined (Motorways of the Sea, Rail Synergy and Traffic Avoidance), all with a highly innovative profile.

*Evaluation:* high advancement

*Expected impact:* Since the program invests in innovation and experiments, the impacts on the short term are limited. However, in time the experiments may stimulate a wider adoption of the proposed innovations.

### *1.7.2.2. Intermodal Loading Units and freight integrators*

*Intention:* improve the transfer of freight from one mode of transport to the other by standardisation of transport units and freight loading techniques.

*Action:* The Commission proposed a draft directive (COM (2003) 155) on Intermodal Loading Units (ILU) on 7 April 2003. It aims to introduce new maintenance, handling and security standards for such units, as well as a new European standard, the European Intermodal Loading Unit (EILU). This unit will combine the benefits of European land containers ("swap bodies") with maritime containers ("ISO series 1"), which are optimisation of loading space and stack ability. This will provide European industry and transporters with efficiency gains, estimated as a reduction of up to 2% in logistics costs. The requirements on conformity and maintenance shall apply to all new and existing intermodal loading units and European intermodal loading Units. Air transport is excluded from the scope of the Directive.

In its first reading on February 2004, the European Parliament adopted the proposal and introduced amendments aimed at clarification and making sure that there are no incompatibilities between the Commission proposal and the global ISO rules. Subsequently, the Commission presented an amended proposal (COM(2004) 361 final) on 30 April 2004. The final adoption of the proposal should be expected towards the first semester 2005, after the European Parliament's second reading.

*Evaluation:* low advancement

*Expected impact:* If the proposals are amended the impact on modal shift is present. With standardisation of freight units it becomes easier to realize a modal shift. The modal shift becomes faster, easier and consequently cheaper through the introduction of intermodal loading units.

### 1.7.2.3. Framework for the development of the profession of freight integrator

*Intention:* The White Paper on European transport policy for 2010 emphasised the role of transport flows organisers as a developing profession – “freight integrators” - able to combine the specific strength of each mode at European and world wide level to offer their clients the best services, in the broader sense. These organisers of international freight transport face a complex and difficult task. They must master a range of legal, technical and commercial issues in order to arrange door to door shipments. The Commission announced in the White Paper to propose by 2003 a new Community framework - clearly defining, in particular, where responsibility lies all along the logistics chain and laying down the corresponding transport documents - for the development of the profession of freight integrator.

*Action:* In order to provide input to the development of the Freight Integrator Action Plan the Commission had a study performed to provide recommendations for Community action. The study showed what Freight Integrators are, their circumstances, the problems they confront and how they can be supported by the European Commission. It is now up to the Commission to come up with an Action Plan.

*Evaluation:* No advancement

*Expected impact:* The impact of the introduction of a freight integrator can be high. Modal shift requires a lot of communication between the different modes, with the introduction of a freight integrator a lot of communication can be done by one ‘person’. This will make the modal shift faster, easier and more reliable. Eventually the competitiveness of the transport will improve. Actually realisation of the freight integrator is difficult.

### 1.7.3. Conclusion

**Table 5: Legislative implementation of measures related to the policy ‘Turning intermodality into reality’**

Nr	Measures	Implementation in 2005
42	Marco Polo Programme	Partially realised by means of Regulation 1382/2003/EC and Proposal COM (2004) 478
43	Intermodal Loading Units and freight integrators	In progress by means of Proposal COM(2004) 361 final and a study on freight integrators was performed.

## 1.8. Building the Trans-European transport network

### 1.8.1. Objectives

In order to remove the bottlenecks on the main international routes the Commission has states the following objectives in its White Paper:

- Revision of the TEN guidelines
  - Completing the routes identified as the priorities for absorbing the traffic flows generated by enlargement, particularly in frontier regions, and improving access to outlying areas
  - Developing a high-speed rail network, removing the bottlenecks in the railway network
  - Developing motorways of the sea and airport capacity, including sections of pan-European corridors situated on territory of candidate countries
  - Developing multimodal corridors giving priority to freight
  - Completing the Alpine routes and providing a better passage of the Pyrenees by providing a high capacity rail line (needs revision of the guidelines for the TENs)

- Developing traffic management plans for all main trans-European links
- Improve safety of long tunnels in the TENs
- Enlarge public, private and innovative funding for the TENs
- Provide clarity about the legal possibilities to use revenues of road toll for the development and maintenance of other transport modes (see the chapter on charging for transport)

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

## **1.8.2. Trans European Network projects**

### *1.8.2.1. Trans European Network projects*

*Intention:* In 2001 revise the trans-European network guidelines in order to eliminate bottlenecks by encouraging corridors with priority for freight, a rapid passenger network and traffic management plans for major roads, and adding to the “Essen” list other projects. In 2004 present a more extensive revision of the trans-European network aimed in particular at integrating the networks of the accession candidate countries, introducing the concept of “motorways of the seas”, developing airport capacities and improving territorial cohesion on the continental scale

*Action:* A Decision (1346/2001/EC) has been adopted which amends the TEN-T guidelines as regards seaports, inland ports and intermodal terminals. It specifies also more in detail the criteria of projects of common interest in relation to these infrastructures. With this amendment the multimodal dimension of the network is emphasised as seaports and inland ports become fully part of the network. A more fundamental revision of the TEN-T Guidelines was proposed by the Commission at the end of 2003, to take account of Enlargement and expected changes in traffic flows. New outline plans for 2020 were drawn up with the aim of efficiently channelling tomorrow’s trans-European traffic in an enlarged Union. In this context the Commission looked at the idea to concentrate on a primary network made up of the most important infrastructure for international traffic and cohesion on the European continent, introduce the concept of 'sea motorways' and include sections of pan-European corridors situated on the territory of candidate countries, including those which will still not be members of the Union at that time. This proposal has been adopted as Decision 884/2004/EC, which includes an expansion of the TEN-projects (see Table 6).

*Evaluation:* the revision that was mentioned in the White Paper has been realised.

*Expected impact:* improvement of the international rail and waterway transport infrastructure

### *1.8.2.2. TEN-infrastructure in the candidate countries*

*Intention:* the territorial cohesion of the EU will be supported by integrating the networks of the New Member States and improving connections with the peripheral and island regions

*Action & evaluation:* The Decision adopted on the TEN guidelines (884/2004/EC amending 1346/2001/EC) takes into account projects in the New Member States. The table below gives an overview.

*Expected impact:* improvement of the international rail and waterway transport infrastructure

**Table 6: Status of the TEN projects (f) = finished**

TEN projects	Subprojects	Original dead-line	2004 Deadline
1. High-speed train/combined transport north-south	1. Berlin Bahnhof-Berlin/Ludwigsfelde		2008
	2. Berlin/Ludwigsfelde-Halle/Leipzig		2002
	3. Halle/Leipzig-Erfurt	2003	2015
	4. Erfurt-Nurenburg	2007	2015
	5. Nurenburg-Munich		2006
	6. Munich-Kufstein	2002	2015
	7. Kufstein-Innsbruck	2010	2009-18
	8. Innsbruck-Fortezza (Brenner Base tunnel)	2012	2015
	9. Fortezza-Verona		2002 (f)
	10. Verona-Bologna		2007
	11. Milan-Bologna		2006-08
	12. Bologna-Florence		2007
	13. Florence-Rome (re-electrification)		200
	14. Rome-Naples	2004	2007
	15. Rail/road bridge over the strait of Messina		2015
2. High-speed train PBKAL (Paris-Brussels-Cologne-Amsterdam-London)	1. Belgian/German border Cologne		2007
	2. Cologne-Frankfurt		2004 (f)
	3. London-Channel tunnel rail link		2007
	4. Belgium		2006
	5. Netherlands		2007
	6. Paris-Lille-Calais-Channel tunnel		1994 (f)
3. High-speed railway axis of south-west Europe	1. Spain, Atlantic branch	2007	2010-11
	2. Spain, Mediterranean branch	2007	2008
	3. French Atlantic branch		2010
	4. French Mediterranean branch		2015
	5. Montpellier-Nîmes	2006	2008-09
	6. Madrid-Barcelona	2012	2010-11
	7. Lisboa/Porto-Madrid		2005
	8. Dax-Bordeaux		2011
	9. Bordeaux-Tours		2020
	10. Spain, Atlantic branch		2015
4. High-speed train east	1. Paris-Baudrecourt		2007
	2. Metz-Luxembourg		2007
	3. Saarbrücken-Mannheim		2007
5. Conventional rail/combined transport: Betuwe line	1. Port Railway line	2006	2007
	2. A15 line	2006	2007
6. High-speed train/combined transport, France-Italy	1. Lyon-Montmélián-Modane (St Jean de Maurienne)	2010	2015
	2. St Jean de Maurienne-Bruzolo	2013	2017
	3. Bruzolo-Turin	2008	2011
	4. Turin-Venezia	2006-08	2010
	5. Venezia-south Ronchi-Trieste [...]Divaca (2015)		2015
	6. Koper-Divaca-Ljubljana (2015)		2015
	7. Ljubljana-Budapest (2015)		2015
7. Motorway axis Igoúmenítsa/Patras-Athina-Sofia-Budapest	1. Via Egnatia	2005	2006-08
	2. Pathe	2005	2008
	3. Sofia-Kulata-Greek/Bulgarian border motorway, with Promahon-Kulata as cross-border section		2010
	4. Nadlac-Sibiu motorway (branch towards Bucuresti and Constanta)		2007
8. Multimodal link Portugal-Spain-Central Europe	1. Railway La Coruña-Lisboa-Sines	no date mentioned	2010
	2. Railway Lisboa-Valladolid	no date mentioned	2010
	3. Railway Lisboa-Faro	no date mentioned	2004 (f)
	4. Lisboa-Valladolid motorway	no date mentioned	2010

TEN projects	Subprojects	Original deadline	2004 Deadline
	5. La Coruña-Lisboa motorway	no date mentioned	2003 (f)
	6. Sevilla-Lisboa motorway	no date mentioned	2001 (f)
	7. New Lisboa airport	no date mentioned	2015
9. Conventional rail link Cork-Dublin-Belfast-Larne, Stranraer	1. UK sections		2001 (f)
	2. Republic of Ireland sections		2001 (f)
10. Malpensa airport, Milan			2001 (f)
11. Øresund fixed rail/road link between Denmark and Sweden (completed)	1. Øresund fixed link		2000 (f)
	2. Danish access routes		1999 (f)
	3. Swedish access routes		2001 (f)
12. Nordic triangle rail/road	1. Road and railway projects in Sweden		2010
	2. Helsinki-Turku motorway	2008	2010
	3. Railway Kerava-Lahti	2010	2006
	4. Helsinki-Vaalimaa motorway	2008	2015
	5. Railway Helsinki-Vainikkala (Russian border)	2010	2014
13. Ireland/United Kingdom/Benelux road link			2010
14. West coast main line (rail)	1. West coast main line		2007-08
15. Global navigation and positioning satellite system Galileo	1. Development and validation		2005
	2. Deployment	2007	2008
16. Freight railway axis Sines/Algeciras-Madrid-Paris	1. New high-capacity rail axis across the Pyrenees	2020	no date mentioned
	2. Railway Sines-Badajoz		2010
	3. Railway Algeciras-Bobadilla		2010
17. Railway axis Paris-Strasbourg-Stuttgart-Wien-Bratislava	1. Baudrecourt-Strasbourg-Stuttgart with the Kehl bridge as cross-border section		2015
	2. Stuttgart-Ulm		2012
	3. München-Salzburg		2015
	4. Salzburg-Wien		2012
	5. Wien-Bratislava		2010-12
18. Rhine/Meuse-Main-Danube inland waterway axis	1. Rhine-Meuse, with the lock of Lanaye as cross border section		2019
	2. Vilshofen Straubing	no date mentioned	2013
	3. Wien-Bratislava, cross-border section		2015
	4. Palkovicovo-Mohacs		2014
	5. Bottlenecks in Romania and Bulgaria		2011
19. High-speed rail interoperability on the Iberian peninsula	1. Madrid-Andalucia	project was not defined	2010-20
	2. North-east	project was not defined	2010-20
	3. Madrid-Levante and Mediterranean	project was not defined	2010-20
	4. North/North-west corridor, including Vigo-Porto	project was not defined	2010-20
	5. Extremadura	project was not defined	2010-20
20. Fehmarn Belt: fixed link between Germany and Denmark	1. Fehmarn Belt fixed rail/road link	2013	2014-15
	2. Railway for access in Denmark from Øresund		2015
	3. Railway for access in Germany from Hamburg		2015
	4. Railway Hannover-Hamburg/Bremen		2015
21. Motorways of the sea	1. Motorway of the Baltic Sea		2010
	2. Motorway of the sea of Western Europe		2010
	3. Motorway of the sea of south-east Europe		2010
	4. Motorway of the sea of south-west Europe		2010
22. Railway axis Athina-Sofia-Budapest-Wien-Praha-Nürnberg/Dresden	1. Railway line Greek/Bulgarian border-Kulata-Sofia-Vidin/Calafat		2015
	2. Railway line Curtici-Brasov		2010-13
	3. Railway line Budapest-Wien		2010-19

TEN projects	Subprojects	Original deadline	2004 Deadline
	4. Railway line Breclav-Praha-Nürnberg		2010-16
	5. Railway axis Prague-Linz		2016
23. Railway axis Gdansk-Warszawa-Brno/Bratislava-Wien	1. Railway line Gdansk-Warszawa-Katowice		2015
	2. Railway line Katowice-Brno-Breclav		2010
	3. Railway line Katowice-Zilina-Nove Mesto n.V		2010-15
24. Railway axis Lyon/Genova-Basel-Duisburg-Rotterdam/Antwerpen	1. Lyon-Mulhouse-Mülheim		2018
	2. Genova-Milano/Novara-Swiss border		2013
	3. Basel-Karlsruhe		2015
	4. Frankfurt-Mannheim		2012
	5. Duisburg-Emmerich		2009-15
	6. "Iron Rhine" Rheidt-Antwerpen		2010-15
25. Motorway axis Gdansk-Brno/Bratislava-Wien	1. Gdansk-Katowice motorway		2010
	2. Katowice-Brno/Zilina motorway		2010
	3. Brno-Wien motorway		2009-13
26. Railway/road axis Ireland/UK/continental Europe	1. Road/railway corridor linking Dublin with the North and South		2010
	2. Road/railway corridor Hull-Liverpool		2015-20
	3. Railway line Felixstowe-Nuneaton		2011-14
	4. Railway line Crewe-Holyhead		2008-12
27. "Rail Baltica" railway axis Warszawa-Kaunas-Riga-Tallinn	1. Warszawa – Kaunas		2010-17
	2. Kaunas - Riga		2014-17
	3. Riga - Tallinn		2016-17
28. Eurocaprail on the Bruxelles-Luxembourg-Strasbourg railway axis	1. Bruxelles-Luxembourg-Strasbourg		2012
29. Railway axis on the Ionian/Adriatic intermodal corridor.	1. Kozani-Kalambaka-Igoumenitsa		2012
	2. Ioannina-Antirrio-Rio-Kalamata		2014
30. Inland waterways Seine-Scheldt	1. Navigability improvements Deulemont-Gent		2012-16
	2. Compiègne-Cambrai		2012-16

### 1.8.2.3. Tunnel Safety

*Intention:* Harmonise minimum safety standards for road and rail tunnels belonging to the trans-European transport network

*Action:* A Directive (2004/54/EC) to achieve a uniform, constant and high level of protection for all European citizens driving through existing and future tunnels of over 500 metres on the Trans-European Road Network has been adopted. The refurbishment of tunnels shall be carried out according to a schedule and shall be finished by 29 April 2006. Where the total tube length of existing tunnels divided by the total length of the part of the Trans-European Road Network located on their territory exceeds the European average, Member States may extend this period by five years.

Evaluation: high advancement

*Expected impact:* The impact of this measure on the safety in tunnels is high. The most of the tunnels were built decades ago when traffic density and vehicle characteristics were different from what they are today.

### **1.8.3. Funding**

#### *1.8.3.1. Funding of TENs*

*Intention:* The Commission announced in its White Paper that it would propose in 2001 to increase to 20% the maximum investment cost funding under the trans-European network budget for the main bottle-necks, including those still remaining on the Union's frontiers with the accession candidate countries, and then introduce conditionality rules.

*Action:* Under Regulation 807/2004/EC this has become reality. In order to compensate for the national funding "shortfalls" identified on transnational routes, the Commission proposal favours an increase in aid rates (up to 30% and in exceptional cases up to 50% of the total project cost).

*Evaluation:* high advancement

*Expected impact:* The implementation of TEN project will presumably be faster due to the extra community budgets available.

#### *1.8.3.2. Funding of infrastructure in the new EU Member States*

*Intention:* Make provision in the Community's future financial perspective for adequate public funding of infrastructure in the new member countries

*Action:* The Regulation (807/2004/EC amending 2236/95/EC) laying down general rules for the granting of Community financial aid in the field of trans-European networks also applies for new Member States. Furthermore, the ISPA programme (Instrument for Structural Policies for Pre-Accession, established by Regulation 1267/1999/EC) deals with large-scale environmental and transport infrastructure investment support in the Accession Partnerships with the 10 applicant countries of Central and Eastern Europe. ISPA only finances major environmental and transport infrastructure projects. It has a budget of € 452 million for Bulgaria and Romania in 2004. Until 2003 the overall annual budget for the 10 countries of Central and Eastern Europe was € 1.1 Billion.

*Evaluation:* high advancement

*Expected impact:* The impact of this measure on development of the Trans European Network in the candidate countries is present. This measure will speed up the process of implementation of the TEN-T networks.

### **1.8.4. Conclusion**

**Table 7: Legislative implementation of measures related to the policy 'Building the Trans-European transport network'**

<b>Nr</b>	<b>Measures</b>	<b>Implementation in 2005</b>
44	Trans European Network projects	Realised by means of Decision 1346/2001/EC and Decision 884/2004/EC
72	TEN-infrastructure in the candidate countries	Realised by means of Decision 884/2004/EC
46	Tunnel safety	Realised by means of Directive 2004/54/EC
45	Funding of TENs	Realised by means of Regulation 807/2004/EC
73	Funding of infrastructure in the new EU Member States	Realised by means of Regulation 807/2004/EC and ISPA programme (Regulation 1267/1999/EC)

## **I.9. Improving road safety**

### **I.9.1. Objectives**

The EU White Paper puts much emphasis on putting the users back at the heart of transport policy. Whether they be members of the public or transport sector professionals, everyone should enjoy a transport system that meets their needs and expectations. The White Paper puts the emphasis on road safety, since that is argued to be the users' primary concern. Of all modes of transport, transport by road is the most dangerous and the most costly in term of human lives. The White Paper argues that users expect stricter road safety measures, such as improved road quality, better training of drivers, enforcement of traffic regulations, checks on vehicle safety, and road campaigns. Furthermore the White Paper argues for further harmonisation of signs at dangerous black spots and harmonisation of the rules governing checks and penalties for international commercial transport with regard to speeding and drink-driving.

Detailed objectives in improving road safety are:

- Reducing the (human) costs of traffic accidents. Reducing the number of deaths on the road with 50%
- Harmonisation of penalties
- Introduction of new technologies

### **I.9.2. Setting targets**

#### *I.9.2.1. European Road Safety Action Programme*

*Intention/ goals:* In Europe, yearly 40.000 people die in traffic. This situation needs to be changed radically. This is why the EU wants concrete numbers to strive for and a concrete path to work towards it. There has been made a measure on European Road Safety Action Programme. With the goal of halving the number of victims of road accidents; set a target for the EU of reducing by half the number of people killed on European roads by 2010.

*Actions:* In 2003 the EC published the document: "European road safety action programme. Halving the number of road accident victims in the European Union: a shared responsibility (COM (2003) 311)". In this document 63 concrete actions are proposed to improve road safety; the actions are directly related to the White Paper goals. Out of this document, the stated INDIC measures (48 to 56) were abstracted. The European project SafetyNet (<http://safetynet.swov.nl>) was also based on the Road Safety Action Programme (RSAP), so apart from the official decisions taken by the EU, the SafetyNet project will generate a lot of knowledge on road safety (leading to measures in the future).

*Evaluation output:* high advancement. As said, a target had been set in 2003, for reducing the number of death with 50% in 2010 in comparison to 2001. Therefore, it can be concluded that the White Paper measure has been implemented.

*Expected impact:* From 1970 to now, road safety in Europe increased markedly. From 1970 to 2000, the death rate went down 46%, although the number of passenger-km driven in 2000 (3.789 G pkm) increased 2.38 times with respect to 1970 (1,589 G pkm)

However, the overall passenger and freight transport volumes are expected to continue their growth, and therefore to further limit the number of deaths will require further development and implementation of accident preventing policies. There are also the challenges which arise as a result of the enlargement of the

EU with 10 Member States. In the new Member States the road safety situation at present is not as good as in the EU-15. The problem does not show in absolute number at this point, but the death number will increase with the increase of the amount of cars that is to be expected in the new member states. Action is thus needed, focussing on road safety performance indicators, to prevent this to happen.

#### *1.9.2.2. Black spots on TENs list*

*Intention/ goals:* Measure on black spots: draw up a list of “black spots” on TEN (Trans European Network) where there are particularly significant hazards and harmonise their sign-posting. Under this measure, roads where there is insufficient shock protection or the speed limits are inappropriate receive bad marks. This mechanism, combined with a star system to indicate the accident risks connected with a particular road, should prompt users to drive more carefully. The ultimate objective is to reduce the proportion of high-risk European roads and tunnels.

*Actions:* The Commission is working on a Directive on Road Infrastructure Safety Management, including black spot signals.

*Evaluation output:* low advancement

*Expected impact:* ARC Europe is working on a star system on roads, which they want to use on the road maps they sell. ARC Europe would like to have sign posting on the several major roads, too, but it will be difficult to convince the road constructors that it is in their best interest to do so.

Since there are several lists of black spots already, we do think that there will be a list of black spots in 2010. We have doubts if the sign posting will be harmonised.

### **1.9.3. Measures to improve control**

#### *1.9.3.1. Harmonisation of road safety checks and penalties*

*Intention/ goals:* The failure of drivers to comply with basic road safety legislation (relating to drinking and driving, wearing a seat belt or crash helmet, and speeding) is the main cause of serious accidents. According to the RSAP, action focusing on these three factors could help to meet more than half the target of halving the number of people killed on the roads. The best performing Member States in terms of road safety also have the most efficient checking systems. However, checks vary considerably from one Member State to another. Car and lorry drivers know that they must slow down in some countries, but that they can drive in others almost without impunity. This is shocking since it is easy to drive from one country to another, and this situation creates distortion of competition in the commercial haulage sector. Therefore there’s been made a measure; by 2005 harmonise the rules governing checks and penalties in international commercial transport on TENs (Trans European Road Network), particularly with regard to speeding and drink-driving.

*Actions:* There has been a EU Recommendation (C (2004) 345) that recommends that Member States should set up a national enforcement plan containing the measures they intend to take for the implementation of (amongst others):

- automated speed enforcement equipment to check speeding on motorways, secondary roads and urban roads and ensure that the checks are carried out in such a way as to guarantee their effectiveness
- the application of random breath testing with an alcohol screening device as a leading principle for surveillance of drink-driving and in such a way as to guarantee its effectiveness

- intensive enforcement actions concerning the non-use of seat belts with a duration of at least two weeks take place at least three times a year

These measures should be communicated to the Commission, so that harmonisation can take place.

A comparable communication (COM(2003) 628) has been published concerning driving and rest times of professional drivers. More information concerning this subject is to be found in Section I.3.3.1 “Social harmonisation of road transport” of this document.

Evaluation output: low advancement

*Expected impact:* According to the Commission a reduction in number of incidents and hence of fatalities is to be expected. A major revision of procedures to be followed by highway and urban police is in order. We are a bit sceptical about the effect of the described recommendation. Police controls differ very much per country, Belgium and Germany are for example just starting to use speed cameras, whilst in The Netherlands and The UK using speed camera's is standard. It will take years and years before these differences are equalised, especially because exceptions per country are allowed. Another problem is that, because of the extension of the European Union with ten new Member States, the diversity in checks and penalties has grown. For alcohol and speeding it is more likely that the rules will be harmonised in 2020 than in 2010.

#### I.9.3.2. *Seat and head restraints*

*Intention/ goals:* Since wearing seat belts can save many lives, as well in a passenger car as in a coach, the EU wants as many people as possible to wear seat belts. The measure on seat and head restraints says: requirement to fit seat belts in motor vehicles other than passenger cars.

*Actions:* There has been an EC directive (2003/20/EC) (amending Council Directive 91/671/EEC) on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes. In all vehicles where there are safety belts available, a person is obliged to use the safety belt.

There is a proposal amending Directive 74/408/EEC relating to seats for motor vehicles with a view to impose the fitting of safety belts in motor vehicle other than passenger cars. (This proposal is connected to two correspondent proposals COM (2003) 362 and 363 amending Directives 77/541/EEC and 76/115/EEC.) Research has shown that the use of safety belts and restraint systems can contribute to a substantial reduction in the number of fatalities and the severity of injury in the event of an accident, even due to rollover. Their fitting in all categories of vehicles will certainly constitute an important step forward to provide an increase in road safety and a consequent saving of lives.

The likelihood of coach manufacturers installing belts on all seats of their vehicles appears to be high and would have to be passed into laws. There is a vital need, though, for harmonisation of the corresponding laws in all countries. The above describes directive is founded on the principle of total harmonisation, the purpose of which is to replace national laws and procedures that are liable to create barriers to the free movement of goods by a single, binding set of Community rules and a single approval procedure.

*Evaluation output:* medium advancement.

*Expected impact:* We estimate that in 2005 about 20% of the coaches have seat belts, since it is obliged to build seat belts in all new vehicles. As said, the commission is working on a law that obliges people to use

seat belts if they are in the vehicle. So chances are high that this will indeed happen and that in 2010 all passengers will use seat belts.

### *1.9.3.3. Tackling dangerous driving*

*Intention/ goals:* The target group of this measure are especially young drivers between 15 and 24 years. These youngsters pay a heavy toll in terms of road accidents. Several unfavourable factors come together in this respect: insufficient experience of driving, a greater appetite for risk, and an attitude which is less respectful of the rules of the road. Other factors (fatigue, night-time driving, the use of legal and illegal psychotropic drugs, and group behaviour) mean that in some Member States car accidents on Friday and Saturday evenings have become the main cause of death of young people. According to the data shown in the RSAP, more than 2000 people are killed each year in the EU15 for these reasons. So the specific target of this measure against which to monitor objective achievement is the reduction in the number of accidents involving young drivers and the related fatalities and injuries. The measure says: tackle dangerous driving and exchange good practices with a view to encouraging responsible driving through training and education schemes aimed in particular at young drivers

*Actions:* At the best of our knowledge, there are no specific EU proposals concerning this measure. The Committee of the Regions did address its worries concerning this subject, in the official journal of the European communities (2001/C 22/07): the Committee of the Regions believes that greater emphasis should be placed on training, which would be a very cost-effective action in the prevention of accidents. As much as 99 % of all accidents probably could be avoided if the right action is taken at the right moment. Training which would improve road safety and heighten awareness of dangers to help avoid accidents is encouraged. Training of young drivers could begin in schools with road safety awareness courses.

The European Union could support also exchange of practices as regards education and awareness campaigns, like the support given in 2001 and 2002 to extend Belgium's "Bob" or "designated driver" campaign to other Member States (Belgium has for some years been running a campaign to encourage party-goers to designate one person, "Bob", to remain sober and to drive everyone home safely).

*Evaluation output:* no advancement

*Expected impact:* There is very much research going on concerning the development of new training and education systems for novice drivers. For example on: different education systems, a second stage in education, driving under supervision, special restrictions for novice drivers etc. These are all initiative of individual countries. The only (Europe focused) international organisation involved in this development is the organisation 'Cieca'. So a lot is going on, but is hasn't been translated yet into directives.

### *1.9.3.4. Technical investigations of the causes of road accidents*

*Intention/ goals:* Develop a methodology at European level to encourage independent technical investigations, e.g. by setting up a committee of independent experts within the Commission. The aim of the measure is to enable a regular procedure of technical investigations, based on experts meeting and with the support of technical services and devices to allow the analysis of data concerning the causes of the accidents.

*Actions:* There are no specific EU proposals concerning this measure, but the EU is working on this measure. A group of experts has been set up to assist the Commission in progressing towards independent investigations on transport accidents. Contrary to the initial plan, the Commission may not favour a single

(European), multi-modal agency for investigations, but rather national agencies, multimodal or not (up to the countries to decide). What the EU especially wants is that all countries do it in a comparable way so that they can compare the data sets once collected.

And work package 4 of the Europe wide SafetyNet project deals with the same issue. The Safety Net project was based on the RSAP (road safety action programme of 2003). The Safety Net consortium will of course meet the group of experts mentioned above.

*Evaluation output:* low advancement.

*Expected impact:* Research is stimulated through the actions taken, but it is difficult to predict the effects of this in the long run.

