

EUROPEAN UNION TRANSPORTATION POLICY FROM THE TREATY OF MAASTRICHT UP TO NOW

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1.

The formation of the legal dimension of the EU transportation policy actually started with the Treaty of Paris. In 1951, documents giving the origins of the Community containing specific provisions concerning transport were signed. Treaty of 18 April 1951, establishing the European Coal and Steel Community in Title III Chapter 9 contained Article 70 dealt with transport. Only 6 states signed the treaty at that time – France, West Germany, Italy, Belgium, the Netherlands and Luxembourg –, and these states recognized that „the establishment of a common market necessitates the application of such rates and conditions for the carriage of coal and steel as will afford comparable price conditions in comparably placed customers.”¹

The provisions in the Treaty concerning transport were expressed in only one article, but when they came into force in July 1952, they not only seemed to be an initiative by Robert Schuman suggesting that through the exercise of control over the two most important branches of industry in France and Germany, they should ensure peace on the Continent, but also a great achievement in the history of European integration. Unfortunately, this regulation of transport resulted in a failure in the implementation of transport policy in force. High Authority was not in a position to prohibit the application of special tariffs imposed by the Member States.²

The Treaty of Rome of 1957 created another legal foundation for a common European market based on the free movement of goods, services, capital and labor and as a natural consequences of that - common transport policy.³ The member Countries stressed the importance of transport in the formation of the Community by placing Article Nr. 3 point e) which states that: „ [f]or the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein (e) the adoption of a common policy in the sphere of transport”⁴ at the very beginning of the Treaty (establishing the European Economic Community, hereinafter: EEC).

Transportation policy is one of the oldest EU policies. Next to the common agricultural policy, common commercial policy towards third countries, and the common customs

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¹ Treaty Establishing the European Coal and Steel Community and Annexes I-III, Paris, 18 April 1951.

² Zając Grzegorz: *Wspólna polityka lotnicza Unii Europejskiej* [Common Aviation Policy of the European Union], Państwowa Wyższa Szkoła Wschodnioeuropejska w Przemyślu, Przemyśl, 2009. 18.

³ Grzelakowski, Andrzej: *Polityka transportowa Unii Europejskiej i jej implikacje dla systemów transportowych krajów członkowskich*, [European Union Transportation Policy and the Implications in Member States] Wydawnictwo Akademii Morskiej, Gdynia, 2008. 60.

⁴ Treaty of Rome, 25 March 1957.



policy, transportation policy has become one of the main tasks of the newly established Economic Community. The European Union's priority was to create a single market for transport, allowing Europe to realize the idea of freedom in providing services and opening transport markets. The special role of transport was manifested in Art. 61 of the Treaty, stating that „Freedom to provide services in the field of transport shall be governed by the provisions of the Title relating to transport.”⁵ Title IV of the second part of the Treaty has been strictly dedicated to transport policy. Articles 74-84 (now Art. 70-80) described the objectives, scope, and form of the policy, and therefore entered this field very seriously and extensively.

The policy included in the Treaty of Rome only referred to the so-called overland transport modes (Article 84, section 1). The application of the provisions for sea and air transport in Article 84, Section 2 of the Treaty was left to a subsequent decision by the Council. Consequently, all decisions on sea and air transport have been delayed until an unspecified date. Most likely, such a solution has been adopted for the cause of the Netherlands, declaring advocate of liberalism and non-interference in the affairs of inland states afraid of the „subordination” of these intergovernmental or quasi-governmental bodies of EEC. The voice of Netherlands could not, of course, be decisive, but such policies answered another, protectionist oriented need that is most significant in EEC countries such as France, Italy and West Germany. These countries rated sailing among their traditional areas of special and strategic importance, requiring special attention and care from the government. Thus, they did not want to give up their sovereignty too easily in this field. Such postponement in a common shipping policy formulation should be regarded as justified because of the international freight market mechanism that has advanced the level of integration in maritime transport in comparison to other modes of transport.⁶

