

TRANNEWS

Newsletter from the European Parliament
Committee on Transport and Tourism
Number 28, 6 March 2007

questions & subscription:
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Committee meeting 26-28 February 2007, Brussels

Link to the committee meeting documents:

http://www.europarl.europa.eu/meetdocs/2004_2009/organes/tran/tran_meetinglist.htm

Joint Committee Meeting with national Parliaments

**Joint Committee Meeting on the Mid-term
review of the Transport White Paper
"Keep Europe moving"**



Chairman Mr Paolo Costa, rapporteur Ms Etelka Barsi-Pataky and Chairman of the Committee on Transport, Building and Urban Affairs, German Bundestag, Dr. Klaus W. Lippold.

Under this title, the Committee on Transport and Tourism of the European Parliament and the Committee on Transport, Building and Urban Affairs of the German Bundestag organised a joint meeting on the Mid-term review of the European Commission's White Paper on Transport. The meeting was hosted by EP TRAN Chairman Paolo Costa, Dr. Klaus W. Lippold of the German Bundestag and EP rapporteur Etelka Barsi-Pataky. More than 60 national MPs were present at this meeting and exchanged views with their counterparts in the EP as well as with Transport Commissioner Jacques Barrot and German Transport Parliamentary Secretary of State Achim Grossmann.

Commissioner Barrot emphasized that the Mid-term review was a mix of continuity and new orientation. In response to the enlargement of the EU and growing transport flows the toolkit of policy

instruments was to be extended. The Mid-term review rests on four pillars: firstly, co-modality, which also includes modal shift, to develop each transport mode in relation with the others and improve sustainability. Secondly, consumer protection, for instance passenger rights, and safety. Thirdly, technology and innovation, which also includes intelligent pricing. Mr Barrot referred in that context to a model for calculating external costs that the Commission will present in 2008. And finally speaking as EU with one voice in international fora.

Rapporteur Barsi-Pataky underlined the importance of implementation of EU legislation and called upon national Parliaments as partners in making European transport policy. She considered the approach of the Mid-term review realistic, and emphasized the importance of logistics and intelligent transport systems.

Two debates followed, both introduced by keynote speakers. The first theme, better regulation and financing, was introduced by MEPs Mr Jarzembowski (PPE-DE, DE) and Ms Lichtenberger (Greens/ALE, AT), and national MPs Mr Marinic (Slovenia) and Mr Antunes (Portugal). Regarding better regulation and implementation, various speakers highlighted the importance of subsidiarity. Both the EP and the Commission should examine carefully whether transport measures are proportional and manageable in all 27 Member States. It was felt that the Council should consult not only the governments but also the national Parliaments. Cooperation and mutual information should be strengthened.

Many speakers pointed at the importance of the TEN-T infrastructure and problems with its financing. For instance, financial resources for several Member States had decreased and some projects could be threatened. Some speakers suggested reconsidering the list of priority projects. Most contributions pleaded for alternative ways of financing infrastructure, like the Cohesion Fund, a new guarantee fund or PPP, Private Public Partnerships. Some parliamentarians drew the attention to the need for internalisation of external costs. This would be beneficial from an environmental point of view, notably in combating climate change, and revenues could be re-invested in infrastructure. Others doubted this approach.

The second theme, sustainability and optimising limited capacities, was introduced by MEPs Mr Costa (ALDE, IT) and Ms Ayala Sender (PSE, ES) and national MPs Mr Coussain (France), Mr Rådström (Sweden) and Mr Nedoma (Czech Republic). There were different views on the interpretation of co-modality, but many speakers said that the principle of modal shift should not be abandoned. Some speakers emphasized the need for reconciliation of mobility and sustainability, advocating for instance further use of biofuels.

The importance of logistical developments was confirmed by many participants and there was large support for intelligent transport systems (ITS). These should be made compatible and standardised, while respecting different implementations. Some emphasized that the introduction of ITS and intelligent charging might not be detrimental to the socially and financially weaker groups in society.

German Parliamentary Secretary of State Achim Grossmann said the Council largely supported the goals of the EU transport policy. He emphasized the importance of linking transport and energy issues. Transport ministers would dedicate an informal debate to that issue on the eve of the 22 March Transport Council. Furthermore energy and sustainability are closely linked, and policies needed to take account of this. In this respect Mr Grossmann mentioned a German master plan for logistics and the promotion of green propulsion to reduce CO2 emissions.

Further information on this event can also be found on:

http://www.europarl.europa.eu/comparl/tran/joint_meeting/default_en.htm

Adoption of draft reports

Maritime safety package

Port State control

Rapporteur: Ms Dominique Vlasto (PPE-DE, FR)

Co-decision procedure, first reading

The committee welcomed this proposal to improve the quality and effectiveness of checks on ships in European ports. Its amendments sought to strengthen the inspection regime, the criteria for selecting ships for inspection, and the parameters needed to calculate a ship's risk profile. The committee called on the Commission to develop, with the assistance of the European Maritime Safety Agency, a database showing the risk of profiles of ships and indicating all ships due for inspection.

An expanded inspection regime should apply to vessels that have a high risk profile and to passenger ships and oil and chemical tankers more than 12 years old. Under certain conditions, ships that have been detained in port more than twice in the preceding 36 months could be banned from EU ports. The committee also said that the role of pilots in detecting possible shortcomings on board should be extended, and if port authorities learn that a ship has anomalies or apparent defects, then they should immediately inform the competent authority of the port state concerned.

The report was adopted by 46:0:0.

Timetable foreseen:

- April: adoption in plenary

Obligations of Flag States

Rapporteur: Ms Marta Vincenzi (PSE, IT)

Co-decision procedure, first reading

This report is one of the key elements in the package and is strongly opposed by the Council. The European Commission has already proposed that the various International Maritime Organisation conventions on flag state obligations should be turned into binding legislation. EU Member States must be required to monitor compliance with international standards by ships that fly their flags,

says the report, adding that this is the key "missing link" in the existing Community legislation. The requisite standards are laid down in the SOLAS and the MARPOL conventions.

A committee amendment would make it a precondition for the first registration of a ship in a Member State that this Member State should ascertain that the ship complies with the relevant international rules. The committee also strongly favoured making the International Maritime Organisation's flag state obligations more acceptable to EU Member States. For example, surveyors and investigators should be well trained, and have appropriate inspection means and methods.

The report was adopted by 46:0:1.

Timetable foreseen:

- March II: adoption in plenary

Ship inspection and survey organisations Rapporteur: Mr de Grandes Pascual (PPE-DE, ES)

Co-decision procedure, first reading

The TRAN committee endorsed this proposal's general thrust, adopting the report with a broad majority. Nevertheless, Members voted for 75 out of 132 amendments, the bulk of which had been tabled by Mr de Grandes Pascual and Mr Ortuondo Larrea. Main subjects addressed by these adopted amendments are:

- Members felt the "joint body" should be called "assessment committee" and be set up by Member States together with the recognised organisations. Its tasks should include regulation and assessment of the systems for management of the quality of recognised organisations, in accordance with ISO 9001 quality standard criteria.
- Liability arising out of any marine casualty: Members did not explicitly modify the figures on maximum amounts payable by the recognised organisations but refined the wording and introduced a cap in case of lower amounts determined in a sentence or settlement.
- Members followed the line suggested by the rapporteur to make the system of penalties more flexible: The Commission should be entitled to impose fines in the case of serious, or, alternatively, repeated failure to fulfil the criteria of the proposal's annex I, revealing grave shortcomings in the organisation's structure, systems, procedures or internal controls. These fines should only be imposed after the organisation and the Member State concerned have been given the opportunity to submit observations, Members added.
- Several amendments attempt to make the text clearer and more coherent, e.g. by using the term "recognised organisations" for classification societies throughout the text.