#### *1.9.3.5. Harmonisation of driving licensing systems*

*Intention/ goals:* The aim of the first part of the measure is to get a European wide driving licensing system that is interchangeable and comparable. The second part of the measure concerns electronic driving licenses: the creation of a computerised communication network between authorities responsible for national driving licence registers – with the introduction of electronic driving licences – which should help to reduce the possibility of fraud.

*Actions:* There has been a Commission Directive (2000/56/EC) (amending Council Directive 91/439/EEC) aiming to further harmonise the driving tests in the Community and to bring the testing requirements into line with the demands of daily traffic.

*Evaluation output:* medium advancement. A directive on electronic driving licences is missing.

*Expected impact:* As said, the commission is working on a directive to get driving licensing rules harmonised. If this will happen, we estimate that in the end the effect will be very little, since exceptions are possible per country. In practice, in daily life, there will be no changes.

### **1.9.4. Technological safety measures**

#### *1.9.4.1. Speed limitation devices*

*Intention/ goals:* 30% of all accidents are speed related. Especially when relatively heavy vehicles drive too fast, the impact on the safety of other road users is high. That is why it is important that they respect the speed limits. There is a commission proposal (June 2001) to make it compulsory to fit speed limitation devices in vehicles of more than 3,5 tonnes or vehicles carrying more than 9 passengers.

*Actions:* There has been a directive (2002/85/EC) (amending Council Directive 92/6/EEC), on the installation and use of speed-limitation devices for passenger busses. Member States shall take the necessary measures to ensure that passenger busses may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 100 kilometres per hour. (The earlier Directive 92/24 only concerned heavy good vehicles over 12 tonnes and coaches over 10 tonnes.)

*Evaluation output:* high advancement.

*Expected impact:* All new vehicles (above 3.5 tonnes) are obliged to have a speed limitation device fitted in. Since most heavy goods vehicles stay on the road for about ten years, we expect that in 2010 half of these

vehicles will have a speed limitation device. We assume that this directive will have a positive impact concerning busses on the situation in 2010.

#### *1.9.4.2. ITS e-Safety*

*Intention/ goals:* In fact Intelligent Transport Systems ranges from navigators, sensors, communicators, supports to driver's needs provided by on board equipment and/or terminals -- to area systems aimed at traffic control, monitoring and real time communication with users. Part of these costs goes under the heading of general social services and supports. Part of them are individualised and will be borne by each user. ITS could mean a lot to road safety, so it is important to stimulate the development of ITS in that direction.

*Actions:* Communication COM (2003) 542(01) from the EC: "Information and Communications Technologies for Safe and Intelligent Vehicles" states that the safety and efficiency of roads can be substantially improved by the deployment of Intelligent Transport Systems (ITS) for Intelligent Infrastructure, such as adaptive traffic control and management systems in cities, and traffic control and incident detection systems on the motorways, the deployment of which is financially supported by the Trans-European Networks for Transport.

*Evaluation output:* No advancement

*Expected impact:* The EU and the car industry will need to work together to develop ITS. Since it is not clear now this cooperation will work out, it is also not clear what the results in 2010 will be. Most development is expected in GPS navigation systems and ACC (adaptive cruise control), a system that keeps you in safe distance to the person in front of you. Other potential successful ITS applications are LDWA (Lane Departure Warning Assistant) and ISA (Intelligent Speed Assistant).

#### *1.9.4.3. Safety for vulnerable road users*

*Intention/ goals:* Until now, most concern has been with increasing the safety for the person inside the vehicle. A lot of progress can be made by focussing on safety for the person outside the vehicle, too. Therefore there's been made a measure on pedestrian and cyclist protection by means of increasing safety for vulnerable road users.

*Actions:* There has been a Communication from the Commission (COM (2001) 389) concerning pedestrian protection. On 19 February 2003, the Commission presented a proposal for a framework directive on pedestrian safety. It aims to reduce deaths and injuries of pedestrians involved in traffic accidents through changes to the construction of the front of vehicles. The proposal is based on a voluntary agreement signed by European, Japanese and Korean car makers in 2001 and 2002. Commitment by the European automobile industry is needed.

Tests will be applied to new types of vehicles in two phases, the first in 2005 and the second, with enhanced pass criteria, from 2010. Compliance with these tests will result in a reduction in disabling injuries to the legs (caused by the initial contact with the front of the vehicles) and fatal injuries to the head (caused by striking the bonnet of vehicles).

*Evaluation output:* low advancement.

*Expected impact:* When no changes will be made in pedestrian protections systems in vehicles, the safety for vulnerable road users will decrease, because of a larger amount of cars. More and more companies, shops

and other venues will only be reachable by car. This is why vulnerable road users will be more and more exceptional in traffic and thus even more vulnerable because of larger exposition. This is why progress need to be made concerning safer cars, but we do wonder if this will be enough.

## **1.9.5. Conclusion**

**Table 8: Implementation of measures related to the policy 'Improving road safety'**

<b>Nr</b>	<b>Measures</b>	<b>Output in 2005</b>
47	European Road Safety Action Programme	In progress by means of COM (2003) 311
48	Harmonisation of rules on checks and penalties	In progress by means of COM(2004) 345
49	Black spots on TENs list	In progress by means of Directive
50	Seat and head restraints	Partially realised by means of Directive: 2003/20/EC amending Directive: 91/671/EEC and Proposal for amending Directive 74/408/EEC
51	Training and education	-
52	Independent technical investigations	-
53	Driving licenses	Realised by means of Directive: 2000/56/EC amending Directive 91/439/EEC
54	Speed limitation devices	Realised by means of Directive: 2002/85/EC amending Directive 92/6/EEC
55	ITS e-Safety	In progress by means of COM (2003) 542(01)
56	Safety for vulnerable road users	In progress by means of COM (2001) 389

## **1.10. Adopting a policy on effective charging for transport**

### **1.10.1. Objectives**

Containing congestion in Europe, tackling the greenhouse effect and building infrastructure while at the same time improving safety on the road or in public transport and minimising environmental disturbances all comes at a price. And on top of this social cost comes the cost of investment. Transport users are entitled to know what they are paying for and why. Therefore Community action aims at gradually replacing existing transport system taxes with more effective instruments for integrating infrastructure costs and external costs. The White Paper aims to harmonise fuel taxation for commercial users, particularly in road transport and charging for infrastructure with integration of external costs. Detailed objectives are:

- Providing transparency about the real costs of transport
- Internalisation of external costs (congestion, emissions) by gradual replacement of existing transport taxes with infrastructure charges and fuel taxes
- Harmonisation of pricing regulations in road, rail and air transport

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

## **I.10.2. Road pricing**

### *I.10.2.1. Infrastructure charging*

*Intention:* A framework directive to establish the principles of infrastructure charging and a pricing structure for all modes of transport.

The proposal, which will leave each Member State wide scope in terms of implementation, will include a common methodology for setting price levels which incorporate external costs, and will specify the conditions for fair competition between modes. The principal external costs it will take into account are: air pollution, climate change, infrastructure, noise, accidents and congestion.

For road transport, charges will vary according to the vehicle's environmental performance. They will also be based on the type of infrastructure (motorways, trunk and urban roads), distance covered, axle weight and type of suspension, and degree of congestion. These charges will be introduced gradually and tie in with a reduction in other charges such as vehicle tax so as to minimise the impact on the sector.

The directive should gradually be applied to the other modes of transport. In rail transport, for example, charges will include mechanisms for allocating time slots and will be graduated according to scarcity of infrastructure capacity and adverse environmental effects. Maritime transport will need to integrate charges which incorporate costs relating to maritime safety. All ships sailing in European waters should pay such charges.

In a good many cases, taking external costs into account will produce more revenue than is needed to cover the costs of the infrastructure used. To produce maximum benefit for the transport sector, it is essential that available revenue be channelled into specific national or regional funds in order to finance measures to lessen or offset external costs (double dividend). Priority would be given to the building of infrastructure that encourages intermodality and offers a more environmentally friendly alternative. There might be insufficient surplus revenue in some cases where, for example, transport policy considerations call for major infrastructure to encourage intermodality, such as railway tunnels. The framework directive will therefore have to authorise exceptions allowing an element to be added to the amount needed to offset the external costs. This element would be for the financing of alternative, more environmentally friendly, infrastructure. This option would be reserved for infrastructure essential for crossing natural, environmentally fragile barriers, and would have to be examined in advance and closely monitored by the Commission.

*Action:* The action has not yet been implemented. And it seems that it will take a long time before all member states have agreed to set up a common methodology for setting charging levels. The proposal for the directive (COM (2003) 448 of 24.7.03) has been rejected by the Council of October 2004. Besides, this rejected proposal is for some parts contradictory (a lot of exemptions of exemptions). It will be very difficult to find now within the enlarged European Community (EU 25) a consensus about the implementation of this measure especially regarding the different assumptions on the road network for each Member States under the restriction that the charge should reflect the quality of the infrastructure.

The following points summarize the reasons why it is not clear when the objective of this measure can be achieved:

- the interests of the states are very different: states at the periphery wish rather low tariffs when passing through the central countries. Because of the same reason, the central states are rather in favour of a moderate or higher charging level.

- the infrastructure of the member countries have a different age structure: In the "older" members, the middle first construction year is about 1970, whereas in the Iberian countries, the infrastructure is very young.
- the aims are very different: in some countries, a complete new network has to be build and in other countries, a rounding off and relatively few capacity enlargements are to be conducted.
- the organization form differ: private companies, public companies and state-own infrastructures.

Although these different reasons make a consensus very difficult, a compromise is on the way. One important discussion point had been the use of the charges: must they be re-invested in the infrastructure? Can they be used as "accounting" debts of the states or only debts of private companies? Can they be used for investments in other transport sectors? However, the danger exists, that it includes many exceptions (due to the political interests) and that it is a very soft regulation, so that the intention of the objective will at least partly not be achieved. Some good elements exist: extension to 3.5-t-vehicles and extensions on parts of the inferior network. A strict calculation scheme has vanished from the actual discussion version.

*Evaluation:* low advancement. Not all modes are included. Social marginal costs pricing is not fully implemented.

*Expected impact:* The impact of this measure on the transportation costs is present, when an uniform system of charging is introduced the costs of road transport will rise, and it will stimulate a modal shift to other modes of transport.

#### *I.10.2.2. Electronic road toll system*

*Intention:* In 2002 propose a directive guaranteeing the interoperability of means of payment on the trans-European road network.

*Action:* A Directive (2004/52/EC) has been adopted which lays down the conditions necessary to ensure the interoperability of electronic road toll systems in the Community. It applies to the electronic collection of all types of road fees, on the entire Community road network, urban and interurban, motorways, major and minor roads, and various structures such as tunnels, bridges and ferries. It does not apply to:

- road toll systems for which no electronic means of toll collection exists;
- electronic road toll systems which do not need the installation of on-board equipment;
- small, strictly local road toll systems for which the costs of compliance with the requirements of the Directive would be disproportionate to the benefits.

The Directive states that a European electronic toll service shall be created. This service, which is complementary to the national electronic toll services of the Member States, shall ensure the interoperability throughout the Community, for users, of the electronic toll systems that have already been introduced in the Member States and of those to be introduced in the future in the framework of this Directive.

The Directive defines which technologies shall be used for all new electronic toll systems brought into service on or after 1 January 2007 for carrying out electronic toll transactions. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 20 November 2005.

*Evaluation:* high advancement

*Expected impact:* The impact of this measure on the transportation costs is low. The setup of conditions for an uniform road toll system has no influence on the costs of infrastructure. It is a framework to make it easier to introduce an electronic road toll system and every country in the community uses the same specific conditions. This will increase the interoperability of a system.

### **I.10.3. Harmonising taxation**

#### *I.10.3.1. Uniform commercial road transport fuel taxation*

*Intention:* Introduction of a harmonised Community excise duty on diesel for commercial uses which in practice would be higher than the current average tax on diesel.

*Action:* In its draft Directive, tabled in July 2002, the Commission proposes to create a separate tax category for commercial diesel fuel, with a single level of excise duty applicable from 2010. At the same time, the minimum tax rates on petrol and diesel for non-commercial purposes are to be aligned. The proposal aims to confront transport users with the real costs ("polluter pays" principle), while creating equal conditions for competition among the EU's road haulage and passenger transport industries. With the current proposal (COM (2002) 410) the Commission chooses to separate tax arrangements for commercial diesel and for diesel used by private individuals. While the excise duty for commercial diesel will be harmonised, for non-commercial diesel and petrol only minimum levels will be set. However, this proposal has been rejected.

*Evaluation:* low advancement.

*Expected impact:* The impact of this measure on the transportation costs is significant, making the tax system more consistent by proposing uniform taxation for commercial road transport fuel to round off the internal market. This implies varying taxes in different countries, this to uniform the fuel prices in the community. The idea besides harmonisation is to let users pay for the real cost of transport.

#### *I.10.3.2. Harmonising VAT deductions*

*Intention:* In certain countries problems are raised by different VAT arrangements for air, rail and coach travel. These problems of unfair competition between modes, not to mention the risk of upsetting the proper functioning of the internal market, will need to be examined. In particular, air transport could be made liable to VAT.

*Action:* At the moment the discussion about this measure is still ongoing on the European level. A proposal for a directive wasn't set up to now.

*Evaluation:* No advancement

*Expected impact:* The impact of this measure on the transportation costs is high, after harmonising the different VAT-arrangements the functioning of the internal market is improved. The different modes of transport will have the same fuel conditions which makes the competition more righteous.

#### *I.10.3.3. Taxation of passenger cars according to environmental criteria*

*Intention:* A review of the overall consistency of automobile taxes and the scope for creating a broader framework at Community level for the introduction of mechanisms for differentiating passenger vehicle

taxes according to environmental criteria. This new approach, which can be designed to have no impact on the Member States' budgetary revenue, would make car taxes 'greener' by encouraging people to buy and use more environmentally friendly vehicles.

*Action:* The Commission has adopted a proposal (COM (2002) 431) on taxation of passenger cars in the European Union. It provides a possibility for differentiating passenger vehicle taxes according to CO<sub>2</sub> emission. This proposal doesn't include other environmental problems like PM<sub>10</sub>, NO<sub>x</sub> and noise. At this moment there is no agreement on this proposal on the European level.

*Evaluation:* low advancement

*Expected impact:* The impact of this measure on the costs of driving a car is high; if you have an old, polluting car you will pay much more taxes than when you own a new car. This must stimulate drivers buying new cars.

#### *I.10.3.4. Taxation of energy products and exemptions for hydrogen and biofuels*

*Intention:* Substitute fuels often enjoy tax exemption or reduction, but to different degrees within the Member States. These substitute fuels are of particular importance both to the security of energy supply and to lessening the impact of transport on the environment. The Green Paper on the security of energy supply proposes that 20 % of total consumption by 2020 be made up of substitute fuels. Therefore the Commission stated in its White Paper that a directive on energy products, which will allow tax exemption for hydrogen and biofuels, should be adopted as soon as possible.

*Action:* A Directive (2003/96/EC) has been adopted which states that Member States shall impose taxation on energy products and electricity. The levels of taxation which Member States shall apply to the energy products and electricity listed in the Directive may not be less than the prescribed minimum levels. For the purpose of this Directive 'level of taxation' is the total charge levied in respect of all indirect taxes (except VAT) calculated directly or indirectly on the quantity of energy products and electricity at the time of release for consumption.

The following minimum levels of taxation applicable to motor fuels are provided:

- for unleaded petrol, they increase from 287€ per 1000 litres to 359€ per 1000 litres by 2004 (the same by 2010);
- for diesel fuel, they increase from 245€ per 1000 litres to 302€ per 1000 litres by 2004 (the same by 2010);
- for gas oil, they are fixed to 302 € per 1000 litres by 2004 (and 330€ by 2010);
- for kerosene they are fixed to 302€ per 1000 litres by 2004 (and 330€ by 2010);
- for LPG they are fixed to 125€ per 1000 litres by 2004 (the same by 2010);
- for Natural gas they are fixed to 2,6€/per 1000 litres by 2004 (the same by 2010).

Member States are allowed to apply under fiscal control total or partial exemptions or reductions in the level of taxation to: hydrogen, biofuels, natural gas and LPG and energy products and electricity used for the carriage of goods and passengers by rail, metro, tram and trolley bus. The laws, regulations and administrative provisions necessary to comply with this Directive should have been adopted and published by Member States by 31 December 2003.

*Evaluation:* high advancement.

*Expected impact:* The impact of this measure on the shift towards cleaner fuels is high; it becomes more attractive to use cleaner fuels, the taxes on cleaner fuels are significant lower than the taxes on other fuels.

#### *I.10.3.5. Introduction of a minimum share of biofuels consumption in road transport*

*Intention:* This measure is another key element in the programme of gradual introduction of different types of substitute fuels. It aims at setting a minimum percentage of biofuels to be added to diesel and petrol placed on the market.

*Action:* A Directive (2003/30/EC) has been adopted which states that Member States should ensure that a minimum proportion of biofuels and other renewable fuels is placed on their markets, and, to that effect, shall set national indicative targets.

- A reference value for these targets shall be 2 %, calculated on the basis of energy content, of all petrol and diesel for transport purposes placed on their markets by 31 December 2005.
- A reference value for these targets shall be 5.75 %, calculated on the basis of energy content, of all petrol and diesel for transport purposes placed on their markets by 31 December 2010.

Member States should have brought into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2004 at the latest.

*Evaluation:* high advancement.

*Expected impact:* The impact of this measure on the emission factors and energy consumption factors is present, but is a low effect. The total amount of emissions is a lot more than what is produced by the road transport. By increasing the use of biofuels the amount of emission will lower a bit.

#### **I.10.4. Conclusion**

**Table 9: Legislative implementation of measures related to the policy 'Adopting a policy on effective charging for transport'**

<b>Nr</b>	<b>Measures</b>	<b>Implementation in 2005</b>
57	Infrastructure charging framework directive	In progress but Proposal COM (2003) 448 has been rejected.
59	Electronic road toll system	Realised by means of Directive 2004/52/EC, MS have to adopt by 20.11.05
58	Uniform commercial road transport fuel taxation	In progress but Proposal COM (2002) 410 was rejected
60	Harmonising VAT deductions	Not realised
61	Taxation of passenger cars according to environmental criteria	In progress by means of COM(2002)0431
62	Taxation of energy products and exemptions for hydrogen and biofuels	Realised by means of Directive 2003/96/EC
63	Introduction of a minimum share of biofuels consumption in road transport	Realised by means of Directive (2003/30/EC

## **I.11. Recognizing the rights and obligations of users**

### **I.11.1. Objectives**

Being denied boarding at the airport, luggage missing on arrival, suffering long delays during a train journey and missing your connection - these are frequent experiences that anyone can have while using various modes of transport. Things can get even worse if you have a disability or if a single journey involves several modes of transport.

In its White Paper on European transport policy for 2010, the European Commission committed itself to placing users at the heart of transport policy. The opening of borders and the creation of the single market saw very strong growth in mobility and important evolutions in various modes of transport – the creation of low-cost airlines, computerization of the reservation systems, construction of the high speed lines, etc. and now European citizens enjoy a wider range of services and, in general, lower prices. On the other hand, the quality of services offered is uneven and the protection of passengers' rights remains inadequate especially on international journeys. In the event of loss or damage, European citizens are confronted with a multiplicity of national rules and with heavy legal procedures that do not provide them with appropriate protection.

The Commission finds it therefore essential to set up precise and valid rules throughout the European Union to sustain the mobility of citizens within the single market. Passengers must be guaranteed rights in:

- compensation and assistance in the event of delays, cancellations and denied boarding
- specific rights for people with reduced mobility
- responsibility in the event of deaths or injuries
- handling of complaints and means of redress
- passenger information

Integrated ticketing and baggage handling should also be enabled and next to user rights as well obligations for travellers have to be made clear, especially with regard to air transport.

