

Evidence from the Manchester Airports Group (EU 01)

1. Manchester Airports Group (MAG) welcomes the opportunity to respond to this inquiry. As an international industry, aviation is of particular interest to EU policy makers, and EU legislation has a huge impact on airports.
2. MAG would like to draw the committee's attention to three areas: security, the forthcoming 'airport package' and proposals for an EU aviation tax. MAG would also recommend that the committee meet with the European Parliament's Transport Committee.

Aviation security

3. MAG is following the ongoing deliberations at EU level on security scanners. Manchester Airport began trialling scanners in October 2009, and was directed by DfT to use them on a mandatory basis following the Christmas Day terrorist incident.
4. Our experience of the scanners is that they are effective in terms of threat detection and security queues, and overwhelmingly preferred (to a traditional pat-down) by passengers and colleagues. We are keen to invest further in this technology, to help enhance the passenger experience.
5. However, security scanners have not been approved for general use at European level. They are currently being piloted as a trial, with the permission of the Commission. MAG would like to see member states given the flexibility to use security scanners on an ongoing basis.
6. MAG has concerns about the proposed timetable for relaxing the liquids restrictions (April 2011 for transfer passengers followed by a relaxation for all passengers in 2013).
7. Whilst advances have been made in recent months, UK airports are not convinced that the screening technology will be ready to handle the demands of a busy airport environment without an unacceptable impact on queues. We agree that progress should be made towards relaxing restrictions, however lifting them too early will simply result in confusion and delay for passengers.
8. Finally, MAG would draw the committee's attention to the ongoing dispute about the financing of aviation security. MAG agrees with the European Parliament that, should Member States wish to introduce security requirements over and above those agreed at EU level, the state should contribute to the cost. Not doing so puts UK airports at a significant competitive disadvantage.

Airport package

9. The Commission has indicated that a package of airport-related proposals will be unveiled this year, covering slots, ground handling, airport capacity and noise management.
10. On slots, MAG would like to see clarification on the use of the 80/20 rule, definition of season length and slot ownership (in favour of airports), and an extension of the minimum block rule.

11. On ground handling, we would like to see greater control for airports over the quality of service provided by handlers.
12. We have no strong views on capacity or noise management at this stage but await the Commission's proposals with interest.

Aviation taxes

13. MAG noted with concern the Communication on the EU budget (October 2010), which suggested an aviation tax could help fund the EU budget.
14. Although the proposal is unlikely to gain wider support, the fact that aviation was a possible target was extremely unhelpful.

January 2011

Written evidence from Transport for London (EU 02)

Introduction

Transport for London (TfL) welcomes the opportunity to comment on EU transport policy ahead of the Transport Select Committee's visit to Brussels and its forthcoming oral evidence session with a Department for Transport minister. TfL engages with the EU institutions to support the delivery of the Mayor's Transport Strategy and investment in London's transport system. TfL considers the following issues of particular relevance.

Europe 2020

Although there is little mention of transport in the European Commission's keynote strategy, where it does appear it is in terms of modernisation and decarbonisation. Railway electrification, particularly in urban areas to support the EU's air quality objectives, and facilitating electric vehicle take-up would fit such a policy well. Indeed electric vehicle grids are explicitly mentioned in Europe 2020. However, it is not clear how the European Commission intends to achieve a decarbonised transport system nor the urgency of agreeing EU standards for electric vehicle charging now that infrastructure is being rolled out.

Trans-European Transport Networks

The Trans-European Transport Network (TEN-Ts) guidelines currently under development provide the opportunity to recognise the importance of urban elements and the 'last mile'. Trips on the TEN-Ts are not taken in isolation. Urban links to the existing TEN-T network and their interchanges should be included in future funding criteria.

Transport White Paper

TfL welcomes the prominence given to urban transport in the new Transport White Paper. TfL understands the White Paper will include low emission zones and different scheme criteria to meet local challenges. Whilst harmonising schemes would be unwelcome, action from the European Commission in terms of establishing standards for retrofitted vehicles (in terms of EURO emissions) and an EU-wide low emission website would be of great benefit.

Eurovignette directive

TfL supports the principle of the 'polluter pays', or the 'internalisation of external costs' as it is commonly termed in the EU. The eurovignette directives¹ have introduced the principle for HGVs on the TEN-Ts. Whilst charging is not compulsory, where member states do charge, they must abide by the principles of the directives. Whilst a case can be made for regulating charges on the TEN-Ts which carry a large volume of cross-border trade, no case can be made for other roads. TfL is concerned at attempts by the European Commission to extend the scope of the eurovignette regime to all roads². Indeed TfL understands the Transport White Paper will propose internalising external costs in urban areas. This would limit the ability of cities to develop policies to meet their own circumstances, both political and environmental.