The Council has not yet started its work on this proposal.

The report was adopted by 44:0:2.

Timetable foreseen:

- April: adoption in plenary

Community vessel traffic monitoring and information system

Rapporteur: Mr Dirk Sterckx (ALDE, BE)

Co-decision procedure, first reading

Establishing a clear and precise legal framework for places of refuge for ships in distress is the key aim of this proposal to amend the Directive on the Community traffic monitoring system. The committee said that there should be no "margin of discretion" for Member States in applying this decision on places of refuge, and that an independent authority should be set up to designate ports of refuge for vessels in distress. Members were divided on whether all fishing vessels over 15 metres should be equipped with the Automatic Identification System (AIS).

In the vote all amendments proposed by the rapporteur were adopted. As regards the AIS for fishing vessels, amendments were adopted, making the AIS only obligatory for fishing vessels over 24 meters length.

The report was adopted by 44:0:1.

Timetable foreseen:

- April: adoption in plenary

Investigation of accidents

Rapporteur: Mr Jaromir Kohlíček (GUE/NGL, CZ)

Co-decision procedure, first reading

This proposal aims at establishing guidelines on the technical investigations to be carried out following maritime casualties and incidents. The goal of technical investigations is not to determine and to apportion civil or criminal liability, but to establish the circumstances and to research the causes of maritime incidents in order to draw all possible lessons from them and improve maritime safety. An important element of the proposal is the independence of the permanent investigative bodies.

The amendments adopted intend to strengthen the independency of the investigative body and aim at stricter distinction between technical and criminal investigations. Furthermore emphasize was put on the efficiency of the early warning system, the cooperation between Member States and the importance of incorporating of findings into the joint methodology.

The report was adopted by 43:0:1.

Timetable foreseen:

- April: adoption in plenary

Liability of carriers of passengers by boat in the event of accidents

Rapporteur: Mr Paolo Costa (ALDE, IT)

Co-decision procedure, first reading

This proposal aims to ensure that ship passengers enjoy the same protection as those in other types of transport, i.e. modernised carrier liability rules, a mandatory insurance system and a satisfactory compensation system.

The draft report adopted by TRAN approves the incorporation of the Protocol of 2002 to the Athens Conventions which introduces compulsory insurance to cover passengers on ships and substantially raises the limits of liability in case of shipping incidents or accidents.

It also implements a right for an advance payment for the passengers in case of death or injury. The adopted amendments aim at improving the rights of passengers in case of damages they would suffer during transportation by ship.

The report was adopted by 45:0:1.

Timetable foreseen:

- April: adoption in plenary

Civil liability and financial guarantees of ship-owners

Rapporteur: Mr Gilles Savary (PSE, FR)

Co-decision procedure, first reading

According to the vote the Convention on Limitation of Liability for Maritime Claims (LLMC) of the IMO will be incorporated into EU law. This Convention is the horizontal international text on maritime claims. The draft report deepens the conditions on which the liability of carriers would be engaged (concept of fault inferring liability) while limiting its implementation to victims not part of the transport chain. It also upholds the scheme proposed by the Commission on the certification by Member States of the guarantee for ship-owners relating to their liability and asks for a Community office to maintain a registry of these certificates. A possibility of direct action from the claimant to the guarantor is also provided as well as a stronger liability scheme for ships flying the flag of a State that would not have ratified the LLMC Convention. Finally, the draft report asks for the ratification of the Bunker oil Convention and of the HNS Convention on the maritime transport of chemicals, which has been on stand-by at IMO since 1996.

The report was adopted by 41:3:3.

Timetable foreseen:

- March II: adoption in plenary

Multilateral agreement on the establishment of a European Common Aviation Area

Rapporteur: Ms Eva Lichtenberger

(Greens/ALE, AT)

Consultation procedure

The report was adopted by 38:1:2.