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

### **I.11.2. Protecting User rights**

#### *I.11.2.1. Compensation of air passengers*

*Intention:* increase air passengers' existing rights through new proposals concerning in particular denied boarding due to overbooking, delays and flight cancellations (including a new version of the air transport Charter)

*Action:* A new Regulation (261/2004/EC) which raised the financial compensation for passengers in case of overbooking has entered into force on 17 February 2005. The airlines have very strong reservations with regard to this Regulation and are challenging it before the Court of Justice. The Regulation also provides for the creation of bodies responsible for handling complaints in order to make the resolution of conflicts less expensive and quicker than through the legal system.

The EU has also introduced a very advanced responsibility regime for airline companies in the event of accident (Regulation 889/2002/EC) and encouraged the international Community to negotiate a new Convention on the subject. The Community legislation has determined a number of requirements and minimum conditions with regard to insurance for passengers, luggage, third parties, etc. (Regulation 785/2004/EC)

*Evaluation:* high advancement

*Expected impact:* raising the financial compensation for passengers has made over-booking practice less economically interesting for airlines.

#### *I.11.2.2. Information for air passengers, assistance for persons with reduced mobility*

*Intention:* To exert their rights, passengers have first to know them.

*Action:* The Commission added information and communication to its legislative proposals, through the publication in 2000 of a charter of air passengers' rights, even if the posting of this charter in EU airports was not readily accepted. In February 2005 with the entering into force of new denied boarding legislation, a major information campaign has been launched to inform air passengers about their rights.

To fill the last gaps in this legislation protecting air passengers' rights, the Commission Communication (COM(2005)46) is accompanied by two proposals:

- one relating to the specific rights of persons with reduced mobility
- the other establishing right of passengers' to know the identity of the operating carrier

*Evaluation:* medium advancement

*Expected impact:* informing air passengers about their rights is improves their position in the case of possible conflicts with carriers. It will urge carriers to comply with passenger rights.

#### *I.11.2.3. Extending protection of users' rights to other transport modes*

*Intention:* By 2004 extend the Community measures protecting passengers' rights to include other modes of transport and in particular the railways, maritime transport and, as far as possible, urban transport services. This concerns in particular service quality and the development of quality indicators, contract conditions, transparency of information to passengers and extra judicial dispute settlement mechanisms.

*Action:*

The Commission intends to examine the necessity and the opportunity to extend to these two sectors similar legislation granting rights to passengers in terms of:

- protection of the specific rights and assistance to people with reduced mobility (in 2005)
- compensation and assistance to passengers in the event of delay or cancellation
- mandatory insurance system in the event of death or injury
- handling of complaints and means of redress

With regard to rail the Commission included in its third rail package a legislative proposal (COM (2004)143) setting minimum rules on passenger information, compensation in the event of delays, handling of complaints and assistance to people with reduced mobility. This proposal also introduces a re-

sponsibility regime for railway companies in the event of accidents and a number of insurance requirements. It foresees the creation of independent bodies for the resolution of conflicts similar to those envisaged for air transport. Finally, railway companies are invited to implement a system of quality management. Companies have the same reservations today about these legislative proposals on the protection of passengers' rights as the airlines had.

With regard to the maritime sector and international coach transport there are some preparatory activities which may in the end result in legislation. In 2005 the Commission has launched a public consultation on the Commission Staff Working Paper "Rights of Passengers in International Bus and Coach Transport" containing a detailed questionnaire addressed to Member States and other stakeholders. Moreover, the Commission published a call for tenders for a study on "The Protection of the rights of maritime passengers: assessment of the current situation and possible development of the Community legislation" (2005/S 63-060259). The results of the study are expected in September 2006. The aim of the study is to help the Commission to assess the need for submission of a legislative proposal in relation to the rights of maritime passengers, in particular to persons with reduced mobility, rights in the event of denied boarding, cancellations or delays and luggage handling. Moreover, a consultation paper on the rights of maritime passengers is currently being drafted by the services of the Commission.

*Evaluation:* low advancement

*Expected impact:* financial compensation in the event of delays will urge companies to reduce delays.

### **I.11.3. Intermodality for people**

#### *I.11.3.1. Intermodality for people*

*Intention:* The problems met by passengers when they travel are often complicated when their trip involves several different modes of transport: delays and cancellations that have consequences on the connections; handling of baggage or purchase of tickets and booking of seats. Travellers often find it difficult to obtain precise information on schedules and tariffs of foreign transport operators and to book tickets for journeys that involve travelling to another Member State and using several modes of transport. The Commission announced in its White Paper the intention to examine the means of combining the ticketing for the various modes of transport focusing first on rail and air transport.

*Action on integrated ticketing:* no proposal has been made.

*Action on means to choose:* In the air sector, the Commission has already started to develop a system of indicators which will enable air passengers to have access to key information and to compare directly the performance of various airlines. The Commission launched a pilot project, but the response given by the airlines has been unequal. This project showed that it will be necessary to resort to binding legislation requiring airlines to provide the necessary information for the publication of regular reports that make it possible to compare the quality of services. The European Commission will draft this piece of legislation in 2005.

*Evaluation:* no advancement on integrated ticketing.

*Expected impact:* integrated ticketing will make it possible to achieve considerable progress in the quality of the transport services offered to passengers and to ensure the continuity of their movements under the best conditions.

### *I.11.3.2. Public service requirements and the award of public service contracts in passenger contracts*

*Intention:* To guarantee users a high-quality, affordable, continuous service throughout the Community, and one which complies with the Community competition rules, the Commission will continue its work to ensure that transport services of general economic interest are governed by a series of general principles, notably:

- use of the tendering procedure within a clear legal framework defined at Community level;
- granting of exceptions or exclusive rights where necessary;
- awarding financial compensation to operators responsible for performing public service tasks.

*Action:* There is a proposal for a regulation, which lays down the rules applicable to the award of public contracts for local transport services (usually bus or light rail). However the proposal has been stuck in Council since the Parliament's first reading in 2001. A new amended proposal (COM (2002) 107) included - besides the provisions for direct award of heavy rail, metro and light rail services without competition where this is the most efficient approach – also an additional provision which allows the competent authorities to decide to provide bus services themselves for a long transition period of eight years, without the obligation to start the phasing out of these arrangements after four years. Beyond that period authorities may only continue these arrangements on condition that no exclusive right is awarded. This means that other operators will then be free to offer supplementary and commercially viable services to the citizens of the area, and authorities should in such cases introduce appropriate general rules to protect quality and integration. Such a continuation of arrangements would need the approval of the Commission.

In July 2005 the Commission adopted a revised proposal for Regulation concerning land public passenger transport services. The new revised Regulation proposal aims to clarify the public financing methods for passengers' collective inland transports. It defines how the public service obligations and exclusive right contracts in this sector have to be awarded. This revised proposal :

- regulates the way competent authorities may intervene in the inland public passenger transport sector;
- lays down detailed rules for paying compensation for public service obligations and awarding exclusive rights in the sector;
- is based on the establishment of contractual relations between the competent authority and the operator or operators responsible for providing services. This contractualisation obligation concerns the public services of public, suburban, regional transport or long distance by bus, tram, underground railway or by train;
- organises the rules of competition but envisages the possibility for the competent authorities to award directly contracts in the rail sector or to provide themselves public transport services (including through an internal operator), whatever the mode of transport. This possibility is subjected to the respect by the competent authority or by its internal operator of a condition of geographical quartering of the activity;
- the new proposal respects therefore the principle of the free choice of the local authorities, a principle to which some Member States and the European Parliament have always been attached;
- the main thrust of the proposal is to simplify the legislative approach, introduce greater flexibility into the organisation of public transport services and reinforce the principle of subsidiarity.

*Evaluation:* low advancement

*Expected impact:* unknown.

## **I.11.4. Conclusion**

**Table 10: Legislative implementation of measures related to the policy 'Recognizing the rights and obligations of users'**

<b>Nr</b>	<b>Measures</b>	<b>Implementation in 2005</b>
65	Compensation of air passengers	Realised by means of Regulation No 261/2004 and Regulation No 889/2002 and Regulation No 785/2004
	Information for air passengers, assistance for persons with reduced mobility	Partially realised by a Communication (COM(2005)46) and two proposals: one relating to the specific rights of persons with reduced mobility (COM(2005)47), the other establishing right of passengers' to know the identity of the operating carrier (COM(2005)48). Also major information campaign launched in 2005.
66	Extending protection to other transport modes	In progress by means of proposal COM (2004) 143 for the rail sector. No proposal for the maritime and international coach sector. The Commission examines necessity for these modes.
67	Intermodality for people	In progress by means of plans to submit a proposal in 2005 for air transport and considerations to form an information system for all modes and on integrated ticketing there's an intention to examine the means of combining the ticketing.
68	Public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway.	In progress by means of an amended Proposal for a Regulation COM (2002) 107. In July 2005 a revised proposal for Regulation concerning land public passenger transport services has been adopted by the Commission.

## **I.12. Developing high-quality urban transport**

### **I.12.1. Objectives**

Noise and air pollution and its effects on health are of greater concern in towns and cities, and a clear line needs to be drawn urgently between the respective roles of private cars and public transport. Given the constraints of the principle of subsidiarity, the Commission intends essentially to encourage the exchange of good practice in the area of modernisation of public services, better use of public transport and rational use of the car. To achieve these objectives the White Paper has introduced a number of measures. The next sections give an overview of these proposed measures and the current state of (legislative) implementation on EU scale.

### **I.12.2. Support activities**

#### *I.12.2.1. Support for pioneering towns and cities*

*Intention:* Support (using Community funds) for pioneering towns and cities to help realise innovative projects on clean urban transport.

*Action:* The first CIVITAS initiative (part of the EU's Fifth Framework Programme) was launched by the European Commission in the year 2000 and supported ambitious cities in introducing and testing bold and innovative measures to radically improve urban transport. The aim was to achieve a significant change in the modal split towards sustainable transport modes, and to increase the use of clean vehicles and alternative fuels. The Commission has decided to earmark a total EU contribution of up to 50 million Euros for CIVITAS II, depending on the quality of the proposals received. The CIVITAS II call is supported by the EU's Sixth Framework Programme and proposals have to be in line with the relevant work programmes, rules and procedures.

*Evaluation:* high advancement

*Expected impact:* Due to the CIVITAS initiatives, innovative projects on clean urban transport are being realised.

#### *I.12.2.2. Promote the use of clean vehicles in urban public transport*

*Intention:* Increased use of clean vehicles and of forms of public transport accessible to all users, including people with reduced mobility (especially those with disabilities and the elderly)

*Action:* The approach followed by the Commission is to stimulate good practice. In this context, a significant example of the projects funded by the Commission is the CUTE (Clean Urban Transport for Europe) demonstration project. The aim of the project is to demonstrate the feasibility of an innovative, high energy efficient, clean urban public transport system. The Commission has allocated €18.5 million to the CUTE demonstration project to support 9 European cities in introducing hydrogen into their public transport system. These cities want to demonstrate that hydrogen is an efficient and environmentally friendly power source for the future of their cities. Twenty seven fuel-cell powered buses, running on locally produced and refilled hydrogen, should prove that zero emission public transport is possible today when ambitious political will and innovative technology are combined.

*Evaluation:* high advancement

*Expected impact:* Due to the initiatives like the CUTE project innovative developments like fuel-cell powered buses are speeded up

#### *I.12.2.3. Promotion of good urban transport practices*

*Intention:* Identification and dissemination of best urban transport system practice, including urban and regional rail services, and best practice in management of the relevant infrastructure

*Action:* The EU Commission funds several initiatives concerning dissemination of best urban transport system practice. One of the most important is the Urban Transport Benchmarking Initiative. It is built on the experience of the two previous Citizen's Network Benchmarking Initiatives which together ran from 1998 until 2002. Another important benchmarking initiative was the thematic network BEST (Benchmarking European Sustainable Transport) which ran from May 2000 to April 2003.

*Evaluation:* high advancement

*Expected impact:* dissemination of best practices may encourage local authorities to start up new projects for attractive urban transport.

### **I.12.3. Conclusion**

**Table 11: Legislative implementation of measures related to the policy 'Developing high-quality urban transport'**

<b>Nr</b>	<b>Measures</b>	<b>Implementation in 2005</b>
69	Support for pioneering towns and cities	Realised by means of CIVITAS and CIVITAS II projects
70	Promote the use of clean vehicles in urban public transport	Realised by means of CUTE project
71	Promotion of good urban transport practices	Realised by several projects like the Urban Transport Benchmarking Initiative and the BEST project

## I.13. Putting research and technology at the service of clean, efficient transport

### I.13.1. Objectives

The White Paper states that action will have to be taken on cleaner, safer road and maritime transport and on integrating intelligent systems in all modes to make for efficient infrastructure management. Specific objectives are:

- experimenting with new clean car technologies
- replacement of 20% of conventional fuels with substitute fuels by 2020
- deployment of innovative information and monitoring services on the trans-European network and in towns and cities and the introduction
- deployment of active safety systems in vehicles
- improvement of the environmental impact of aircraft engine
- noise and emissions
- improvement of air safety and aircraft fuel consumption

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

#### I.13.1.1. *European Research on new clean car technologies and ITS application to transport*

*Intention:* Greater Community support to the available new clean car technologies and ITS.

*Action:* Under the 5<sup>th</sup> and 6<sup>th</sup> Framework Programmes many studies and projects have been funded by the EC. Some of these projects have been addressed in this report as separate measures like Galileo, ERTMS, CUTE, eEurope. As regards Intelligent Traffic Systems, the EC has funded between 2001 and 2006 several studies, like AIDE, EASIS, PREVENT, GST, APROSYS.

*Evaluation:* high advancement

*Expected impact:* Support to available new technologies may lead to a faster market introduction of these innovations.

### I.13.2. Conclusion

**Table 12: Legislative implementation of measures related to the policy 'Putting research and technology at the service of clean, efficient transport'**

Nr	Measures	Implementation in 2005
64	European Research on new clean car technologies and ITS application to transport	Realised by means of the 5th and 6th EU Research Framework Programme (specific projects)

## I.14. Managing the effects of globalization

### I.14.1. Objectives

With enlargement on the horizon, and the transport policy and trans-European network soon to extend across the continent, Europe needs to rethink its international role if it is to succeed in developing a sustainable transport system and tackling the problems of congestion and pollution. Specific objectives that need to be realized are:

- Having a single voice of the EU in intergovernmental organisations which govern transport
- Creating administrative capacity in the new Member States to apply the *acquis* and more particularly to recruit sufficient numbers of inspectors.
- Connecting the new Member States to the trans-European network (the measures corresponding to this objective have been discussed in the chapter on building the trans-European network)
- Coordinating air transport agreements with non-European countries
- Achieving independence in the field of satellite navigation by developing an European satellite navigation system (Galileo)

To achieve these objectives the White Paper has introduced a number of measures. In the next sections an overview will be given of these proposed measures and the current state of legislative implementation on EU scale.

#### I.14.1.1. *Develop administrative capacity in the candidate countries*

*Intention:* Develop the administrative capacities of the candidate countries, notably by training inspectors and administrative staff responsible for enforcing transport legislation

*Action:* In order to assist the countries that have applied to become members of the European Union to carry out the reforms required for membership and to equip themselves to benefit from EU funds on accession, the Union provides financial assistance as part of its Pre-Accession Strategy. The Phare programme applies to the acceding and candidate countries from Central and Eastern Europe, and principally involves Institution Building measures (with accompanying investment) as well as measures designed to promote Economic and Social Cohesion.

As from accession, further targeted assistance to improve implementation and enforcement of the *acquis* will be available to the public administrations of the new Member States through the Transition Facility. The Transition Facility is a new temporary instrument to continue assisting the new Member States to develop and strengthen their administrative capacity to implement and enforce Community legislation in a number of key areas and to foster exchange of best practice among peers. The Transition Facility has been set up, there is also a amount of money available for the first three years after accession.

*Evaluation:* high advancement

*Expected impact:* The Phare programme and the Transition Facility are essential instrument for new Member States to develop the required administrative capacities.

#### *I.14.1.2. EU external relation transport*

*Intention:* The Community needs to provide itself with the means of exerting real influence in the international organisations which deal with transport, in particular the International Civil Aviation Organisation and the International Maritime Organisation. At the end of 2001 the Commission will propose that the Council open negotiations with these organisations with a view to the European Union becoming a full member. In the same context, the Commission has already proposed that the Community accede to Euro-control. Also the forthcoming enlargement poses a specific problem concerning the Community's status in the intergovernmental organisations responsible for navigation on the Rhine and the Danube.

##### *Action:*

##### *International Maritime Organization (IMO)*

Accession to the IMO, currently, the EU has a status of permanent observer at the IMO, but it appears justified that EU accede (Recommendation SEC/2002/0381-1 final) to the organisation in order to guarantee consistency of the Community law compared to the international law and to prevent infringements by the Member states against their Community obligations.

##### *International Civil Aviation Organization (ICAO)*

The EU has a status of non permanent observer at ICAO, but it appears justified that EU accede (Recommendation SEC/2002/0381-2 final) to the organisation in order to guarantee consistency of the Community law compared to the international law and to prevent infringements by the Member states against their Community obligations.

##### *Intergovernmental Organisation for International Carriage by Rail (OTIF)*

The European Community's accession (Proposal COM (2003) 696) to the Convention aims to assist OTIF in pursuing its objective of promoting, improving and facilitating international rail transport concerning technical and legal dimensions.

##### *EUROCONTROL*

The participation and co-operation of EUROCONTROL is an essential element for the successful implementation of the Single European Sky Initiative. The European Community has become a member of EUROCONTROL through Council Decision 636/2004/EC.

##### *Danube Commission*

The Danube Commission is co-operating on a large scale with various international organizations such as the European Union. This cooperation is voluntary. There is also a cooperation process initiated, called the Danube Co-operation Process. Participants are the 13 countries of the Danube and the European Commission. One of the objectives of the DCP is the promotion of safe and reliable navigation on the river Danube.

##### *Rhine Navigation Commission (CCNR)*

On 3 March 2003 the European Commission and the Central Commission for Navigation on the Rhine (CCNR) signed an agreement designed to renew and strengthen the pragmatic cooperation between the two organisations. They are thereby contributing towards the establishment of a framework for promoting and developing inland waterway transport in Europe. It adopts binding regulations such as those on the construction of vessels and their equipment, the composition of crews, and the conditions for the issue of boatmasters' certificates for vessels operating on the Rhine.

*Evaluation:* low advancement

*Expected impact:* these measures will contribute to the EU exerting real influence in the international organisations which deal with transport.

#### I.14.1.3. Galileo programme

*Intention:* By 2008 develop for the EU a satellite navigation system with global cover, over which it will have control and which will meet its accuracy, reliability and security requirements (Galileo).

*Action:* Galileo (Regulation 876/) will definitely become operational in 2008: a decisive stage has just been completed (green light for the deployment phase) which will allow the Galileo programme to be fully completed, despite the obstacles along the way. On a proposal from the Commission (COM (2004) 477), which is approved, the Council has confirmed the technical characteristics of the system, in particular with regard to the services being offered. It has decided in favour of moving on to the launching (2006-2008) and operational phases of the project and confirmed that the European Union will contribute to the funding of those two phases.

*Evaluation:* high advancement

*Expected impact:* the Galileo system will provide a robust basis for supporting Intelligent Traffic Systems providing navigational functions, real time information to users and optimised control to urban and inter-urban transportation.