Cross-border enforcement

TfL supports the exchange of vehicle registration information and robust enforcement measures for traffic offences. Although the draft directive currently under discussion³ is limited in scope, it is an important first step in ensuring a fairer system ensuring contraventions will be followed up, regardless of nationality.

January 2011

Written evidence from British Airways plc (EU 03)

British Airways welcomes the opportunity to contribute to the Transport Select Committee's call for evidence on EU Transport Policy. There are a number of issues being discussed at the European level that impact on British Airways and UK aviation which we believe the Committee may wish to raise as part of its scrutiny of EU policy.

1. Single European Sky (SES)

1.1 Following the Volcanic ash crisis, the European Commission and EU Member States agreed to accelerate the implementation of the Single European Sky. They undertook to organise European airspace into so-called 'Functional Airspace Blocks' (FABs) by 2012. FABs are determined not by national boundaries, but by traffic flows - this would replace the current patchwork of 31 national air navigation service providers across Europe.

1.2 We fully support the expedited implementation of SES that will reduce delays and flight times for passengers, improve safety, reduce CO2 emissions by up to 12%, airlines and reduce operating costs by almost 4 billion Euro per annum.

1.3 However, it is essential that robust Performance Targets be agreed if the real benefits of the Single European Sky are to be fully realised.

2. Consumer Protection Legislation

¹ 1999/62/EC and 2006/38/EC

² COM(2008) 436

³ COM(2008) 151

2.1 The recent mass grounding of aircraft across Europe caused firstly by the airspace closure due to volcanic ash and most recently by the severe winter weather, has again highlighted the issue of compensation for customers adversely affected by such disruption.

2.2 British Airways prides itself on providing the highest possible standards of care during times of disruption. Our focus on the customer is deeply ingrained and we know that without loyal and satisfied customers, we have no business.

2.3 However, when the current EU Regulation 261 on Consumer Protection was first drafted, it was never intended that airlines would effectively become 'insurers of last resort' - providing unlimited, open-ended assistance for events that were completely outside of their control.

2.4 Consequent to the recent disruptions, airlines have been burdened with additional costs for customer care running into tens of millions of pounds - on top of the hundreds of millions in lost revenue because of the grounding of aircraft.

2.5 The Commission is currently consulting on the operation of this Regulation in the broader context of customer rights in general. We look forward to a sensible solution being found that is fair and balanced, that protects customers and that imposes reasonable requirements on airlines.

3. Slots

3.1 The European Commission is currently considering a revision of Regulation (EEC) 95/93 on common rules for the allocation of slots at EU airports.

3.2 Slot allocation takes place across a complex global network of airports and airlines. The current Regulation works well and provides stability for airline operations. It also creates business certainty for operators, which in turn leads to investment in new routes, equipment and employees and is consistent with the IATA global scheduling guidelines applied throughout the world.

3.3 British Airways (and all of the major airline organisations including IATA, AEA and the majority of EU Member States) opposes any revision to the current slot regulation.

4. EU Emission Trading Scheme (ETS):

4.1 Aviation joins the EU ETS in January 2012: British Airways has long supported carbon trading, alongside other operational and technical measures, as being the most environmentally effective and economically efficient way for aviation to manage its impact on the environment. Our business is a global business, and we support a global emissions trading scheme for aviation that is non-discriminatory.

4.2 While negotiations continue on such a global scheme, the EU is taking the first step with the inclusion of aviation in EU ETS from January 2012. We support such a scheme, provided it avoids competitive distortion; there is no retaliation from 3rd countries that could impact our operations; and provided it builds a strong foundation for the development of a global approach.

4.3 UK Air Passenger Duty (APD): APD is already the highest aviation tax in the world by some distance and has direct implications for British competitiveness and jobs. The UK is also one of the strongest supporters of the EU Emissions Trading Scheme as

the preferred method for managing aviation emissions. Therefore, once aviation enters the EU ETS in 2012, APD should be reduced accordingly to ensure UK airlines and customers are not unfairly disadvantaged or over-taxed.

January 2011

Written evidence from London Councils (EU 04)

Since 2004, London Councils together with its partners (such as Transport for London in the UK and the City of Antwerp, in Europe) have been pressing for action on cross border enforcement of parking and traffic regulations. Most parking enforcement in the UK is now undertaken under a civil regime and, in London, most minor moving traffic offences, such as box junctions, bus lanes, one way streets and height, weight and width restrictions are also enforced under the civil regime, with the police unable to take action. This is also true for congestion charging.

