EUROPEAN TRANSPORT LAW

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Lecture 1: Introduction to the Transport Law and Policy of the EU
Basics:

Exam: 6 class participation or oral exam

Literature:

- White Book 2011
- PPT Presentations
- Class materials
Transport industry in the EU

- 6.3% of EU GDP (transport & transport vehicles industry)
- 6% of total workforce
- 10-15% of final price of manufactured goods are transport and logistics costs
- 1% of EU GDP – cost of traffic congestion (road, air)
- 2009: over 750 million passengers (1/3 of global market) used EU airports

Impediments to Single market of transport services:
- Unfinished process of liberalization in some transport modes (cabotage..)
- Internat. road transport: Eurovignette, 5 national vignettes, 8 toll marks for uninterrupted road transport on EU toll road system
- 2008 – 9 million flights over the EU sky: 27 different air traffic management systems added 49 km to every flight
- Trans-European Transport Network (TEN-T) has 9 N-S axes, but only 4 E-W
EU MEMBER STATES
Transport industry

- Transport = economy bloodstream
- Strategic/political importance for every state
  - Control over territory, industry supply...

General trend of growth as a result of shift of:
- Place of production of goods
- Production methods (“just-in-time” JIT)
- Mobility of workforce in service sector
- Increase in passenger cars, free time and income
Common Transport Policy of the EU: Nation vs. Europe

“Common Transport Policy has been and has remained the saddest chapter in the history of the European integration”

Jürgen Erdmenger, senior member, DG Tran, Commission, in 1983 on progress in the development of the common transport policy since the Treaty of Rome in 1958.
EU-27 performance by mode in freight transport
EU-27 performance by mode for passenger transport
Modern trends in transport

- Dramatic increase of road transport and air passenger transport
- Investments in infrastructure
- Consequences:
  - Pollution
  - Infrastructure congestion

GOAL:
- Non-discriminatory pricing policy of transport of goods and passengers with respect of place of origin or destination
- Development and financing of transport infrastructure
- Formulation of Common Transport Policy (CTP)

Netherlands (Benelux) Liberal policy, Market oriented

France, Germany, Italy
CTP with the strong role of state in providing road transport services
SMALL MEMBER STATES:
Belgium, Netherlands, Luxemburg
- Small territory
- Developed economy, trade (export & expand)
- Excellent transport network
- Extremely dense population
BIG COUNTRIES:
France, Germany, Italy, Spain
- Big territory
- Scarce density of population
- Less developed transport infrastructure, big state investments needed
- State governance in transport industry
Freedom to provide services and transport (art. 61 par. 1 Treaty of Rome)

“Freedom to provide services in the field of transport shall be governed by the provisions of the Title relating to transport”
Article 74
The objectives of this Treaty shall, in matters governed by this Title, be pursued by Member States within the framework of a common transport policy.

Article 84
1 The provisions of this Title shall apply to transport by rail, road and inland waterway.
2 The Council may, acting by a (qualified majority), decide whether, to what extent and by what procedure appropriate provisions may be laid down for sea and air transport.
1958 – 1982 Period: an Impasse

- Liberalization or harmonization: problem with the interpretation of the Treaty
- Commission pressure v. Resistance of the Member States (Council)
- Status quo preserved
- No progress in creation of the CTP
“Common Transport Policy” Case
Parliament v. Council, ECJ 13/83

Parliament asks from the ECJ to establish that the Council has:

- Violated the Treaty by failing to create the CTP according to Art. 74, by failing to decide on 16 proposals of the Commission

ECJ has decided that the Council:

- Is not in breach of the Art. 74 since it is not specific enough
- Is in breach of the duty to reach a decision on:
  - Liberalization of the international transport services within the EC
  - Rules on cabotage (art. 71/1)
Fase II: 1983-1992 Period
1986 Single European Act

- Creation of the Single market
- Decisive commitment for the policy of liberalization and free market competition in transport
- SEA 1986:
  - Qualified majority for decisions in the air and maritime sector
  - Foundation of the CTP aimed at creation of the Single Market
Fase III: Period 1992 – today
White books – strategic policy documents

- **1992:** “The Future Development of the Common Transport Policy”
  - Environmental protection, ecology
  - Safety
  - Quality improvement through infrastructure development (TEN-T)

- **2001:** “European transport policy for 2010: time to decide”
  - Intermodal redistribution (through)
  - Ecology and sustainable development
2011: “Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system”

- 40 concrete initiatives to build a competitive transport system that will:
  - increase mobility,
  - remove major barriers in key areas
  - fuel growth and employment
  - dramatically reduce Europe's dependence on imported oil
  - cut carbon emissions in transport by 60% by 2050.

- By 2050, key goals include:
  - No more conventionally-fuelled cars in cities.
  - 40% use of sustainable low carbon fuels in aviation; at least 40% cut in shipping emissions.
  - A 50% shift of medium distance intercity passenger and freight journeys from road to rail and waterborne transport.
  - All of which will contribute to a 60% cut in transport emissions by the middle of the century.
1) Read the text: