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Transport Policy in the EEA

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Contents

1. Introduction.....	3
2. The Fourth Railway Package	4
2.1 Background	4
2.2 Infrastructure governance.....	5
2.3 Opening of the market for domestic passenger transport services by rail	5
2.4 Interoperability and safety.....	6
2.5 Early reactions.....	6
3 Roadworthiness Package	8
3.1 Background	8
3.2 Periodic roadworthiness tests	8
3.2.1 State of play in the EP	9
3.2.2 EEA EFTA position.....	9
3.3 Technical roadside inspections.....	9
3.3.1 State of play in the EP	10
3.3.2 EEA EFTA position.....	10
3.4 Vehicle registration	10
3.4.1 State of play in the EP	10
3.4.2 EEA EFTA position.....	10
4 Cabotage in the international road market	11
4.1 Background	11
4.2 Cabotage and posting of workers	11
4.3 Policy options.....	12
4.5 Council discussion.....	14
4.6 State of play in the EP	14
4.7 EEA EFTA position	14
5 Maritime Transport – Blue Belt and ports policy	15
5.1 Blue Belt – more efficient goods transportation	15
5.2 Ports policy – more efficient and better services	16
6 Transport Cooperation in the North.....	18
Annex 1: Pipeline and outstanding EEA relevant transport acquis	19
1. Legal acts proposed by the European Commission and currently discussed by co-legislators (pipeline acquis), as of 6 May 2013.....	19

2. Legal acts adopted by the EU side and not yet incorporated into the EEA Agreement, as of 6 May 201320

1. Introduction

Transport policy is one of the oldest common policy areas in the European Union (EU), and encompasses all aspects of all modes of transport. The policy falls under the ordinary legislative procedure, where the European Parliament (EP) enjoys powers to co-decide with the Council.

The EEA EFTA States participate in the EU Common Transport Policy, and all modes of transport are covered in Annex XIII to the Agreement on the European Economic Area (EEA Agreement), including road, rail, aviation, maritime transport and horizontal transport issues.

The EEA Joint Parliamentary Committee (EEA JPC) has discussed European transport issues in several of its meetings, most recently in May 2012, when it adopted a report and resolution¹ on the White Paper on a Single European Transport Area, COM(2011) 14. The report focused on the key issues raised in the White Paper and the opinions of the European Parliament and the EEA EFTA States. In the resolution, among other issues, the EEA JPC:

- Highlighted the need to strengthen European transport research and innovation policy, with the participation of the EEA EFTA States in EU research projects related to cleaner and more efficient transport;
- Underlined the need for a differentiated transport policy in peripheral and sparsely populated areas and tailored to the specific needs of some EEA EFTA States;
- Stated that the European Commission and the EEA States needed to address the accessibility problems facing the outermost regions, islands, and landlocked and peripheral regions, and ensure good connections between EU Member States and their EEA EFTA neighbouring countries;
- Drew attention to the potentially problematic infrastructure charges based on total cost recovery, which may give rise to unreasonably high tariffs, especially for regional and rural infrastructure with relatively low utilisation, and suggested as an alternative option for financing through a combination of state budget and user charges;
- Agreed that improving the performance of rail transport was vital for its future development and supported efforts to separate the organisation of infrastructure management and railway, however drew attention to the specific situations of Iceland, Cyprus and Malta;
- Underlined the need for deep and continuous consultation between the EU institutions and the EEA EFTA States during the decision-making process of legislative proposals related to the Common Transport Policy.

¹ <http://www.efta.int/~media/Documents/advisory-bodies/parliamentary-committee/jpc-resolutions/adopted-resolutions-2012-05-04.pdf>

The present report looks in more detail at some current pipeline and pre-pipeline proposals on key transport areas in the EEA that have emerged since the EEA JPC meeting in May 2012.

2. The Fourth Railway Package

2.1 Background

On 30 January 2013 the European Commission announced a comprehensive package of measures to deliver better quality and more choice in railway services in Europe, the Fourth Railway Package².

The Commission states in its communication that substantial public sector investment, particularly in the newer EU Member States where subsidy payments have more than doubled in six years, has not in itself secured equivalent increases in rail demand.

This is partly due to an inability to curb operational inefficiencies caused by a lack of appropriate competitive incentives. Yet in some Member States, public contracts are awarded directly without competitive tender. Efficiency gains are desperately needed to create sustainable growth and for the benefit of the public purse.

Although there have been positive developments in some markets, the modal share of rail freight has decreased from 11.5% to 10.2% since 2000. Over the same period intra-EU passenger rail transport has remained fairly constant at around 6%. The development of domestic rail market segments has been uneven among Member States, ranging from a decline of more than 10% in Hungary to an increase of over 20% in Sweden from 2005 to 2010.

The main objective of the package is to deliver better quality and more choice in railway services in Europe. The Commission is proposing far reaching measures to encourage more innovation in EU railways by opening EU domestic passenger markets to competition, accompanied by substantial technical and structural reforms.

Under the package, the Commission put forward six legislative proposals³ to complete the "Single European Railway Area" by harmonising technical provisions, to open domestic rail passenger markets to competition by 2019 and to ensure full interoperability on a European network overseen by independent regulators.