Timetable foreseen:

- April: adoption in plenary

Adoption of draft resolutions

Multilateral agreement on the establishment of a European Common Aviation Area

Rapporteur: Ms Eva Lichtenberger (Greens/ALE, AT)

The committee adopted a resolution under rule 103 of the Rules of Procedure on the European Common Aviation Area Agreement. The effect of this procedure is to allow the committee's view, and Parliament's view to be expressed following a statement by Commission and Council in plenary. The committee is supportive of the Commission's approach which is to extend gradually the provisions of the aviation acquis to western Balkan countries and to provide the technical assistance to underpin this. This will facilitate aviation traffic and encourage cooperation in air traffic management, and safety and security procedures as well as opening up the market to competition.

The resolution was adopted by 38:1:1.

Timetable foreseen:

- April: adoption in plenary

Aviation Agreement EU-USA

Rapporteur: Mr Saïd El Khadraoui (PSE, BE)

Mr El Khadraoui explained the importance of his draft Resolution as a signal to negotiators and to the Transport Council on 22 March. That is why this resolution is put on the agenda for the March plenary session. TRAN Members largely supported the initiative, as well as the content of the Resolution. In spite of some critical remarks, the text was generally accepted.

Commission negotiator Mr Calleja also welcomed the Resolution and the support of the European Parliament in general. He said that negotiations were now focusing on three elements to compensate the EU: a protocol on ownership and control, opening of the 'fly American programme' to EU carriers and clauses on franchising and branding. Security issues were taken care of outside this agreement.

Mr El Khadraoui said that he would meet next week with the Commission and his shadow rapporteurs to see if modifications were necessary in the light of recent developments. As the EU and US came to an agreement on Friday 2 March, modifications might be necessary indeed.

The resolution was adopted by 41:2:1.

Timetable foreseen:

- March I: adoption in plenary

Adoption of draft opinions

Discharge 2005 - Commission - general budget

European Maritime Safety Agency - European Aviation Safety Agency
Draftsman: Michael Cramer (Greens/ALE, DE)

Opinion for CONT committee

The committee's opinion is that discharge for the 2005 budget should be granted to the Commission and to the European Maritime Safety Agency and the European Aviation Safety Agency.

The respective opinions were adopted by

37:1:2

38:0:2

35:1:3.

Timetable foreseen:

- March: adoption in CONT

Consideration of a draft report

Common rules for the operation of air transport services in the Community (recast)

Rapporteur: Mr Arunas Degūtis (ALDE, LV)

Co-decision procedure, first reading

This proposal intends to integrate and modify three existing Regulations (2407/92, 2408/92 and 2409/92), which constitute the 3rd package of the internal aviation. The Regulations contain the rules on licensing of air carriers, access for Community air carriers to intra-Community air routes and on fares and rates for air services. The new proposal aims at simplification of the legislation, removal of obsolete parts, and at the same time it introduces stricter requirements in some fields (e.g. financial requirements for licensing; leasing).

The rapporteur considered that the Commission proposal was sensible, he agreed with the necessity and aim of the recast. However, he took the view that it should be amended in some important areas, such as leasing, price transparency, consumer protection, public service obligation and social aspects.

Members agreed on the importance of the price transparency, but they were divided on the proposed extension of scope in this regard. They also agreed that social issues and leasing need further consideration. The majority of the Members were against the deletion of the definition of regional airports.

Timetable foreseen:

- **Deadline for amendments: 14 March, 12h00**
- April: consideration of amendments
- May: adoption in TRAN
- June: adoption in plenary

Implementation of the first railway package

**Rapporteur: Mr Michael Cramer
(Green/ALE, DE)
Own-initiative report**

Even though the first package has formally been implemented, progress regarding the modal shift objectives remains disappointing, the rapporteur pointed out. Mr Cramer felt inter-modal competition is a key obstacle to the revitalisation of railways and says as long as competition road/rail as well as air/rail is distorted, the railway sector cannot be expected to thrive. Looking at the conditions within the rail sector, he focused on a series of problems regarding the separation of infrastructure and operations. The rapporteur was concerned about new railway undertakings reporting an array of practical impediments and sometimes feeling being unfairly treated.