Despite of being more than ten articles about transport in the Treaty from 1957, there were no in-depth delineations of the common results in a number of key aspects of the development and inhibition of transport.⁷ There was also a lack of definition of the policy. Nevertheless, these treaties have launched more than a decade of enhanced cooperation for the development of trade between the members of the European Communities. In 1961, a document called the Memorandum SCHAUS [*SCHAUS memorandum*]⁸ (named after the then Commissioner for Transport) was adopted, specifying the Communities' orientation in the field of transport. This memorandum set out a far-reaching, strategic goal of establishing a common transport market through the progressive removal of barriers. This document emphasized to seek means to remove obstacles in trade posed by the institutional structures governing transport, as well as to foster competition once a level playing field of harmonized fiscal, social, and technical conditions was established.⁹

Therefore, three objectives of transport policy were proposed, as follows:

⁵ Ibid.

⁶ Bredima-Savopoulou, Anna: *Wspólna polityka żeglugowa Unii Europejskiej* [Common shipping policy of the European Union], Wydawnictwo Uniwersytetu Gdańskiego (ed. Kujawa, Jerzy) Gdańsk, 1999. 13.

⁷ European Transport Policy, Present situation and future prospects, March 2004. [<http://www.eppgroup.eu/Activities/docs/transport-en.pdf>] (1 March 2013).

⁸ Memorandum on the General Lines of the Common Transport Policy. COM (61) 50 final. 10 April 1961.

⁹ El-Agraa, Ali: *The European Union: Economics and Policies*. Cambridge University Press, Cambridge, 2007. 299.

- ❖ removal of the obstacles created by transport and limitation of the single market by abrogating tariffs discriminating on the grounds of nationality;
- ❖ integration of the transport market through the liberalization of transport services within the EU (including regulations regarding the control of the market);
- ❖ establishment of the European transport system, including the adaptation of the infrastructure to the needs of the growing cross-border exchange, the harmonization of technical requirements, and the fiscal and social professional qualifications.¹⁰

In the year of 1962, the Commission provided another document for a common transport policy, entitled *Action Programme for the Common Transport Policy*. This program was in fact a document containing slightly broader information from the Commission to the Council, and failed to include any specific projects, solutions or a timetable for their implementation.

The development of the transport policy was, however, restrained in the 1970s when a resources and energy crisis caused by a sharp increase in oil prices on world markets arose from the embargo of countries, which were members of the Organization of Petroleum Exporting Countries (OPEC), against the United States. These changes directly affected the European market where oil was scarce and raw materials were imported. Rising oil prices led to a rise in the prices of other energy commodities imported to Western Europe as well as enormous imbalances in payments, which coincided with rising unemployment and inflation in Europe. On the one hand, the economic shock made politicians aware of the need of a deeper integration and the need to build an independent European monetary system. On the other hand, Europe took a cautious approach to all forms of integration.

2.

A breakthrough in terms of changes in the transport policy¹¹ occurred on 23 January 1983, when the European Parliament, supported by the European Commission, submitted a complaint to the European Court of Justice against the Council. The reason behind the unprecedented appeal to the Court was the lack of progress in the implementation of the liberalization of the transport market and, therefore, breach of the Treaty of Rome. The Parliament argued that the implementation of these provisions comes from Article 3 and 74 of the EC Treaty. On 22 May 1985,¹² the Court found the Council guilty and ordered the Council to strengthen its efforts to carry out the tasks in this area.

The ECJ judgment of 1985 caused a considerable stir in the European arena. During the preceding 30 years, the Community was not able or did not want to (because of the presence of significant differences between the countries) implement objectives of the common transport policy. Without doubt, a significant recovery of the European countries

¹⁰ Molle, Willem: *The Economics of European Integration. Theory, Practice, Policy*. Gdańsk, 2000. 351.

¹¹ Gawlikowska-Hueckel, Krystyna – Zielińska- Głębocka, Anna: *Integracja europejska od jednolitego rynku do unii walutowej, podręcznik ekonomii europejskiej nie tylko dla ekonomistów* [European Integration: from the Common Market to Monetary Union, European Economics Textbook not only for Economists] Wydawnictwo C.H. Beck, Warszawa, 2004. 233.

¹² Judgment of the Court of 22 May 1985, European Parliament v. Council of the European Communities, Common transport policy – Obligations of the Council – Case 13/83.

in implementing the provisions of the Treaty in the field of transport came with the judgment.¹³

A return to the trend of integration was associated with changes in the political scene of the late 1970s and early 1980s. The European Commission, acting on behalf of the Council, prepared and published a White Paper on the internal market on 14 June 1985 in Brussels (that was actually in the three weeks after the judgment of the Court of Justice in Case 13/83).¹⁴ The European Council held in Milan on 28-29 June 1985 adopted the White Paper, which later came into force on 1 January 1986. This document is also known as Cockfield's White Paper. This document was a report containing two hundred eighty-two acts (mostly Directives) that accelerated the introduction of an „*area without internal frontiers*”, thus, accelerated the internal market.

The White Paper identified and classified three types of barriers as well as methods to dispose of such barriers. There were physical barriers, which could be liquidated by abolishing customs and immigration control, fiscal barriers that would have to be eliminated through the harmonization of VAT and excise duties, as well as technical barriers which would be liquidated by the harmonization of technical standards and regulations. The elimination of all of the above mentioned should be done by the harmonization of the law. Consequently, the White Paper enumerated acts, thanks to the transposition into the internal legal order, should result in the deepening of integration in this area. The White Paper also sets out guidelines for a common transport policy. The Council adopted three guiding principles, such as: the creation of a free market (without quantitative restrictions) by 1992, an increase of bilateral and EU quotas, and elimination of distortions in competition.

In addition, the Council adopted a work plan to achieve specific goals in the field of all types of transport (land, sea and air) by 31 December 1992.

As far as road transport was planned, the Council considered the following issues:

- ❖ freedom to provide services by international coach until the end of 1989;
- ❖ elimination of the Community fees for the carriage of goods on roads between Member States and the definition of conditions under which carriers of a Member of the Community will be able to carry out cabotage transport services in the other one - by the end of 1988.

Legislation on maritime transport was mainly to include:

- ❖ freedom of operations conducted in this sector between the Member States by the end of 1986,

And in terms of air transport:

- ❖ adoption of measures relating to the determination and application of tariffs and levies on aviation, liberalized restrictive bilateral agreements – by the end of 1987
- ❖ Inland water transport:
- ❖ abolition of restrictions on access to inland waterways freight market (freedom of cabotage) – by the end of 1989.¹⁵

¹³ Zając: *Wspólna...* op. cit. 35.

¹⁴ Completing the Internal Market. White Paper from the Commission to the European Council, COM (85) 310 final, 14 June 1985.

¹⁵ Zając: *Wspólna...* 36.

The realization of these objectives included the development of a transport infrastructure in the interest of the Community, the simplification of inspections and formalities at the borders, and an increase of safety. The content of the White Paper was based on the concept of the internal market in the EC, as it relates to the way the internal market would come to fruition. To a large extent, the White Paper was different from previous works because it practically formulated important and logical consequences of a common market with a plan of action to realize them.

The program set out in the White Paper had a significant impact on the content of the Single European Act (SEA) from 28 February 1986, as the SEA sanctioned assumptions from the Cockfield's Book.

The Single European Act was signed by the European Communities Member States on 17 February and 28 February 1986. The final content of this document was accepted in Brussels on 16 December 1985 and approved the next day at a meeting of the European Council. This act was the first major revision of the Treaty of Paris on 18 April 1951, establishing the European Coal and Steel Community (ECSC) and the Treaty of Rome, from 25 of March 1957 establishing the European Economic Community (EEC) and European Atomic Energy Community (Euratom). The Single European Act came into force on 1 July 1987. The most important provision of JAE was an agreement on measures leading to the progressive establishment of the Single Market by 31 December 1992. The Single European Act expanded the powers of the European Communities in economic and monetary policy. It also extended the four freedoms – already contained in the founding treaties – on the single internal market: free movement of goods (removal of the necessary pre-customs and border control), free settlement within the Member States, free movement of capital and free movement of services.¹⁶ In terms of decision-making, it expanded the scope of qualified majority instead of unanimity in the Council of Ministers. It also slightly strengthened the powers of the European Parliament. The Single European Act established a mandatory target date for completing the internal market, which was 31 December 1992.