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0025:FIN:EN:PDF>

³ The six legislative proposals are:

- Proposal for a regulation repealing Regulation (EEC) No 1192/69 on common rules for the normalisation of the accounts of railway undertakings, [COM\(2013\) 26](#).
- Proposal for a regulation on the European Agency for Railways and repealing Regulation (EC) No 881/2004, [COM\(2013\) 27](#).
- Proposal for amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail, [COM\(2013\) 28](#).
- Proposal for a directive amending Directive 2012/34/EU establishing a Single European Railway Area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure, [COM\(2013\) 29](#).
- Proposal for a directive on the interoperability of the rail system, [COM\(2013\) 30](#).
- Proposal for a directive on railway safety (recast), [COM\(2013\) 31](#).
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The package and its legislative proposals are currently undergoing their first reading in the European Parliament and the Council.

2.2 Infrastructure governance

The Commission holds that infrastructure managers do not always react to the needs of the market, and evidence from users suggests that the current governance does not provide sufficient incentives for them to respond to users' needs. Existing separation requirements between infrastructure managers and railway undertakings do not prevent conflicts of interest, and functions not currently defined as essential (such as investment planning, financing and maintenance) have resulted in discrimination against some new entrants to the market.

The Commission therefore proposes an institutional separation of infrastructure management and transport operation. The Commission considers that the infrastructure managers must have operational and financial independence from any transport operator running the trains. Infrastructure managers must run networks in an efficient and non-discriminatory manner and coordinate at EU level to underpin the development of a truly European network.

However, where Member States wish to maintain existing holding structures with an infrastructure manager's ownership, the Commission proposes to introduce strict safeguards to protect the independence of the infrastructure manager with a process of verification by the Commission to ensure that a genuine level playing field for all railway undertakings is put in place.

2.3 Opening of the market for domestic passenger transport services by rail

Markets for rail freight services have already been fully opened to competition since January 2007 and those for international passenger transport services since 1 January 2010, but national markets for domestic passenger transport services by rail remain largely closed and are the bastions of national monopolies. Only Sweden and the United Kingdom have fully opened their markets, with Germany, Austria, Italy, Czech Republic and the Netherlands having opened theirs to a limited extent.

Therefore, the Commission proposes to open up the market for domestic passenger transport services by rail, and aims to introduce the mandatory tendering of public service contracts as of December 2019. Companies will be able to offer domestic rail passenger services across the EU, either by offering competing commercial services or through bidding for public service rail contracts, which account for a majority (approximately 66%) of EU rail journeys. There will be the possibility to limit access to routes when the economic equilibrium of a public service contract is compromised.

To ensure that Member States and regional/local contracting authorities establish public service contracts in a coherent, integrated and efficient manner, the proposed provisions contain the obligation for competent authorities to establish public transport plans setting objectives for public passenger transport policy, including general supply performance patterns for public passenger transport.

2.4 Interoperability and safety

To realise the potential of the Single Market, a higher level of technical harmonisation is necessary at EU level. The Commission proposes revising the European Railway Authority (ERA) Regulation to transfer from the relevant National Safety Agency (NSA) to the ERA the competence to issue vehicle authorisations for placing on the market, as well as safety certifications for railway undertakings. Whilst the legal responsibility would lie with the ERA, it would work in close cooperation with the relevant NSA, at the same time having an enhanced role in supervising national rules, monitoring NSAs and facilitating the deployment of the European Rail Traffic Management System (ERTMS).

With this measure the ERA would become a “one stop shop” issuing EU wide vehicle authorisations for placing on the market as well as EU wide safety certificates for operators. Currently rolling stock authorisations and safety certificates are issued by each Member State.

2.5 Early reactions

EU Transport Ministers started the discussion on the Fourth Railway Package in the Council on 21 March 2013. During the debate, ministers broadly acknowledged the need to increase the efficiency of the authorisation process. However, misgivings were expressed about the transfer of competences from national authorities to the ERA as proposed by the Commission. More specifically, several Member States pointed out that responsibility for the authorisation of vehicles used only on the national territory or on local or regional networks should remain with national authorities, so that the specific situations in the different countries could be properly taken into account. Some delegations argued that the harmonisation of railway infrastructure was not yet advanced enough to justify a centralised authorisation procedure and suggested that the role of the ERA should be enhanced gradually. Several delegations were of the opinion that the ERA should be given a stronger supervisory role, but not responsibility for authorisations. The issue of liability in the event of accidents was also raised⁴. Furthermore, some Member States have objected to the requirement to fully separate infrastructure managers and railway undertakings.

The EP has nominated rapporteurs for the legislative proposals. Their draft reports are expected to be presented to the Transport and Tourism (TRAN) Committee on 8 and 9 July 2013. A hearing was held in the EP on 7 May. Issues raised reflected those already discussed in the Council and included concerns over the level of liberalisation, the proposed unbundling of infrastructure and train operations, the requirement of mandatory tendering of public service contracts, and labour market issues such as conditions and rights of railway workers linked to the opening-up of the railway market. The different views followed both party and national lines.

The first discussion in the EP on the package took place in February 2013 at a Transport Committee meeting with the European Commissioner for Transport, Mr Siim Kalas. Members of the European Parliament (MEPs) supported the strengthened role of the ERA, but also expressed their fear that unprofitable lines would close down with the opening of the market. MEPs also expressed serious concerns over the financing of infrastructure, following

⁴ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/trans/136008.pdf

the budget cuts agreed by the Members States⁵ in the Multiannual Financial Framework (MFF) and in the Connecting Europe Facility in particular.