Many Members were reluctant to address inter-modal competition in this report. Some asked the Commission for more detailed and more recent information on the state of implementation and urged to launch infringement procedures where necessary. Most Members did not want to re-open the discussion on the separation between network and operations.

The Commission said the decline of rail had been stopped and underlined that a series of issues (separation of accounts, principles of charging etc) was being looked at with Member States on an individual basis.

Timetable foreseen:

- **Deadline for amendments: 15 March, 12h00**
- April: consideration of amendments
- June: adoption in TRAN
- July: adoption in plenary

Retrofitting of mirrors to heavy goods vehicles (HGVs) registered in the Community

**Rapporteur: Mr Paolo Costa (ALDE, IT)
Co-decision procedure, first reading**

After the 1st exchange of views on the so-called blind spot accidents which are considered to cause 400 fatalities annually, the rapporteur presented 29 amendments aiming mainly the retrofitting of mirrors to lorries (category N2 >7,5 t and N3) as soon as possible and to the improvement of road safety. By keeping the 10 years Commission approach, Mr Costa proposed a fixed date for the phasing-in (i.e. vehicles registered after 1 January 1998 have to be retrofitted, while Council proposes 1 January 2000 in its "general approach", which would mean almost 600,000 vehicles less from the total number of HGVs to be retrofitted) and a fixed date for implementation, i.e. 30 June 2008 by replacing various transitional implementation periods proposed by the Commission (Council proposes three years, 1 for transposition and 2 for implementation). Mr Costa emphasised the differentiation needed for the field of vision of class V and IV mirrors as well as the awareness

campaigns and other accompanying measures. The Members and the Commission supported the position of the rapporteur, while a request for more flexibility to the phasing-in date or to the implementation period was formulated. Practical issues with regard to the implementation were raised and the rapporteur expressed his willingness to reach an agreement with Council in 1st reading.

Timetable foreseen:

- **Deadline for amendments: 6 March, 12h00**
- March: adoption in TRAN
- May: adoption in plenary

Consideration of draft recommendations

Public service requirements for transport by rail and road

Rapporteur: Mr Erik Meijer (GUE/NGL, NL)

Co-decision procedure, second reading

This dossier deals in a long awaited second reading with the development of harmonised provisions on awarding public service contracts in passenger transport by rail, road and inland waterways. Council finally submitted the Common Position which the Parliament had repeatedly been urging for since 2001. Currently a patchwork of national regulations governs the extent to which public transport is open to competition. The current lack of legal certainty, particularly for upcoming international operators and many "internal" operators and local authorities as well as the so-called Altmark-Judgment were the decisive elements pushing for better European legislation.

In the Common Position Council proposed a system offering competent authorities the freedom to choose between competitive tender and direct award and defines several derogations whereby authorities may award contracts directly.

In his report the rapporteur increased the thresholds below which local authorities do not have to proceed by call for tender. Mr Meijer wanted to protect ongoing state financing of railway infrastructure and workers in case of a change in operator. Some of the rapporteur's amendments aim to avoid insufficient compensation payments which do not cover costs and which would undermine business in a way that continuity of service could not be guaranteed.

Members were divided in judging the Common Position: some Members highlighted the progress achieved while others drew the attention to the issues not addressed adequately. The importance of quality requirements was emphasized. Not only the financial aspect shall be decisive when awarding a contract but the quality of service and environmental and social criteria as well. Furthermore the duration of the transitional periods and the exemption granted to the railway sector were strongly criticized. The question of the "lex specialis", whereby contracts normally falling under the "public procurement"-legislation, would also be attributed

according to this proposed Regulation, was no longer a hot topic.

Timetable foreseen:

- **Deadline for amendments: 6 March, 12h00**
- March: adoption in TRAN
- May: adoption in plenary

Civil aviation security

Rapporteur: Mr Paolo Costa (ALDE, IT)
Co-decision procedure, second reading

The rapporteur proposes re-instating Parliament's first reading amendments. The issue of financing, especially of more stringent measures, and the connected question of transparency in financing have not been addressed in the Council's common position. There was widespread support for the rapporteur's approach in the debate which followed.

Timetable foreseen:

- **Deadline for amendments: 15 March, 12h00**
- April: adoption in TRAN
- May: adoption in plenary

Exchange of views

Accomplishment of the internal market of Community postal services

Rapporteur: Mr Markus Ferber (PPE-DE, DE)

Co-decision procedure, first reading

Already in January TRAN Members had an exchange of views with the German Secretary of State Wuermeling, debating some first elements of this proposal which pushes for full postal market opening in 2009.

In this second discussion in committee the stakes and moot points clearly emerged - the proposal is highly controversial in TRAN committee.

The rapporteur and some Members said the proposal was a logical final step, the date 2009 was already mentioned in the present postal directive and meant no surprise. Market opening was necessary to enable postal markets to expand and the proposal provided most of the necessary complementary measures, these Members added. Mr Ferber warned that the postal directive had a sunset clause (31.12.2008) meaning that the sector was primarily subject to EC Treaty rules (in particular competition rules) after that date if no modification was in place by then. Other Members felt the proposal left too many questions open and warned that universal service provision was threatened and its financing was unclear.

The Commission representative said all the necessary sector studies had been done. Experience from certain Member States as well as the studies showed that the universal service could be provided and financed under competition.

Timetable foreseen:

- March: draft report

- April: consideration of amendments
- May: adoption in TRAN

New reports and opinions

This list shows the attribution of new Commission proposals to the groups and - where decided - to the rapporteurs and TRAN administrators:

Reports:

Directive on airport charges

COM(2006)0820
PSE Mr Stockmann
TRAN administrator: Mr Meehan

Agreed principles of the modernisation of the existing system of utilisation of the Transsiberian routes

COM(2007)0055
ALDE Mr Costa
TRAN administrator: Mr Hauck

Action plan for airport capacity, efficiency and safety in Europe - COM(2006)0819 and Application of Council Directive 96/67 on groundhandling - COM(2006)0821

ALDE - Ms Anne Jensen
TRAN administrator: Mr Pr at

Sustainable European transport policy taking into account environmental and energy aspects

PPE-DE

Opinion:

Budget 2008: Section III, Commission 2007/2019 (BUD)

UEN

TRAN Committee meeting: 26-27 March 2007, Brussels

Provisional agenda:

Monday, 26 March 2007, afternoon:

- Budget for agencies: release funds from 2007 reserve/ Costa
- Retrofitting of mirrors/ Costa
- Public service obligations/ Meijer

Tuesday, 27 March, morning:

- Public service obligations/ Meijer (**vote**)
- Retrofitting of mirrors/ Costa (**vote**)
- Agreement Malaysia/ Costa (**vote**)
- Transport White Paper/ Barsi-Pataky

Tuesday, 27 March, afternoon:

- Parliamentary Secretary of State Mr Grossmann
- Postal services/ Ferber
- Study on organisational theft/ Wortmann-Kool

The final agenda of the meeting will be published on www.europarl.europa.eu a few days in advance.

TRAN Committee meetings 2007 Brussels

morning = 9.00-12.30
afternoon = 15.00-18.30

10.04 afternoon
11.04 all day
12.04 morning

07.05 afternoon
08.05 all day

04.06 afternoon
05.06 morning

25.06 afternoon
26.06 all day
27.06 morning

27.08 afternoon

10.09 afternoon
11.09 all day

08.10 afternoon
09.10 all day
11.10 afternoon

20.11 afternoon
21.11 all day
22.11 morning

17.12 afternoon
18.12 all day
19.12 morning