However, the creation of the Common Transport Policy only entered into a decisive phase in the early 1990s – with the „fulfillment” of the internal market.¹⁷ Initialed in December 1991 and signed on 7 February 1992, the Treaty on European Union (TEU) was an important step towards the creation of a united Europe.¹⁸ This Treaty transformed the European Economic Community in the European Community and the European Union was also formed.

The Treaty articulated the following objectives of the European Union:¹⁹

- ❖ supporting the continuous and sustainable economic growth and social progress in particular, by creating an area that is free from internal borders; deepening the

¹⁶ Łastawski, Kazimierz: *Historia Integracji Europejskiej* [History of European Integration]. Wydawnictwo Adam Marszałek, Toruń, 2011. 198.

¹⁷ Barcz, Jan: *Inne polityki unijne i działania wewnętrzne*. In: Barcz, Jan – Kawecka-Wyrzykowska, Elżbieta – Michałowska-Gorywoda, Krystyna (eds.): *Integracja europejska w świetle traktatu z Lizbony, Aspekty ekonomiczne* [European Integration in the Scope of the Lisbon Treaty. Economical Aspects]. Polskie Wydawnictwo Ekonomiczne, Warszawa, 2012. 355.

¹⁸ Popowicz, Krzysztof: *Historia Integracji europejskiej* [History of European Integration], SGH, Warszawa, 2006. 189.

¹⁹ Traktat z Maastricht, Warszawa, 1998. 15-16; and Nicoll, William – Salmon, Trevor: *Understanding the European Union*. In: Łastawski: *Historia integracji* ... 227.

- economic and social cohesion, and the establishment of economic and monetary union, which will lead to the creation of a single currency;
- ❖ confirmation of its identity on the international arena, primarily through the implementation of a common foreign and security policy, which might lead to a common defense;
- ❖ strengthening and protecting the rights and interests of nationals of Member States through the introduction of citizenship of the European Union;
- ❖ development of a close cooperation in justice and home affairs;
- ❖ strengthening legal structures as well as integrating and consolidating its mechanisms and institutions.

At that time, the Treaty created the three pillars upon which the European Union was based. This treaty was an expression of a holistic approach (economic policies are linked to the social and wider society and policies that comprise the broad concept of political union). The main position was received by the European Community and its dozens of policies which included, among others, common transport policy. Matters relating to transport policy were located in Article 3 Point f) of the Treaty. Like the Treaty of Rome, transport was identified with a separate title. In the next part of the Treaty the rules for trans-European networks were standardized. Subsequently, on 2 December 1992, the Commission adopted a White Paper, entitled „*The future development of the common transport policy. A global approach to the construction of a Community framework for sustainable mobility*”. This paper showed the state of the transport system in the newly established European Union and the prospects of its development. The main emphasis was placed on the opening of the transportation markets as soon as possible, and its dependence on economic growth. Another objective of the White paper was to link the need to move with the environmental issue. The White Paper also marked the turning point for an integrated approach, covering all modes of transport based on a model of sustainable mobility.

Nevertheless, it favored road transport (especially rail) and maritime transport. It acknowledged the creation of trans-European transport network (Transeuropean Transport Networks – TENs) as one of the most important projects that needed to be achieved in the 90s. Before the relevant provisions were mentioned in the White Paper, they were included in the Treaty of Maastricht.

Additionally, the Green Paper of the Commission from 20 December 1995 entitled *Towards fair and efficient pricing in transport*²⁰ addressed another important issue, the external costs of transport. In this document, the Commission sought to create an effective and fair system of charging in the transport sector, thereby, reducing the distorted nature of the competition between transport modes. In this context, tax measures were subject to discussion.

3.

1996 brought another important development in transport policy. On 6 March, in Brussels, a document for the management of air traffic was adopted and in July, the Parliament and the Council adopted guidelines for the development of TENs up until 2010, which referred

²⁰ Towards Fair and Efficient Pricing in Transport Policy. Policy Options for Internalizing the External Cost of Transport in the European Union. Green Paper. COM (95) 691 final, 20 December 1995.

to the infrastructure, traffic management and navigation systems. This year another White Paper concerning the revitalization of the railway was published.

The year of 1996 is also the launch of the so-called *TINA process* (Transport Infrastructure Needs Assessment) which developed a transport network development program up until 2015, taking the countries of Central and Eastern Europe into account. The TINA network was made up of about 18 thousand kilometers of roads, more than 20 thousand kilometers of railway, 38 airports, 13 seaports and 49 river ports. The cost of these networks (or generalization of the missing sections of roads and railways) for the period up until 2015 is estimated at 90 billion euros.

The realization of the objectives set out in the White Paper runs differently in various sectors. In general, the progressive liberalization of the various modes of transport and the increase in the EU legislative processes leading to the harmonization of the different rules in the Member States can be evaluated positively.

In order to assess the implementation of the provisions contained in the 1992 White Paper, general assumptions must be made (with the exception of those in the rail sector). In aviation, there has been a far-reaching liberalization resulting in rapid increase in the number of air carriages. Along with the success of the common transport policy is the release of the consumer price, the combination of high quality services to a wider range of choice. This does not mean that the policy was developed without major difficulties.

We may enumerate, among others, such problems as:

- ❖ uneven growth of different modes of transport;
- ❖ congestion on main roads, railway lines and airports as a result of the imbalance between different modes of transport;
- ❖ adverse effects on the environment and a large number of road accidents.

Elimination of various barriers, as well as deficiencies in the legal framework for the development of the common transport policy were described in the White Paper of 2001 which was published almost ten years later.

After more than a year and a half of negotiations and prolonged period of drafting work, on 2 October 1997, the Ministers of Foreign Affairs of the Member States signed another treaty in Amsterdam.²¹ The provisions of this treaty can be divided into six key areas: 1) freedom, security and justice, 2) the Union citizens, 3) an effective and coherent external policy, 4) the Union's institutions, 5) more cooperation-"flexibility", 6) simplification and consolidation of the Treaties. Provisions relating to transport policy were already present in Article 3, which states that: „*for the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein; (f) a common policy in the sphere of transport; (o) encouragement for the establishment and development of trans-European networks.*” Article 51 (*ex-Article 61*) states that the free movement of services in the field of transport is governed by the provisions of the Title relating to transport. Articles 70 (74) and 78 (82) of this Treaty were devoted to Transport policy.

In Articles 72 to 75 there was a record for the non-discrimination of carriers of other Member States, which did not have the consent of the Council. Discrimination towards the

²¹ *Treaty of Amsterdam amending the Treaty on European Union, The Treaties establishing the European Communities and Related Acts*, C 340, 10 November 1997.

carriers of the same goods in the same transport routes for different transport rates and conditions because of the country of origin or destination of the goods was prohibited. The Treaty also prohibited the usage of rates and conditions involving any element of support or protection of one or more particular undertakings or industries, unless it was permitted by the Commission.

The Commission was entrusted with the obligation to investigate cases of discrimination, as well as the application of rates and conditions inconsistent with the provisions of the Treaty. The Commission's investigation under the provisions should take into account the particular requirements of an appropriate regional economic policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances and the effects of such rates and conditions on competition between different modes of transport.