The EEA EFTA States are currently examining the proposals.

⁵ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bIM-PRESS%2b20130218IPR05914%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

3 Roadworthiness Package

3.1 Background

In July 2010, the Commission adopted policy orientations on road safety for 2011 to 2020, with the target of halving the number of road deaths in the EU during this decade. The 2011 White Paper on Transport adds the goal of zero fatalities in road transport by 2050. The general objective of the proposed “Roadworthiness Package”, published by the Commission in July 2012, is to contribute to the achievement of these targets, through measures aimed at better coordinating and increasing the quality of periodical technical inspections (PTIs) of motor vehicles and roadside inspection systems. A second general objective of the Commission proposals is to contribute to reducing emissions of greenhouse gas and air pollutants.

These general objectives are translated into two “specific” objectives: i) increasing the scope and the level of requirements for roadworthiness testing and roadside controls across the EU; and ii) creating the appropriate framework for a seamless flow of information between actors and Member States involved in the enforcement of PTI results. The Commission also identifies the following two “operational” objectives: i) reducing the number of fatalities caused by technical defects by as close as possible to 1 100 yearly; and ii) moving towards eliminating the “gross emitting” vehicles from the fleet in use.

There are three parts to the Roadworthiness Package, each with a corresponding legislative proposal: periodic roadworthiness tests; technical roadside inspections of commercial vehicles; and vehicle registration. The Roadworthiness Package will carry over the requirements laid down in the existing legislative framework related to the roadworthiness regime, which covers roadworthiness tests (Directive 2009/40/EC), roadside inspections (Directive 2000/30/EC) and rules on the registration of vehicles (Directive 1999/37/EC).

3.2 Periodic roadworthiness tests

The objective of the proposal for periodic roadworthiness tests for motor vehicles and their trailers⁶ is to lay down updated harmonised rules with a view to enhancing road safety and environmental protection.

Compared to existing legislation on roadworthiness tests, the proposal extends the scope of the regime to new categories of vehicles, including motorcycles, as well as the frequency of inspections for older vehicles to the same as those having reached a high mileage. The proposal also lays down new requirements on several issues related to the standard and quality of testing.

A brief summary of the main elements in the proposal is available [here](#)⁷.

⁶ COM(2012) 380, [http://ec.europa.eu/transport/doc/roadworthiness-package/com\(2012\)380.pdf](http://ec.europa.eu/transport/doc/roadworthiness-package/com(2012)380.pdf)

⁷ <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1216317&t=e&l=en>

3.2.1 State of play in the EP

The vote in the TRAN Committee is provisionally scheduled for 30 May 2013 and the indicative date for the plenary vote is 2 July 2013. The rapporteur's draft report⁸ was published on 11 February 2013 and discussed in the TRAN Committee on 23 April.

3.2.2 EEA EFTA position

The EEA EFTA States submitted to the EU institutions an EEA EFTA Comment on 18 December 2012. In the Comment, the EEA EFTA States:

- Support the initiative to integrate the soft-law measures on roadworthiness tests in a legislative framework;
- Believe that the frequency of periodic testing should remain as it is today;
- Support demands for minimum competence and training requirements for inspectors, but consider the proposal to be too ambitious and extensive on this point.

Furthermore, the Norwegian Minister of Transport, Ms Marit Arnstad, sent a comment to the EP rapporteur, Mr Werner Kuhn, on 21 March 2013, in which she:

- Does not support the inclusion of two-wheelers, and calls for further scrutiny of the link between accidents and technical failure for two-wheelers, claiming that this link is modest;
- Does not support the inclusion of light trailers, underlining that these are better targeted at roadside checks;
- Wants Members States to have the possibility to exclude tractors with a design speed exceeding 40 km/h;
- Raises concerns about the amendments to enhance the independence of inspectors and economic operators involved in testing, as it would exclude inspectors from performing periodic tests on a vehicle they had previously repaired and/or maintained.

3.3 Technical roadside inspections

Before a vehicle is allowed to be placed on the market, it has to fulfil all relevant type or individual approval requirements guaranteeing an optimal level of safety and environmental standards. Every Member State has the obligation to register for the first time any vehicle having the European type-approval on the basis of the "Certificate of Conformity" issued by the vehicle manufacturer. This registration is the official authorisation for use on public roads and enforces the different introduction dates of different vehicles' requirements.

The main objective of the proposal⁹ on the technical roadside inspection of the roadworthiness of commercial vehicles is to provide for a risk-rating system aimed at focusing inspections on vehicles operated by undertakings with poor safety records, thus rewarding vehicles operated by undertakings that are mindful of safety and the environment.

A brief summary of the main elements in the proposal is provided [here](#)¹⁰.

⁸ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPARL%2bPE-504.196%2b01%2bDOC%2bPDF%2bV0%2f%2fEN>

⁹ [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0382\(01\):FIN:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0382(01):FIN:EN:PDF)

¹⁰ <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1216339&t=e&l=en>

3.3.1 State of play in the EP

The vote in the TRAN Committee is provisionally scheduled for 30 May 2013 and the indicative date for the plenary vote is 2 July 2013. The rapporteur's draft report¹¹ was published on 12 February 2013 and discussed in the TRAN Committee on 23 April 2013.

3.3.2 EEA EFTA position

No EEA EFTA Comment has been submitted on the proposal. The Norwegian Minister of Transport, Ms Marit Arnstad, sent a comment to the EP rapporteur, Ms Olga Sehnalová, and to the Irish Minister for Transport, Mr Leo Varadkar, on 21 March 2013, in which she:

- Strongly welcomes the proposal, including widening the scope for technical roadside inspections to include light commercial vehicles and light trailers. However, she underlines that the main focus must be on heavy vehicles over 3 500 kg and larger passenger transports;
- Asks for clarification of the obligation to carry out a total number of inspections of 5%, as the number of commercial vehicles must form the basis for the national roadside inspections;
- Strongly advises that the scope of the regulation should include deficiencies in tyres or lack of required tyre-chains.

3.4 Vehicle registration

The proposal¹² on registration documents for vehicles aims at improving the enforcement of the roadworthiness testing and roadside inspection regime, notably in the case where the technical condition of a vehicle creates an imminent risk to road safety, through measures such as temporary withdrawal or permanent cancellation of the vehicle's registration.

The goal of vehicle registration is to authorise the entry into service – the use – of a vehicle in road traffic. This authorisation is rendered visible by the attachment of the registration number plate to the vehicle and the issuing of a registration certificate.

A brief summary of the main elements in the proposal is available [here](#)¹³.

3.4.1 State of play in the EP

The vote in the TRAN Committee is provisionally scheduled for 30 May 2013 and the indicative date for the plenary vote is 2 July 2013. The rapporteur's draft report¹⁴ was published on 12 February 2013 and discussed in the TRAN Committee on 23 April 2013.

3.4.2 EEA EFTA position

No EEA EFTA Comment or official comments from the EFTA States have been submitted.

¹¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-504.235+01+DOC+PDF+V0//EN&language=EN>

¹² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0381:FIN:EN:PDF>

¹³ <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1216336&t=e&l=en>

¹⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-500.465+01+DOC+PDF+V0//EN&language=EN>

4 Cabotage in the international road market

4.1 Background

In 2009, the EU adopted a regulation on common rules for access to the international market for coach and bus services¹⁵, a regulation on common rules for access to the international road haulage market¹⁶, and a regulation on common rules on the access to the occupation of road transport operators¹⁷. These have not yet been incorporated into the EEA Agreement.

The White Paper on Transport of 2011 stated the “removal of remaining barriers to the Internal Market for Transport” as one of its goals. Furthermore, in the conclusions of the June 2012 European Council and the Single Market Act II (SMA II), further integration of the Internal Market is identified as one of the key drivers for growth and jobs. The Report of the Commission on the State of the Single Market Integration 2013 also pointed to opening cabotage as a key priority for improving market performance.

Currently, no amendments to the Regulation on the international market for coach and bus services are foreseen by the Commission. However, Article 17(3) of the Regulation on the international road haulage market requires the Commission to draw up a report by 2013 examining the situation of the road haulage market and concluding whether further opening of domestic markets is warranted. In addition, according to the Commission’s Work Programme for 2013, the Commission was due to publish a legislative proposal by mid-2013 on the further opening up of the international road haulage market and on access to the occupation of road transport operators.

However, after scepticism among Member States and political groups in the European Parliament for further liberalising the road haulage market for cabotage, the Commission decided in May 2013 to postpone the proposal.

4.2 Cabotage and posting of workers

According to the Posting of Workers Directive, a worker providing services on a temporary basis to another Member State must benefit from local conditions of employment in terms of maximum work periods and minimum rest periods, minimum paid annual holidays, minimum rates of pay, including overtime rates, health, safety and hygiene at work.

In the discussion paper for the final stakeholders’ hearing on the review of Regulations (EC) No 1071/2009 and (EC) No 1071/2009¹⁸, the Commission writes that in order for these conditions to apply, the employment relationship between the posted worker and the posting company must be recognised as posting. This characterisation relies on contractual specificities which are often missing in the field of road haulage such as the need for a direct

¹⁵ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006

¹⁶ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market

¹⁷ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC

¹⁸ Ibid.

contractual relationship between the undertaking making the posting and the worker during the period of posting. This may not exist in the case of cascades of subcontracting, which is commonplace in the road haulage sector: for instance from the principal to a shipper or freight forwarder, to larger road haulage companies, down to smaller one or two-truck companies to cater to specific geographical or sectoral markets. Contracts may also be conducted on a word-of-mouth basis. In the absence of a written contract, the Directive may not apply.

New business models have appeared recently which are based on the misuse of conditions for posting workers and of establishment in the countries where these workers are recruited. Loopholes exist which are specific to Directive 96/71/EC (exemptions made possible in the case of short postings or where the amount of work carried out is “significant”, complex applicable case law, exclusion of self-employed workers from the scope of the Directive). Thanks to such loopholes, companies may legally employ drivers from a Member State A to operate domestic transport for long periods of time in Member State B, under the conditions of employment of Member State A. In the case where labour costs and the cost of living in Member State B is higher than in Member State A, such cases can lead to problems related to drivers’ working conditions. Furthermore, companies operating thanks to these contractual arrangements enjoy a cost advantage in comparison to companies employing drivers under local labour conditions¹⁹.

In addition to these issues specific to the road haulage sector, enforcement of the Posting of Workers Directive is made difficult by differences in understanding of the Directive and a lack of cooperation between the authorities involved. This was addressed by the Commission by the adoption of a legislative package to improve the enforcement of the Directive²⁰.