### I.14.2. Conclusion

**Table 13: Legislative implementation of measures related to the policy 'Managing the effects of globalization'**

Nr	Measures	Implementation in 2005
74	Develop administrative capacity in the candidate countries	Realised by means of Phare programme and Transition Facility
75	EU External relation transport	<b>IMO</b> In progress by means of Recommendation SEC/2002/0381-1 final <b>ICAO</b> In progress by means of Recommendation SEC/2002/0381-2 final <b>COTIF</b> In progress by means of Proposal COM (2003) 696 <b>Eurocontrol</b> Realised by means of Council Decision 636/2004/EC. <b>Danube Commission</b> In progress by means of the establishment of cooperation <b>Rhine Navigation Commission</b> In progress by means of a cooperation between the commission and the CCNR.
76	Galileo programme	Realised by means of Regulation 876/2002, Regulation 1321/2004 and Proposal COM(2004) 477 adopted by Council

## I.15. Summary

Almost on all measures proposed in the White Paper there has been some kind of follow-up activity in the period till 2005. Table 14 shows the output with regard to legislation. On almost all policies there have been regulations, directives or regulations approved by the European institutions. In general all this legislation does become into force immediately or has to be implemented by member states<sup>4</sup>. Most legislation that has been published aims at the waterway policy and at, although to a lesser extent, air transport and railway transport.

Of course not all implementation activities is aiming at legislation. Especially the TEN projects and the policies aiming at developing high-quality urban transport and enabling clean and efficient transport are realized by co-financing decisions and research and support programmes such as CUTE, CIVITAS and the fifth and sixth research framework of the European Commission.

**Table 14: Legislation implementing the EC-White Paper policies (Status June 2005)**

	Regulations	Directives	Decisions	Proposals
1. Improving quality in the road transport sector	3	2		3
2. Revitalizing the railways		7	3	3
3. Balancing air transport and environment	10	3	1	1
4. Promoting transport by sea and inland waterway	6	9	4	6
5. Turning intermodality into reality	1			2
6. Building the Trans-European transport network	1	1	2	
7. Improving road safety		3		5
8. Effective charging for transport		3		1
9. Recognizing the rights and obligations of users	3			4
10. Developing high-quality urban transport				
11. Enabling clean, efficient transport				
12. Managing the effects of globalization	2		1	2

The new legislation and research, support and co-financing actions did in considerable advancement with regard to the implementation of the individual White Paper measures. In Table 15 the status of the measures is summarized.

By now around 46% of the measures proposed in the White Paper have been implemented at the EU level. This are 36 of the 78 measures proposed. Moreover, another 15% of the measures has been partly realized which means that at least some directives or regulations have been approved while other parts are still pending.

In almost all policies there are measures that are realized by now. Especially with regard to promoting transport by sea and inland waterway there has been progress. Eight of the fifteen measures proposed have been realized by now and another 3 measures are partially realized. Also with regard to the TENs there has been much progress. All measures as proposed by the commission have been realized (note that this not imply that the projects are already finished, it merely says that the White Paper activities that have to be implemented by the EC are done).

<sup>4</sup> A regulation does not need implementation in national legislation and is on the moment of approval by the European institutions directly applicable in all member states. A directive has to be translated by Member states in national legislation within two or three years after approval of the directive by the European institutions.

At the same time there are also many measures still pending. On 21 measures there has been some progress. Sometimes there have been published proposal but they have not yet been approved by the European council and the European parliament. On another 9 measures there has not been progress is almost non-existent and no proposals have been published. With regard to the policies on 'transport safety' and 'recognizing the rights and obligations of users' the implementation activities are lacking behind. More than half of the measures included under these policies did not result in approved legislation. Also with regard to "Balancing air transport and environment" and "Turning intermodality into reality" progress is low. The high number of regulations and directives with the policy 'Balancing air transport and environment' does not imply that much of the measures included in this policy are already realized or partially realized.

**Table 15: Advancement of the White Paper implementation at DG TREN (Status June 2005)**

Policy	Nr	Measure	Advancement
Improving quality in the road transport sector	1	Harmonise clauses in commercial road transport contracts	●
	2	Driving restrictions on heavy goods vehicles on designated roads	●●
	3	Training of professional drivers	●●●●
	4	Social harmonisation of road transport	●●●
	5	Introduction of the digital tachograph	●●●●
Revitalizing the railways	6	First railway package: separated management of infrastructure and services, opening international services in rail freight TENs	●●●●
	7	Second railway package: opening up the national and international freight market	●●●●
	8	Second railway package: ensuring a high level safety for the railway network	●●●●
	9	Updating the interoperability directives on high-speed and conventional railway networks (ERTMS)	●●●●
	10	European Railway Agency	●●●●
	11	Third railway package: certification of train crews and trains on the Community rail network	●●
	12	Third railway package: gradual opening-up of international passenger services	●●
	13	Third railway package: Quality of rail passenger services and users' rights for international services	●●
	14	Third railway package: improving quality of the rail freight services	●●
	15	Enter the dialogue with the rail industries in the context of a voluntary agreement to reduce adverse environmental impacts	●●●
Controlling growth in air transport	16	Support the creation of new infrastructure, and in particular rail freight freeways	●●●
	17	Single European Sky	●●●
	18	Technical requirements in the field of civil aviation and establishing a European Aviation Safety Agency	●●●●
	19	Air transport insurance requirements	●●●●
	20	Harmonisation of airport charges	●
	21	Introduction of market mechanism in slot allocation procedures on Community airports	●
	22	Community framework for airport noise management	●●●
	23	Protection against subsidisation and unfair pricing practices in the supply of air services from third countries	●●●●
	24	Safety of third country aircraft	●●●●
	25	Air service agreements with third countries	●●
	26	Airport capacity expansion	●●
	27	Introduction of kerosene taxation	●
	28	Introduction of differential en route air navigation charges	●
Promoting transport by sea and inland waterway	27	Motorways of the seas	●●●●
	28	Port services liberalisation	●●
	29	Simplify sea and inland waterway custom formalities and linking up the players in the logistic chain	●●●
	30	Ship and port facility security	●●●●
	31	European Maritime Safety Agency	●●●●
32	Double-hull oil tankers	●●●●	

		Penal sanctions for ship source pollution	● ● ●
	33	Oil pollution damage compensation fund	● ● ● ●
	34	Transfer of ship register	● ● ● ●
	35	Training of seafarers	● ● ● ●
	36	Eliminating bottlenecks in inland waterway transport	● ● ● ●
	37	River Information System	● ●
	38	Greater harmonisation of boatmasters' certificates	●
	39	Social legislation inland waterway transport	●
	40	Port state controls	● ● ● ●
	41	Sulphur content of marine fuels	● ● ● ●
Turning inter-modality into reality	42	Marco Polo Programme	● ● ● ●
	43	Intermodal Loading Units and freight integrators	● ●
Building the Trans-European transport network	44	Trans European Network projects	● ● ● ●
	45	Funding of TENs	● ● ● ●
	46	Tunnel safety	● ● ● ●
	72	TEN infrastructure in the candidate countries	● ● ● ●
	73	Funding of infrastructure in the New EU Member States	● ● ● ●
Improving road safety	47	European Road Safety Action programme	● ● ● ●
	48	Harmonisation of road safety checks and penalties	● ●
	49	"Black Spots" on TENs	● ●
	50	Seat and head restraints	● ● ●
	51	Tackling dangerous driving	●
	52	Technical investigations of the causes of road accidents	● ●
	53	Harmonisation of driving licensing systems	● ● ●
	54	Speed limitation devices	● ● ● ●
	55	Intelligent transport systems and e-Safety	●
	56	Pedestrian and cycling protection	● ●
Adopting a policy on effective charging for transport	57	Infrastructure charging	● ●
	58	Uniform commercial road transport fuel taxation	● ●
	59	Electronic road toll system (interoperability)	● ● ● ●
	60	Harmonising VAT deductions	●
	61	Taxation of passenger cars according to environmental criteria	● ●
	62	Taxation of energy products and exemptions for hydrogen and biofuels	● ● ● ●
	63	Introduction of a minimum share of biofuels consumption in road transport	● ● ● ●
Recognizing the rights and obligations of users	65	Compensation of air passengers	● ● ● ●
		Information for air passengers, assistance for persons with reduced mobility	● ● ●
	66	Extending protection of users' rights to other transport modes	● ●
	67	Intermodality for people	●
68	Public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway	● ●	
Developing high-quality urban transport	69	Support for pioneering towns and cities (CIVITAS initiative)	● ● ● ●
	70	Promote the use of clean vehicles in urban public transport	● ● ● ●
	71	Promotion of good urban transport practices	● ● ● ●
Putting re-search and technology at the service of clean, efficient transport	64	European Research on new clean car technologies and ITS application to transport	● ● ● ●
Managing the effects of globalization	74	Develop administrative capacity in the candidate countries	● ● ● ●
	75	EU external relations in the transport sector	● ●
	76	Galileo programme	● ● ● ●

- = No advancement, the status of the policy is not beyond the proposal stage as laid down in the White Paper.
- ● = Low advancement, most of the policy is still in the proposal phase. There is not yet much approved legislation.
- ● ● = Medium advancement, part of the policy has been implemented by approved directives/ regulations.
- ● ● ● = High advancement, almost all of the measures proposed has been implemented by means of approved legislation.

Nevertheless, overall one can conclude that at the EC level implementation activities have been in conformance with expectations. However, two critical notes have to be placed. Firstly, the measures that are not implemented are often the difficult but influential measures. In some cases there is no signs that implementation will easily be realized in the period 2005-2010 (for example with regard to taxes on kerosene). Secondly, often the measures define a development process and a clear end goal is missing. In such cases it remains indefinite to what extent the approved directives and regulations do indeed match the ambition of the White Paper.

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