The Commission, if it finds irregularities, was given the authority to make the necessary decisions (in the framework of the rules laid down in accordance with the provisions of the Treaty) after a consultation with each concerned Member State. Among the provisions of the Treaty there were provisions discussing the need not to exceed a reasonable level of fees charged by a carrier with respect to crossing the border. In article 78 it was indicated that the Community may also contribute, through the Cohesion Fund set up pursuant to Article 161, specific projects in Member States in the field of transport infrastructure. However, in Article 79 we can find reference to the Advisory Committee consisting of experts designated by the governments of the Member States and the Commission established to consult on this transport, whenever it considers it desirable, without prejudice to the powers of the Economic and Social Committee.

Article 80 (*ex-Article 84*) made it clear that the provisions of the Treaty included in the title will only be used for transport by rail, road and inland waterway. The Council, acting by qualified majority, has the power to decide whether, to what extent and by what procedure appropriate provisions may be laid down for sea and air transport.

Further provisions for the creation of trans-European networks were also located in the Treaty. Article 154 expressed the Community's willingness to contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy so as to enable citizens of the Union, economic operators and regional and local communities to derive full benefit from the creation of an area without internal borders. Further provisions relating to transport policy included in Article 155 (*ex-Article 129c*) suggested that the Community should establish a series of guidelines covering the objectives, priorities, and broad lines of measures envisaged in the field of trans-European networks through which guidelines should identify projects of common interest.

4.

The Treaty of Amsterdam was not, however, warmly admitted. Instead, this treaty was treated as a relative failure on the road to a common Europe. There was a common belief that too little had been achieved and that Amsterdam aroused hopes that haven't been met. During the negotiations, the growing heterogeneity of the Union revealed, enlarged by the Scandinavian countries, having rather cold attitude towards the idea of the European

integration.²² The Treaty, in the absence of adequate institutional reform only allowed the acceptance of five new Member States. As assessed from the perspective of time, it is regarded as a mistake, since it led to the creation of new dividing lines in Europe.²³

In the White Paper entitled Fair payment for infrastructure use: a phased approach to create a common framework for charging for the use of transport infrastructure in the EU²⁴ and published on 22 July 1998, the European Commission noted the significant differences between Member States in the application of transportation charges, which led to many distortions of competition within each mode. Furthermore, the existing charging systems did not sufficiently take the environmental and social aspects of transport into account. The Treaty of Amsterdam was supposed to lay down the foundations for institutional reform before EU enlargement but it failed to do so.

Therefore, it was necessary to organize a new international conference that would address the previously unregulated issues. An international conference convened in 2000 was a consequence of the absence of a prior agreement between the Member States and the postponement of important institutional reform until the next EU expansion.

The European Council meeting in Nice, which ended on 11 December 2000, resulted in a new Treaty. As it was necessary to prepare a final version, the signing ceremony was held on 26 February 2001 in Nice. The treaty came into force on 1 February 2003, after its ratification by all Member States. Officially, this treaty was called the *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts*.²⁵ The common transport policy has been regulated by the changes laid down in Article 133.

Another important step in the development of this policy was the adoption of the *Lisbon Strategy* by the European Council in March 2000. The *Lisbon Strategy* was a ten-year long socio-economic development program designed to make the European Union *the most competitive and dynamic economy in the world*. In terms of transport policy it focused primarily on air and rail transport. The first priority contained in the document, specifically referring to the transportation policy, was the establishment of the Single European Sky (Single European Sky – SES) and a rule change for the allocation time operations at Community's airports. The document proposed to speed up the process of liberalization in rail transport.²⁶

²² Popowicz: *Historia...* 222.

²³ Podraza: *Unia Europejska...* 237.

²⁴ White Paper, Fair Payment for Infrastructure Use: a Phased Approach to a Common Transport Infrastructure Charging Framework in the EU - White Paper, COM/98/0466 final, <http://eur-lex.europa.eu> [smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=COMfinal&an_doc=1998&nu_doc=466] (12 March 2013).

²⁵ *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts*, (2001/C 80/01).

²⁶ Bokajło, Wiesław – Dziubko, Kazimierz: *Wspólna polityka transportowa. Unia Europejska. Leksykon integracji* [Common transport Policy. European Union. Integration's Lexicon]. Wrocław, 2004. 522-523

5.

One of the most important documents in the development of the EU transport policy was the White Paper of 2001, entitled *European transport policy for 2010: time to decide*,²⁷ in which the Commission examined the problems and challenges of the European transport policy, particularly in the context of the forthcoming EU enlargement to the east. It predicted a massive increase in transport, accompanied by traffic jams and congestion, especially for road and air transport, as well as increasing burden on health and the environment. These factors seriously threaten the EU's objectives in the field of competitiveness and climate protection.

In order to overcome these tendencies and to contribute to the creation of cost-effective, environmentally and socially responsible transportation system, the Commission presented a package of 60 measures. Their goal was to remove the dependence between economic and transport growth and the struggle against uneven development of different modes of transport. The imbalance in the development of different modes of transport was, according to the Commission, one of the biggest challenges. The Commission drew attention to the fact that all modes of transport should be treated equally, particularly since there was a clear practice of favoring some sectors.

In addition, the Commission announced a review of the guidelines for Trans-European Networks (TEN-T) and their adaption to a larger EU. Moreover, the Commission proposed, stronger than before, conducting activities to eliminate cross-border „bottlenecks“. They decided to promote different methods of transport and their mutual consistency so as to prevent congestion. The White Paper also highlighted the rights and obligations of transport users. The White Paper envisaged measures such as an action plan to improve road safety, and determined the appropriate cost of all modes of transport by harmonizing the rules for charging for use of the infrastructure. Moreover, the Commission decided to widen the sphere of protecting passenger rights, taking aircraft carriers against harmful practices (e.g. the so-called overbooking) into special consideration. Finally, the Commission stressed the need to tackle the problem of the consequences of globalization in the transport sector. In order to better protect its interests, the Commission proposed that the Community should play a significant role in international organizations such as the International Maritime Organization and the International Civil Aviation Organization. They also decided to introduce a European satellite navigation system called Galileo.

2004 brought another White Paper, this time concerning the application of the competition rules of the European Communities for sea transport.²⁸ This paper directly

²⁷ *White Paper: European Transport Policy for 2010: Time to Decide*, COM(2001) 370, September 2001, [http://ec.europa.eu/transport/themes/strategies/doc/2001_white_paper/lb_com_2001_0370_en.pdf] (12 March 2013).

²⁸ *White Paper on the Review of Regulation 4056/86*, applying the EC competition rules to maritime transport, COM(2004) 675 final. [http://eur-lex.europa.eu \[LexUriServ/site/en/com/2004/com2004_0675en_01.pdf\]](http://eur-lex.europa.eu [LexUriServ/site/en/com/2004/com2004_0675en_01.pdf]) (12 March 2013).

refers to Regulation Nr. 4056/86.²⁹ In 2006, they adopted a *White Paper on a European Communication Policy* in Brussels.³⁰

Subsequent changes in the EU's transport policy were brought by the *Treaty of Lisbon* ³¹ in 2007. When it finally came into force on 1 December 2009, the Lisbon Treaty represented a historic overhaul of the European Union's rulebook and the streamlining of EU institutions. Among other things, it changed the voting structure, creating two new posts in the EU Council President and High Representative for Foreign and Security Policy, and boosted the powers of the European Parliament. Lisbon represents some subtle but significant shifts regarding transport policy.

Transport policy was already mentioned in Article 2c, which states that transport is a sphere of shared competence between the Union and the Member States. Title V of the EC Treaty (Title VI of the Treaty on the Functioning of the European Union) was also devoted to transportation policy.

Until now, most transport legislation have been adopted under the co-decision procedure, and by a qualified majority of votes in the Council of Ministers (Article 74 of the Treaty of Rome already envisioned the creation of a common transport policy). But Articles 70-80 of the Lisbon Treaty introduced new wording; the changes offered derogation from the co-decision procedure for measures that could, if applied, have an adverse effect on living conditions and employment in certain areas as well as on the use of transport equipment. The Lisbon Treaty's Article 72 removed this derogation. It states that the impact of these measures on living conditions, employment, and the use of transport equipment should be taken into account. However, unanimity is not required to adopt these measures. And other provisions concerning state aid in transports, non-discrimination, taxes and duties, etc. (currently under Articles 70-80) remain unchanged. The same goes for provisions about the Trans-European Networks.