4.3 Policy options

In the final stakeholders’ hearing in January 2012, the Commission presented five possible policy packages. These were:

1 Opening of cabotage without time extension

This policy package offers a step towards opening up domestic markets by simplifying the conditions for establishment, while lifting the main uncertainties which currently exist in the application of cabotage rules, including the definition of cabotage operations. The limitation of the number of cabotage operations to be carried out within seven days is lifted, facilitating enforcement by national authorities. The time limit on cabotage operations would be made more enforceable by starting from the crossing of a border. Support is given to mutual cooperation between Member States, notably by giving access to roadside enforcement officers to the European Register of Road transport Undertakings (ERRU). Conditions of competition would continue to be harmonised through a parallel initiative on mandatory road charging.

2 Opening of cabotage with time extension and application of local labour law

This policy package introduces a single new cabotage regime. In addition to the enforcement measures set out in Policy Package 1, cabotage is made possible for a number of months (from 60 to 182 days – exact duration to be subject to further analysis as part of the impact

¹⁹ Ibid.

²⁰ Ibid.

assessment) subject to the application of the host country's labour law (on the basis of the core conditions of Directive 96/71/EC on the Posting of Workers: minimum wages, paid leave, health and safety, etc) and registration of all cabotage activities. In line with the measures on enforcement set out in Policy Package 1, non-compliance with the registration requirement should also be linked to a dissuasive sanction.

Local labour rules would apply to all cabotage operations, also to those done currently just after an international transport operation. In order to ensure that checks with these rules are effectively carried out, provisions will be introduced to ensure cooperation between Member States and between the competent authorities involved (labour ministries and roadside enforcers). A new category of serious infringement related to non-compliance with local labour rules is also introduced to discourage transport managers from this type of practice. Furthermore, so as to ensure that local labour rules are uniformly applied, all actors involved in the supply chain should be encouraged to respect them. A provision on joint liability is therefore introduced so that shippers and freight forwarders are also held responsible in case these rules are not correctly applied. In order to ensure that shippers and freight forwarders can easily access information on the companies involved in the supply chain, certain fields of ERU are made publicly available.

The current provisions linking cabotage trips to international trips would be repealed. A variant will be assessed with a duration related to the total number of days in a year, and not necessarily consecutive days.

3 Opening of cabotage through a two-way system

This package combines Policy Packages 1 and 2. It keeps the current regime of cabotage allowed after international transport within seven days but in a simplified form, as is the case in Policy Package 1. This type of cabotage is neither subject to registration in a national registry nor must it comply with the application of local labour laws (as is possible through derogations to Directive 96/71/EC). In addition, the possibility to carry out additional cabotage for a limited period of time (from 60 to 182 days – exact duration to be subject to further analysis as part of the impact assessment) on national markets independently of an international trip but provided that the hauliers apply the local labour law, is maintained as in Policy Package 2 following a transitional period.

So as to ensure that use of this type of cabotage does not lead to hauliers exceeding the given timeframe for non-registered cabotage, enforcement practices are stepped up. Minimum standards are introduced for checks, whereas intelligence-based enforcement is promoted through the sharing of data included in Member States' risk rating systems established by Regulation (EC) No 1071/2009.

4 Liberalisation of cabotage and application of local labour law

This policy package will assess the impact of allowing hauliers unlimited access to domestic road haulage markets, in addition to the harmonisation and enforcement measures laid out in previous policy packages. As is the case in Policy Package 2 and in the long-term cabotage of Policy Package 3, hauliers must comply with local labour rules.

Similar to the situation today and as is the case in Policy Package 3, hauliers are also offered the possibility to carry out cabotage for a short period while still subject to the labour rules of their country of origin (exact number of days to be subject to further analysis as part of the impact assessment).

5 Deregulated opening of cabotage

Like Policy Package 4, this option would assess the impact of allowing hauliers unlimited access to domestic road haulage markets. However, in contrast to Policy Package 4, the obligation to apply local labour rules would disappear (and with it the seven-day period subject to home rules).

4.5 Council discussion

Some Member States have expressed the view that it is too early for the Commission to propose a revision to the existing legislation. They would like to set aside appropriate time to discuss a report on the current situation and assess the need for new measures before any Commission proposal²¹. Consequently, the Commission decided to postpone the proposal.

4.6 State of play in the EP

The EP commissioned two studies on cabotage: *Social and working conditions of road transport hauliers* and *Development and implementation of EU road cabotage*. These were discussed in the TRAN Committee on 23 April 2013. The two studies highlight the need for further clarifications of the rules, as there are clear differences in Member States' enforcement of the directives and the sanctions that Member States impose in cases of infringement.

Furthermore, the studies underline that further liberalisation should be accompanied by the harmonisation of social and working conditions.

4.7 EEA EFTA position

The EEA EFTA States are currently examining the three regulations from 2009 with a view to incorporate these in an appropriate manner in the EEA Agreement. The Norwegian Government recently submitted a proposal to the Storting to this end. The EEA EFTA States are following the on-going discussions regarding the potential further opening for cabotage in the international road haulage market.

²¹ <http://register.consilium.europa.eu/pdf/en/13/st07/st07020.en13.pdf>

5 Maritime Transport – Blue Belt and ports policy

5.1 Blue Belt – more efficient goods transportation

Approximately 40% of Single Market goods are transported via short sea shipping between EU ports. Today, vessels travelling between EU ports are deemed to have left the EU Customs Territory. As a result, under normal procedures, ships delivering cargo from one Member State to another must still go through the same complex administrative formalities as ships arriving from overseas ports.

Therefore, even though administrative simplified procedures for maritime transport have already been introduced by EU legislation, vessels travelling between EU ports still encounter a significant number of complex procedures which put intra-EU shipping at a disadvantage in comparison to other transport modes.

“Blue Belt” is a concept according to which ships would be able to operate freely within the EU Internal Market with a minimum administrative burden and in which safety, security, environmental protection, and customs and tax revenues would be ensured by an optimal use of existing capabilities to monitor maritime transport and the cargo concerned.

Key Action 2 of the Commission Communication “Single Market Act II, Together for new growth”²² calls for the establishment of a true Single Market for Maritime Transport by no longer subjecting EU goods transported between EU seaports to administrative and customs formalities that apply to goods arriving from overseas ports.

To achieve this, the Commission plans to table a Blue Belt Package with legislative and non-legislative initiatives to reduce the administrative burden for intra-EU maritime transport to a level comparable to that of other transport modes (i.e. air, rail and road). This will be supported by modern information and communication technologies (ICT), which permit the reliable tracking of ships and cargo with a sufficient level of certainty within the Single Market.

The Commission initiated a Blue Belt pilot project, which was proposed by the Belgian Presidency of the Council and endorsed by the Transport Council in December 2010. The Commission delegated the task of carrying out the pilot project to the European Maritime Safety Agency (EMSA) using the monitoring capabilities of the SafeSeaNet system. The project aim was to demonstrate to national authorities, starting with customs authorities, the services which SafeSeaNet can offer to support their mission, with a view to reducing the administrative burden for maritime transport.

The findings of the pilot project were taken into account in the further deliberations on possible steps to reduce the administrative burden for goods transported between EU seaports to a level comparable to that of other modes of transport. Notably, a workshop for stakeholders was held in January 2013, at which it was stressed that there are many ships engaging in intra-EU trade but also calling at non-EU ports before making intra-EU voyages, after intra-EU voyages or between calls at EU ports, and that there is also a need to offer further facilitation for such vessels (short sea shipping).

²² COM(2012) 573 final, 3.10. 2012

Consequently, there are two distinct problems. The rules on the presumption of status could be adjusted to help the movement of Union goods within the Internal Market, but by definition such a measure is incompatible with a situation where the goods not only leave the territorial waters of the Union, but additionally call at a third-country port. Therefore a two-pillar solution needs to be found, covering on the one hand the Internal Market (as required by SMA II) and on the other going beyond that framework to take account of further commercial scenarios.

Therefore, three measures are currently being discussed under the planned Blue Belt Package, and a proposal is expected to be published by the Commission in June:

1. “Blue Vessels”

For “blue vessels” that remain within the EU (i.e. only EU ports visited) and carry only Union goods, the presumption of EU status could be granted. It would be subject to the registration of the vessel (through the transport authorities) and on the condition that the vessel would be tracked with SafeSeaNet.

2. Regular shipping service enhancement

In parallel, a second measure is composed of a revision of the regular shipping service (RSS). Unlike in the “blue vessel” scenario mentioned above, non-Union goods could be carried but they would require customs supervision. Transit simplifications could be used.

3. Short sea shipping with third-country ports

The second part of the Blue Belt Package would cover vessels moving between EU and non-EU ports (perhaps to be limited to a certain geographical area close to the EU, such as the Baltic and Mediterranean seas), but without the goods being able to have the presumption of Union status.

5.2 Ports policy – more efficient and better services

The attractiveness of maritime transport is dependent on the availability, efficiency and reliability of port services. In a globalised world, an integrated approach to the value chain is required. Hence, access to ports has to be organised in an integrated way, and the port authorities have a crucial role to play in this context.

The Commission is therefore working on enhancing the efficiency and overall quality of port services; addressing questions on Member States’ obligations regarding the sound planning of ports and hinterland connections, the transparency of public funding and port charges, and administrative simplification efforts in ports; and is reviewing restrictions on the provision of services at ports.

Despite difficult financial times, port traffic has continued to rise and the Commission prognosis shows a 50% increase in port traffic by 2030. A tremendous growth is foreseen in trade and new terminals will be needed to solve capacity challenges. In order to cope with this growth there needs to be investment in or better functioning of the ports. In its review of the TEN-T guidelines the Commission has taken an ambitious approach as regards ports. 82 core ports have been designated, and including the number of comprehensive ports the total number of designated ports in Europe is 340. The concept of the initiative is to take the major production and consumption centres, as well as entry and exit points, and connect them with corridors.

The Commission's analysis shows that some basic principles are missing in the ports policy. Whereas the freedom to provide services has been ensured by policy in most other transport domains, it still does not apply to ports. Moreover, the necessary legal tools are missing and a functional legal framework must be put in place.

The Commission has listed four key actions: 1) the application of the freedom to provide services to ports; 2) transparency in accounting; 3) transparency in setting port charges; and 4) the creation of a port users committee. Cargo handling, passenger services and all labour issues are excluded. The Directives on Public Procurement and Concessions will also have effect for this policy area.

The legislative proposal from the Commission on ports policy is expected in June 2013.

6 Transport Cooperation in the North

The economic and strategic importance of the High North and the Barents Region are growing. Increased activity in the area requires improvement in the underdeveloped transport infrastructure, especially for cross-border routes and east-west connections.

In April 2013 the Norwegian Government published a national transport plan for the next ten years, during which infrastructure development in the north and cross-border routes are of key importance.

National infrastructure measures need to be complemented with cross-border collaboration. Therefore a multi modal transport strategy for the Barents Region – a Joint Barents Transport Plan – is being developed. The four countries concerned, Finland, Norway, Russia and Sweden, have appointed an expert group to identify challenges and find common ground for eliminating inefficiencies in cross-border routes, whether these involve road, rail, sea or air. The Joint Barents Transport Plan will lay the basis for better cross-border integration of transport in the region.

In order to implement the strategy, European cooperation instruments are of key importance, such as the Northern Dimension Partnership for Transportation and Logistics (NDPTL), which was established in 2009 within the framework of the Northern Dimension Policy, and the Barents Euro-Arctic Transport Area (BEATA), as well as Inter-reg programmes and projects.

Recent or current activities in the Barents Region for improved transport connectors include:

- A Centre for High North Logistics has been established as an international knowledge hub for the development of sustainable logistics solutions;
- Upgrading of road E105 between the city of Kirkenes in Finnmark county, Norway, and the city of Murmansk on the Kola peninsula, to reduce travel time and facilitate increased trade;
- Joint efforts by Sweden and Norway to upgrade and increase capacity on the Ofot Railway Line that is part of the Northern East West Freight Corridor and the Meråker Railway line between the cities of Trondheim in Norway and Sundsvall in Sweden.

Plans are currently being discussed to extend the cooperation under the Transport Plan for the Barents Region to the Nordic region as a whole. The objective would be for a cross-border Nordic transport plan to link up to the rest of the European network.

Annex 1: Pipeline and outstanding EEA relevant transport acquis

1. Legal acts proposed by the European Commission and currently discussed by co-legislators (pipeline acquis), as of 6 May 2013

No	Reference	Short name
Inland Transport		
1	COM(2011) 650	Proposal for a EP/Council Regulation on Union guidelines for the development of the TEN-T
Road Transport		
2	COM(2011) 451	Proposal on recording equipment in road transport
3	COM(2011) 710	Proposal for a EP/Council Dir. on driving licenses
4	COM(2012) 380	Proposal on periodic roadworthiness tests for motor vehicles and their trailers
5	COM(2012) 381	Proposal - registration documents for vehicles
6	COM(2012) 382	Proposal on the technical roadside inspection of the roadworthiness of commercial vehicles
7	COM(2013) 195	Proposal for a directive amending Directive 96/53/EC on authorised dimensions and weight of trucks
Transport by Rail		
8	COM(2013) 26	Proposal on common rules for the normalisation of the accounts of railway undertakings
9	COM(2013) 27	Proposal on the European Union Agency for Railways
10	COM(2013) 28	Proposal concerning the opening of the market for domestic passenger transport services by rail
11	COM(2013) 29	Proposal amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure
12	COM(2013) 30	Proposal for a Directive on interoperability of the rail system
13	COM(2013) 31	Proposal for Directive on railway safety
Maritime Transport		
14	COM(2012) 129	Proposal amending the port State control Directive
15	COM(2013) 174	Proposal for a regulation on multiannual funding for the action of EMSA
Civil Aviation		
16	COM(2011) 824	Proposal for a regulation on groundhandling services
17	COM(2011) 827	Proposal for regulation on common rules for the allocation of slots
18	COM(2011) 828	Proposal for a regulation on the establishment of rules and procedures with regard to the introduction of noiserelated operating restrictions
19	COM(2012) 776	Proposal for a Regulation on Occurrence reporting in civil aviation
20	COM(2013) 130	Proposal for a Regulation on air passenger rights
Other		
21	COM(2011) 144	White Paper - Roadmap to a Single European Transport Area
22	COM(2013) 18	Alternative fuels infrastructure
23	COM(2013) 40	Proposal - European Global Navigation Satellite System Agency