Another important issue in transport policy of a united Europe is the Commission's Green Paper of 2007 entitled „*Towards a new culture for urban mobility*”³². 2009 brought a Green Paper entitled ‘*TEN-T: A policy review*’³³. It worked towards a better integrated trans-European transport network at the service of the common transport policy.

Under the Belgian Presidency (July-December 2010), the Council initiated a political debate on the new White Paper of Sustainable Transport for 2010-2012, a strategy launched by the European Commission. Special attention was given to the interconnectivity between different transport modes, the development of intelligent transport systems, quality public transport, goods logistics, urban mobility, road safety and vulnerable user protection.³⁴

²⁹ *Council Regulation (EEC) No 4056/86* of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31986R4056:en:NOT>] (12 March 2013).

³⁰ *White Paper on a European Communication Policy*, COM(2006) 35 final http://europa.eu/documents/comm/white_papers/pdf/com2006_35_en.pdf] (12 March 2013).

³¹ *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*, signed at Lisbon, 13 December 2007. 2007/C 306/01, <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:FULL:EN:PDF>] (12 March 2013).

³² *Green Paper, Towards a New Culture for Urban Mobility*, (COM) 2007, 551 final.

³³ *Green Paper, TEN-T: A Policy Review – Towards a Better Integrated Trans-European Transport Network at the Service of the Common Transport Policy*.

³⁴ *The Railway Business Magazine* [<http://www.railwaypro.com/wp/?p=2444>] (12 March 2013).

The last set by Brussels was the *White Paper of 2011*,³⁵ dedicated to the plans of creating a Single European Transport Area.

6.

The European Commission adopted a comprehensive strategy (Transport 2050) for a competitive transport system that would increase mobility, remove major barriers in key areas, fuel growth and employment. At the same time, the proposals dramatically reduced Europe's dependence on imported oil, and cut carbon emissions in transport by 60% by 2050. To achieve it, it will require a transformation in Europe's current transport system. By 2050, key goals will 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 would contribute to a 60% cut in transport emissions by the middle of the century.³⁶

The Transport 2050 roadmap to a Single European Transport Area sets out to remove major barriers and bottlenecks in many key areas across the fields of transport infrastructure and investment, innovation and the internal market. The aim is to create a Single European Transport Area with more competition and a fully integrated transport network which links the different modes as well as allows for a profound shift in transport patterns for passengers and freight. To this purpose, the roadmap puts forward 40 concrete initiatives for the next decade.³⁷

As presented above, transportation policy has always been a key aspect in the European's Union rule. It is easily noticeable that the past sixty-two – particularly the past twenty – years have brought important changes in the Member States' actions towards transportation policy. The newly proposed changes seem to be long distanced and uneasy, but their implementation and influence can only be judged through the lens of time.

³⁵ White Paper Roadmap to a Single European Transport Area – Towards a Competitive and Resource Efficient Transport System, COM/2011/0144 final */. [http://eur-lex.europa.eu \[LexUriServ/LexUriServ.do?uri=CELEX:52011DC0144:EN:NOT\]](http://eur-lex.europa.eu [LexUriServ/LexUriServ.do?uri=CELEX:52011DC0144:EN:NOT]) (12 March 2013).

³⁶ *Europa Press Releases Rapid* [http://europa.eu \[rapid/press-release_IP-11-372_en.htm\]](http://europa.eu [rapid/press-release_IP-11-372_en.htm]) (12 March 2013).

³⁷ *Ibid.* see more: [http://europa.eu \[rapid/press-release_MEMO-11-197_en.htm\]](http://europa.eu [rapid/press-release_MEMO-11-197_en.htm]). (12 March 2013).