2. Legal acts adopted by the EU side and not yet incorporated into the EEA Agreement, as of 6 May 2013

No	Short title	Celex No	EU adoption date	EU compliance date
Road Transport				
1	European Electronic Toll Service and its technical elements	32009D0750	06/10/2009	13/10/2009
2	Access to the international road haulage market	32009R1072	21/10/2009	14/05/2010
3	Common rules for access to the international market for coach and bus services	32009R1073	21/10/2009	04/06/2010
4	EP/Council Directive 2011/76/EU amending the Eurovignette Directive	32011L0076	27/09/2011	15/10/2011
5	road transport operator conditions	32009R1071	21/10/2009	04/12/2011
6	Technical requirements with regard to driving licences which include a microchip	32012R0383	04/05/2012	25/05/2012
7	Amendment to Annex II to Regulation 1073/2009 on common rules for access to the international market for coach and bus services	32012R0611	09/07/2012	11/07/2012
8	Amending Annexes II and III to Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market	32012R0612	09/07/2012	11/07/2012
9	Amending Annex III to Regulation (EC) No 1071/2009	32012R0613	09/07/2012	11/07/2012
10	Interconnection of national electronic registers on road transport undertakings	32010R1213	16/12/2010	31/12/2012
11	Equivalences between categories of driving licences	32013D0021	18/12/2012	19/01/2013
12	Rights of passengers in bus and coach transport	32011R0181	16/02/2011	01/03/2013
Transport by Rail				
13	Regulation 913/2010/EU European rail network for competitive freight	32010R0913	22/09/2010	09/11/2010
14	Council Decision on the signing and conclusion of the Agreement between the EU and the Intergovernmental Organisation for International Carriage by Rail	32013D0103	16/06/2011	16/06/2011
15	Common specifications of the register of railway infrastructure	32011D0633	15/09/2011	16/03/2012
16	The technical specification for interoperability relating to the telematic applications for freight subsystem of the trans-European conventional rail system	32012R0328	17/04/2012	09/05/2012
17	Interoperability relating to the control-command and signalling subsystems of the trans-European rail system	32012D0088	25/01/2012	25/07/2012
18	Technical specifications for interoperability relating to the control-command and signalling subsystems	32012D0696	06/11/2012	01/01/2013
19	Technical specifications for interoperability	32012D0462	23/07/2012	24/01/2013
20	Technical specifications for interoperability	32012D0463	23/07/2012	24/01/2013
21	Technical specifications for interoperability	32012D0464	23/07/2012	24/01/2013
22	Com. Reg. amending Reg. 62/2006 on tech. specification for interoperability relating to the telematic applications freight subsystem	32013R0280	22/03/2013	24/03/2013
Maritime Transport				
23	Common rules and standards for ship inspection and	32009R0391	23/04/2009	17/06/2009

	survey organisations			
24	Amendment of Directive 2005/35- ship source pollution	32009L0123	21/10/2009	16/11/2010
25	Classification societies- Common rules for survey and control	32009L0015	23/04/2009	17/06/2011
26	Accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers	32012R0530	13/06/2012	20/07/2012
27	Recognition of seafarers - Jordan	32012D0783	13/12/2012	15/12/2012
28	Regulation 1177/2010 - rights of passengers when travelling by sea and inland waterway	32010R1177	24/11/2010	18/12/2012
29	Company performance	32012R1205	14/12/2012	04/01/2013
30	European Maritime Safety Agency	32013R0100	15/01/2013	01/03/2013
Civil Aviation				
31	Regulation 80/2009- Code of conduct computerised reservation system	32009R0080	14/01/2009	29/03/2009
32	SES II - improvement of performance and sustainability of the European aviation system	32009R1070	21/10/2009	07/12/2009
33	performance scheme for air navigation services and network functions	32010R0691	29/07/2010	23/08/2010
34	aviation accidents and incidents investigation and prevention	32010R0996	20/10/2010	02/12/2010
35	Detailed rules for air traffic management (ATM) network functions	32011R0677	07/07/2011	04/08/2011
36	Air traffic controllers' licences and certain certificates	32011R0805	10/08/2011	30/08/2011
37	Safety oversight in air traffic management and air navigation services	32011R1034	17/10/2011	07/11/2011
38	Common requirements for the provision of air navigation services	32011R1035	17/10/2011	07/11/2011
39	Requirements for the performance and the interoperability of surveillance for the single European sky	32011R1207	22/11/2011	13/12/2011
40	Commission Implementing Regulation (EU) No 1216/2011 - Performance scheme for air navigation services and network functions	32011R1216	24/11/2011	15/12/2011
41	performance targets and alert thresholds for the provision of air navigation services for the years 2012 to 2014	32011D0121	21/02/2011	01/01/2012
42	Working methods of EASA for standardisation inspections	32012R0090	02/02/2012	04/02/2012
43	Requirements on aircraft identification for surveillance for the single European sky	32011R1206	22/11/2011	09/02/2012
44	Technical requirements and administrative procedures related to civil aviation aircrew	32012R0290	30/03/2012	08/04/2012
45	Technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008	32011R1178	03/11/2011	08/04/2012
46	Technical requirements and administrative procedures related to air operations	32012R0965	05/10/2012	28/10/2012
47	EU aviation security validation	32012R1082	09/11/2012	22/11/2012
48	Common rules of the air and operational provisions regarding services and procedures in air navigation	32012R0923	26/09/2012	04/12/2012
49	Access rights to the European Central Repository of Safety Recommendations and their responses	32012D0780	05/12/2012	14/12/2012
50	Common rules in the field of civil aviation and establishing a European Aviation Safety Agency	32013R0006	08/01/2013	29/01/2013

51	Airworthiness and environmental certification of aircraft and related products	32013R0007	08/01/2013	29/01/2013
52	Secret Decision - Screening of passengers and persons other than passengers by ETD in combination with HHMD	32013D0511	04/02/2013	25/02/2013
53	Screening of passengers by ETC in combination with HHMD	32013R0104	04/02/2013	25/02/2013
54	Commission Regulation 245/2013 on the screening of liquids, aerosols and gels at EU airports (LAGs)	32013R0245	19/03/2013	20/03/2013
55	Commission Decision C(2013) 1587 as regards the screening of liquids, aerosols and gels at EU airports (LAGs - secret decision)	32013D1587	19/03/2013	21/03/2013
56	Commission Implementing Regulation 246/2013 on the screening of liquids, aerosols and gels at EU airports (LAGs)	32013R0246	19/03/2013	21/03/2013