Studies we have undertaken show that more than 2% of traffic levels in London are undertaken by foreign registered vehicles but these account for more like 5% of penalty charge notices. At present these are effectively unenforceable because of the enforcing authority's inability:

- To access foreign keeper databases to establish the vehicle keeper
- To enforce payment of the penalty even where a foreign keeper is identified.

In some cases foreign equivalents of DVLA will allow access by private companies to pass keeper information to authorities, but even in these cases nothing more than a letter can be sent.

London Councils, therefore, welcomed the draft cross border enforcement directive when this was first published in 2008 and sought for it to be extended to the field of civil enforcement, instead of simply to criminal enforcement which is where it was limited to. Failure to do this would mean that British motorists could be effectively penalised driving abroad, where a parking or minor moving traffic offence remains a criminal infringement, while a driver from another European country would be effectively immune if committing the same offence in this country.

At that time, the European Parliament was sympathetic to the point of view and called for an early review of the directive to extend its scope to administrative and civil enforcement. The UK Government of the day was, however, hostile and argued in Council against the directive, declaring its opposition to be a 'red line issue'. The draft directive was effectively blocked.

A new draft has now been produced and although this is still limited to criminal enforcement, we believe it should be extended to include civil enforcement. The Committee might usefully, therefore, ask the Minister:

- If the UK Government now supports the draft directive; and
- If the UK Government would support its extension to minor moving traffic and parking enforcement.

January 2011

Written evidence from Philip Stubbs (EU 05)

CIVIL AVIATION

FLIGHT AND DUTY TIME LIMITATIONS AND REST REQUIREMENTS

May I suggest that the above is an issue that members of the Transport Committee could investigate on the proposed visit to Brussels in February.

On the 20 December 2010 European Aviation Safety Agency (EASA) issued draft NPA 2010-14. This is the agencies draft opinion on flight and duty time limitations and rest requirements. In its current form if it became "hard law" then it would significantly change the current regulations that apply to UK registered aircraft.

In 2006 negotiations were completed and Regulation (EC) No 1899/2006 was accepted and published. The title of the regulation is 'Harmonisation of technical requirements and administrative procedures in the field of civil aviation', known as EU-OPS.

Subpart Q of EU-OPS is titled 'Flight and duty time limitations and rest requirements' and it is Subpart Q that NPA 2010-14 will replace.

Included in the objective and scope of Subpart Q of EU-OPS are the following words:-

The flight and duty time limitations and rest scheme is in accordance with both:

- (a) the provisions of this subpart; and*
- (b) any additional provisions that are applied by the Authority in accordance with the provisions of this subpart for the purpose of maintaining safety.*

OPS 1.1090

Under the above scope the UK informed EASA that they would retain CAP 371 (UK regulation) for UK registered aircraft.

Under NPA 2010-14 the UK could not longer impose their tighter regulations as it will be ruled unlawful.

Explanatory note 39 in the NPA contains the following words;

Under the Basic Regulation subsidiarity should not be allowed anymore, as the Basic Regulation mandates the development of fully harmonised aviation safety regulations. Under the new regulatory framework the possibility to apply stricter FTL rules at national level is removed.

The above means that CAP 371 would become redundant and UK aircraft would operate under more relaxed European regulations.

Given that the UK CAA had reservations with Subpart Q they must have reservations with NPA 2010-14 but will be forced to implement.

I would suggest that the Transport Committee question both the Commission and members of the European Parliamentary Transport Committee, especially its chairman, on this specific point. The UK Transport Committee should also seek out the views of the UK CAA.

If the regulations are to be relaxed then it should be done with the full support of the UK Parliament and the UK CAA.

January 2011

**Written evidence from Chartered Institute of Logistics and Transport in the UK
(EU 06)**

1. The Chartered Institute of Logistics and Transport in the UK ("the Institute") is a professional institution embracing all transport modes whose members are engaged in the provision of transport services for both passengers and freight, the management of logistics and the supply chain, transport planning, government and administration. We have no political affiliations and do not support any particular vested interests. Our principal concerns are that transport policies and procedures should be effective and efficient and based, as far as possible, on objective analysis of the issues and practical experience and that good practice should be widely disseminated and adopted.
2. The following is a brief response to the Transport Committee request for views on EU transport issues.
3. In 2010 the Commission reorganised the transport policy and project administration into DG MOVE and DG ENERGY to refocus transport towards universal mobility for passengers and freight throughout the member states with an underlying emphasis on environmental sustainability and the social agenda. Citizen empowerment, including passenger rights and pan-community freight integrity and transportation safety are key themes. DG MOVE (a German acronym for mobility and transport) defines policy whilst TEN-T EA (a new administrative leadership group) has been retained to turn policy into action. EA in turn administers the programmes of the EU Technology Platforms: ERRAC (European Rail Research Advisory Council), EIRAC (European Intermodal Research Advisory Council), Waterborne for waterborne transport, and ERTRAC for roads.
4. There are currently particular opportunities for UK engagement across the EU transport agenda with UK nationals in senior positions who actively welcome proactive UK participation: Kier Fitch is Deputy Head of Cabinet for EU Commission Vice President for Transport Siim Kallas, instrumental in developing the Transport White Paper; Brian Simpson MEP is Chair of the Transport Committee for the European Parliament with Jacqueline Foster MEP Conservative spokesperson. CILT(UK) is actively engaging with DG MOVE through its regular contact with DfT and its membership of the European Logistics Association. Prof. Andrew McNaughton is the Chairman of ERRAC.
5. Whilst subsidiarity is generally a sound principle to control affordability and harmonisation within the national interest it is clear that many key EU transport projects are impeded by real politic (social and competition issues) within the member states. Examples from which the UK will benefit which urgently require resolution include arcane cross-border rail freight working practices which are hold back intermodal interoperability; cross-border access controls-the E-Freight program for seamless freight movement and tracking across the Community is held up by local Customs practices, inhibiting intermodal development and modal change away from road transport: congestion management across the Community road network

which is high on the energy, road safety and social agendas including professional drivers' welfare; load tracking and security (the control of transport professionals' working hours and the provision of secure truck parking); access and cabotage monitoring (active vehicle identification linked with vignettes); and integrated air traffic control.

6. Engagement is a two-way process: whilst working towards increased yet sustainable, safe and secure mobility for citizens and their freight across the Community to generate the habit change necessary to approach the EU and UK climate change targets there needs to be coordinated implementation programs at regional and local levels through the LEPs; there are likely to be lessons available from EU regions. Similarly for UK business, there may be examples of regulatory practices in member states that are seen to comply with the spirit of EU safety and social agendas but do not inhibit business flexibility and add to costs in a cash-strapped competitive environment by adding unnecessary features and functions.

January 2011

Written evidence from Eurolines (EU 07)

Eurolines is the largest regular coach network in Europe, with a service spanning across the European Union and the continent, carrying over 3.5m passengers per year. The brand represents 31 independent coach companies in 33 countries, which all follow strict quality standards.

Introduction

- Bus and coach travel combined accounts for more passenger kilometres than any other mode of surface public transport in the European Union. Around 25% of public transport in the EU is provided by coaches.⁴ The industry has an estimated annual turnover of around €15 billion, operates around 250,000 vehicles, and employs more than 1.5 million people. Bus and coach travel continues to grow.
- International coach travel provides a cheap and environmentally-friendly alternative for citizens wanting to travel across Europe. During the ash cloud crisis, Eurolines provided extra fleets to get people back home. However, poor infrastructure means it is difficult for passengers to access coaches.
- The European Commission is currently drawing up a 10 year transport plan and we want to see the issue of passenger access to terminals being addressed in the plan. The EU has gone to great lengths to promote air travel and the rail networks but has done little to help the coach sector. Here is an opportunity for the EU to finally resolve some long-standing problems that coach passengers face – and we would very much welcome any interventions that the Transport Select committee members could make when they are in Brussels.

Passenger access to coach terminals

⁴ European Commission's Final Report *Study of passenger transport by coach* June 2009, p. 54.

- Public authorities do not give sufficient consideration to the location of coach terminals. In some Member States anti-competitive practices mean it is impossible for many operators to access prime sites. The European Commission should intervene to remove these obstacles to coach operators.
- Good co-ordination between terminal and coach operators will improve the passenger's experience by facilitating information and assistance to passengers. The EC should determine some responsibilities for the terminal authorities since it is not clear what their responsibilities should be.
- A Report commissioned by DG MOVE, published in June 2009, called "A Study of Passenger Transport by Coach" demonstrated the differences between national markets, spanning from fully deregulated ones with open competition among many agents (such as in the UK) to semi-liberalised and concession-based models with few agents. Irrespective of the level of liberalization, incentives must be created to ensure that terminals take greater responsibility in strengthening passengers' rights and open access to international operators. The European Commission should call on Member States to invest more on terminals and continuously work for improvements of terminal accessibility, as well as support the inter-operability between the different national models in place.

Infrastructure and Inter-operability

- Bus and coach travel is far less sensitive to disruptions than rail and air travel, plainly illustrated by the serious transport disruptions caused by the ash cloud in April 2010 and more recently by the cold spell sweeping across Europe. The ability to rapidly respond to changing demand make bus and coach travel a key element in realizing the Commission's ambition of transport intermodality. Ensuring access by bus and coach travel to strategic transport points such as airports and railway stations is therefore central to EU inter-modality plans.

January 2011

Written evidence from Joint Submission from the Optical Confederation and the Eye Health Alliance (EU 08)

EU Directive on Driving Licences 2006

We would like the committee to examine the progress on implementation of the EU Directive on Driving Licences. In particular, we are very concerned that the UK is not taking sufficient steps to appropriately implement the eyesight requirements for drivers and is lagging behind other European countries in implementing the Directive, as amended in 2009. We strongly believe that the UK's number plate test and the heavy reliance on Group 1 drivers to self-report visual problems to the DVLA, fall short of meeting the Directive requirements. Improving the way we assess and advise drivers about their eyesight in the UK, is long overdue and is unnecessarily putting drivers and other road users at risk.

Other European countries take a much more systematic and standardised approach and require drivers to have an additional assessment later in their driving career. The Republic of Ireland and Finland require drivers to undergo vision screening for visual acuity (distance vision) and visual fields (peripheral or side vision) performed by a medical doctor or optometrist. In Ireland this has recently been extended to cover twilight vision, glare and contrast sensitivity.

What the Directive specifies:

The eyesight requirements for drivers are contained in Directive 2006/126/EC, updated by Directive 2009/113/EC. It states that "all applicants for a driving licence shall undergo an appropriate investigation to ensure that they have adequate visual acuity for driving power-driven vehicles. Where there is reason to doubt that the applicant's vision is adequate, he shall be examined by a competent medical authority." (Annex III 6.0)

For further information about the European legislation please see the recent article in Optician:

<http://www.opticianonline.net/Articles/2010/11/19/26719/Driving+and+vision.html>

Case studies

The Guardian recently highlighted a study about difficulties for healthcare professionals when advising patients about fitness to drive and the problems of relying on drivers to self-report medical conditions or impaired vision to the DVLA. The article also highlighted a number of case studies where people had been killed by drivers with poor vision.

<http://www.guardian.co.uk/politics/2010/dec/26/unfit-drivers-report-health?INTCMP=SRCH>

How the UK system should be improved:

Firstly all drivers should have an adequate assessment of their visual acuity using a Snellen chart – (the letter chart which measures visual acuity) by a competent medical authority who can also provide advice on eye care issues. This would provide a more standardised assessment that can be repeated and overcomes the problem of inconsistent environmental conditions. Secondly, there needs to be a more frequent mandatory assessment of drivers' vision, rather than placing all the responsibility on the driver. This should take place every ten years when a driver renews their licence, and for drivers over 45, this assessment should also include checking visual fields. (This is already required for vocational drivers, although renewal takes place every five years.) For more information on how drivers' vision should be screened please see the article in Optician;

<http://www.opticianonline.net/Articles/2011/01/21/26987/Driving+and+vision+-+part+3.html>

January 2011

Written evidence from Road Haulage Association (RHA) (EU 09)

The Road Haulage Association (RHA) is the trade and employers organisation for the hire-or-reward sector of the road haulage industry. The RHA represents some 8,000 companies throughout the UK, with around 100,000 HGVs and with fleet size and driver numbers varying from one through to thousands. The activities of RHA members are central to the effective functioning of the UK economy with more than 60% of goods moved by road.

Key issues

Vertical Integration of the rail freight sector :The rail and road freight operations of Société Nationale des Chemins de Fer Français (SNCF) and Deutsche Bahn AG (DB)

We are concerned at the prospect of the creation of two vertically integrated tax-payer backed, land freight transport entities across Europe. Both SNCF and DB claim to be run as private companies, even though their loans are state backed and their operating budgets benefit from taxpayer cross subsidy. We understand that over 60% SNCF's 2009 (€600m+) losses occurred in its freight sector.

Both entities are securing an increasing presence in the UK road freight market through recently acquired subsidiaries.

The considerable re-structuring of rail freight companies across Europe has not, in our view, been scrutinised properly by the authorities to ensure a level playing field with rival modes such as road.

We are particularly concerned when state backed rail entities buy road haulage companies, and can then introduce predatory pricing in local road haulage markets.

Regulation 561/2006/EC-Driving and Rest Rules-Mutual Recognition of Enforcement Relaxation: The introduction of formal mutual recognition across Europe of local relaxations of drivers' hours restrictions

Recent adverse weather related drivers' hours enforcement relaxations in the UK, were not replicated across the EU. UK drivers have been told to make a note of the reason for their non-compliance with the rules on the back of their tachographs. There is no guarantee that European enforcement officials will accept this system and agree not to fine the UK driver.

Although drivers' hours relaxations are allowed on a one off basis (Article 12-Regulation 561/2006/EC), they do not envisage relaxations lasting days if not weeks. We believe this issue should be addressed by the EC and Member States to ensure that drivers are not unfairly penalised abroad.

We believe that relaxations are likely to reoccur if severe winter weather becomes more common.

Supply Chain Security

Regulations appear to be made on the assumption that drivers can inspect goods carried prior to sealing and loading. In many cases commercial practice no longer permits driver inspection. However regulations make the driver liable if, for example, illegal immigrants are found inside a container.

We would ask the Committee to raise the disparity between the reality of modern practice and the position assumed by many regulations.

January 2011

Joint written evidence from Age UK, Guide Dogs, Leonard Cheshire Disability, Radar, RNIB, RNID, Scope & Sense (EU 10)

Overview

Our organisations, our Members and supporters, have spent the last few months working on the EU Bus and Coach Regulation. This draft Regulation recently completed its Conciliation proceedings and a compromise text will now be considered by the European Parliament in February. The Regulation will bring in important and welcome

new rights of access and assistance for disabled people travelling in the UK and throughout the EU. In our submission we make a number of related recommendations for the Committee's forthcoming visit to Brussels in early February, as well as for when it questions UK Ministers.

Visit to Brussels

We would recommend that the Committee meets with key MEPs who participated in the Conciliation negotiations on the Bus and Coach Regulation, namely Brian Simpson MEP, Chair of the Transport and Tourism Committee and Antonio Cancian MEP, Rapporteur for the Regulation, who played a key role in supporting greater rights for disabled people.

UK Ministers

The European Parliament is due to formally approve the Bus and Coach Regulation at its plenary meeting in February. The Council is also due to approve the text shortly. The Parliamentary Under Secretary of State (Norman Baker MP) has called the proposed joint text of the regulation "...a sensible compromise that best serves UK interests, and strikes a balance between rights for passengers and the economics of service provision."

In a House of Lords debate on the Regulation (20 Jan 2011: Column 530), Earl Attlee said "My Lords, the UK Government intend to support the compromise agreement reached by the Conciliation Committee in respect of the EU regulation on bus and coach passenger rights when it is put to the Council for formal approval."

The UK's position on the Regulation, prior to Conciliation, was less positive, notably in relation to provisions applying to all services, so the Minister's (and Earl Attlee's) statement and support for the compromise text is welcome. However, we would urge the Committee to probe a few issues further:

- 1) Decisions on the use of the exemptions will be taken in due course, following consultation. Does the government have a view on whether it will use the 5 year exemption for drivers in relation to the provision introducing mandatory disability awareness training for personnel of carriers and terminal managing bodies dealing directly with the travelling public?
- 2) Has the Department for Transport considered how the Disabled Persons Transport Advisory Committee (DPTAC) Disability Equality and Awareness Training Framework for Transport Staff (published in June 2008) could contribute to implementation of training? What has the Department done to take forward this Framework?
- 3) If, as proposed in the Public Bodies Bill, the DPTAC is abolished, how will the Department for Transport ensure that Ministers and officials are advised on disability and accessibility issues?
- 4) What systems are in place to ensure that government transport policies and negotiating positions reflect the UK's new obligations following the UK ratification of the United Nations Convention on the Rights of Persons with Disabilities (Articles 9 and 21, relating to equal access to transport and equal access to information)?
- 5) Why did the Department for Transport fail to carry out an equality impact assessment on the draft Regulation, given the major role that bus and coach travel plays in the lives of disabled people and persons with reduced mobility?

January 2011

Joint written evidence from Stephen Plowden's and Simon Lister (EU 11)

The following suggestions for points which the Committee might raise are taken from Stephen Plowden's and Simon Lister's report *Cars Fit for Their Purpose*, Local Transport Today, December 2008

Vehicle design generally

The EU should make a formal commitment to base its policy for the motor manufacturing industry on the following principle: *No motor vehicle should cause more danger or environmental impact, or consume more nonrenewable resources, than is necessary for the performance of its transport function.*

Cars

1. The EU's regulations on CO₂ emissions do not put enough pressure on manufacturers to reduce weight. This has adverse consequences both for emissions and safety. The EU should commit itself to going over to a system whereby CO₂, in common with emissions of other gases and of noise, is regulated by type approval. Cars would be divided into classes based on their carrying capacity, and limits set on the maximum weight, engine power and emissions of cars of each class. The limits would be revised periodically in line with technological advances.
2. The EU should give national Governments powers to set their own vehicle regulations so long as they were more stringent than those set by the EU.
3. The EU should commit itself to the principle that all cars should be fitted with variable speed limiters. It should immediately instigate research on what type of variable speed limiter would be best for new cars and should commission a feasibility study of retrofitting cars already on the road.
4. Euro NCAP should publish the scores for their tests on the safety of car occupants only for those cars which achieve a high score for pedestrian safety. Car manufacturers should be obliged to state the scores for pedestrian safety in their advertisements, and should be allowed to mention the scores for the safety of car occupants only for those models with a high score for pedestrian safety.

HGVs

The British Government should seek, and the EU should grant, permission for heavy lorries registered in Britain to be fitted with driver-operated variable speed limiters before variable speed limiters become mandatory generally in Europe.

Motorcycles

The EU should put limits on the weight, power and top speed of motorcycles allowed on public roads and should urgently investigate the possibility of fitting motorcycles with variable speed limiters. The investigation would cover retrofit as well as new vehicles.

Speed limits

The EU should set a top European speed limit, but individual countries would retain the right to set lower national limits. Studies are required to determine what the European limit should be, but for the time being it should be set at 130kph. Apart from some sections of Italian and German motorways, 130kph is the highest limit on any European roads, so this European limit would make almost no difference to current limits. But it

would have a symbolic significance in recognising the supreme importance of controlling speed in tackling all the adverse impacts of motor vehicles.

January 2011

Written evidence from RMT (EU 12)

Rail

In explaining the McNulty Review into the Value for Money on UK railways Philip Hammond said the UK had the most expensive railways in Europe. The interim McNulty report argued a significant contributory factor was the fragmentation of the industry.

Last September the European Commission adopted a recast of the proposed railway package which could further increase the fragmentation and complexity of Britain's railways by requiring the compulsory outsourcing of rail services such as track or train maintenance⁵ and imposing new requirements on the ORR and domestic rail regulation⁶ and in relation to collecting track access charges.⁷

The recast also seeks to reduce the freedom to manoeuvre of states in terms of how they manage rail infrastructure and train operations (for example if states want integrated or publicly owned railways) by "eliminating outdated provisions" which "may be connected to the traditional fusion of operator and infrastructure manager"⁸ The recast also according to the European Transport Workers Federation "interferes in national legislation on industrial relations" by proposing "minimum level of service" during industrial action.⁹

The DTF explanatory memorandum states the proposals aim to address the fact that previous directives have not achieved "market opening", but even the UK government, which has encouraged the European Commission and Parliament to adopt the UK model of privatisation, have reservations - "the Commission should focus on ensuring member states implement existing legislation correctly before it proposes new measures." Yet in addition a further directive is also in the pipeline dealing with the liberalisation of domestic passenger services.

Road Transport

The European Parliament rejection of commission proposals in June 2010 may indicate self-employed drivers of lorries of 3.5 tonnes and above will in future be covered by the Road Transport Working Time Directive. The Committee may wish to enquire when this will be implemented.

Maritime

UK Race Relations Act: RMT has been in dialogue with the European Commission regarding the enforcement of non-discriminatory provisions for EU national seafarers. In

⁵ (Article 13 of the Recast)

⁶ (Article 55 and Article 56 of the Recast)

⁷ (Annex 8 of the Recast).

⁸ Supplementary Memorandum

⁹ Annex VII

2005 the UK unions made a complaint to the Commission regarding the UK Race Relations Act which is in breach of the EU Free Movement of Workers provisions on non-discrimination. In response to the Commission's threat of Infraction Proceedings, the DFT drew up draft regulations to reform the UK legislation. However one year later no progress has been made by the UK Government in implementing these regulations. EU regulations on maritime cabotage: These have led to the Scottish Government tendering lifeline ferry services which has forced the breakup of Caledonian MacBrayne into several companies dealing with asset ownership, operations and the employment of shore based and sea personnel. The tendering exercise has resulted in seafarers contracts of employment transferring offshore and a loss of revenue for the exchequer. Tendering should not be so prescriptive when clearly these services are essential for the survival of the Western Islands but remain loss making operations.

January 2011

Written evidence from the London European Partnership for Transport (EU 13)

European Platform on Mobility Management (EPOMM)

1. One of the most important current EU transport challenges is that of sustainable urban transport. This area encapsulates electric vehicles, shared space, cycling infrastructure, road safety, behaviour change schemes, last mile delivery of freight and passengers, low speed zones, passenger inter-modality, information and communication technology and cost benefit analysis of sustainable transport. EU terminology classifies these activities as "Mobility Management".
2. These activities will feature prominently on the domestic and EU agenda in the coming years. Implementation will help meet national and European carbon emissions targets, keep our cities desirable places to live, and help support economic growth.
3. Many of these areas of transport are being actively supported through the European Commission's Action Plan on Urban Mobility and are expected to feature in its 2020 EU Transport White Paper, soon to be published.
4. They are also being delivered by local, regional and national authorities across the EU, in many cases more effectively or innovatively than in the UK.
5. An opportunity exists, for the Department for Transport to join a network of other EU transport ministries, to help it deliver its objectives in a more cost-effective manner. By drawing on tried and tested models and methods from leading countries, large savings can be made by avoiding unnecessary new research ventures, or failed pilots.
6. The network is called the European Platform on Mobility Management (EPOMM).
7. EPOMM is a network of government ministries which are responsible in delivering sustainable transport or mobility management policies and practices in their countries. These areas are listed in the first paragraph above.
8. There are currently eight country members which benefit from:
 - a) access to successful sustainable transport practices delivered by other EU member states, both locally and nationally
 - b) contact with national and local experts in all fields of mobility management to transfer the best policies from country to country

- c) greater lobbying power to shape future EU legislation in this field, and being made aware of forthcoming Directives
- d) supporting their national sustainable transport networks (such as ACT Travelwise) with a wealth of best practice from EU local authorities
- e) the cost savings derived from delivering sustainable transport programmes such as reduced road congestion and better road safety
- f) attending 2 to 3 board meetings annually to exchange with fellow ministries

9. Whilst the UK is currently represented in EPOMM by Merseytravel, it has not had ministerial membership since a change in personnel some years ago. This has meant that it has not fully benefited from the dissemination of information through national channels.

10. EPOMM President Neil Scales (Chief Executive and Director General of Merseytravel) has been temporarily supporting the continuation of UK membership whilst ministerial support has been sought.

11. With EPOMM membership now growing, the Committee is recommended to consider DfT taking on the role of UK member and sponsor, from April 2011, at a cost of €15,000 per annum, to secure the benefits listed above.

12. The subsequent benefit to DfT each year would be significant, both financially and operatively, thanks to free expertise to hand through EPOMM, and hence the lesser need for duplicative research.

January 2011

Written evidence from Association of Train Operating Companies (ATOC) (EU 14).

The Association of Train Operating Companies (ATOC) represents franchised and open access train operators in Great Britain. We are grateful for the chance to submit suggestions to the Transport Committee on EU transport policy. There are three areas we wish to cover:

1. First Rail Package – revision

- 1.1. Firstly, it should be recognised that the GB model, in terms of structure, access and regulation, is consistent and compliant with present EU Directives. We are seen as one of the leaders in rail liberalisation and we are not subject to the present infraction proceedings being taken forward by the Commission.
- 1.2. ATOC supports the proposals to strengthen legislation covered by the earlier Directives (relationship of railway undertakings and infrastructure managers; licensing; capacity allocation; regulation) removing a number of loopholes in this area. In particular, ATOC endorses moves to increase transparency and regulatory oversight of the activities of the infrastructure manager; this approach closely aligns with the present GB system. ATOC also supports moves to reinforce greater regulatory independence in the EU.
- 1.3. However, ATOC is concerned by two significant changes proposed which could increase costs and restrict potential new entrants and investment in the industry.

- 1.4. In Article 13 the Commission proposes enforced legal separation of the train operating and station/depot functions (service facilities) in order to promote improved, impartial, access to those service facilities.
- 1.5. ATOC believes it will be an unwieldy and costly method of attempting to achieve this goal. The result will be to reduce the overall efficiency of railway undertakings; neither will it guarantee impartiality.
- 1.6. The Commission also proposes that the regulatory body should always enforce any third-party access requested to such facilities, irrespective of the circumstances. This completely removes the independence of the regulatory body and denies any impartial review of individual cases. In 'worst case' scenarios, where incumbents could be forced out of depot or stabling facilities irrespective of the existence of alternatives, it could result in franchise operators being in breach of their contracts.
- 1.7. ATOC believes that enforced legal separation of such activities should not be part of the revision and that requests for access should be the subject of regulatory process and oversight. Furthermore, any dispute over the refusal of access to such facilities should be subject to a regulatory review process and decision, as is the case in the GB model.
- 1.8. ATOC is also concerned that in Article 17 the Commission proposes restrictions on licensing for those railway undertakings with less than 50% shareholding based in the EU. ATOC believes this restricts the free movement of capital and could restrict potential investment in the rail industry. The proposal is only to address competition concerns of smaller Eastern European railways bordering Russia and is modelled on legislation for the airline industry; it is unnecessary to apply this across the whole EU rail sector. Specific protection under competition law would offer a better solution.

2. Liberalisation – market opening

- 2.1. The Commission is presently reviewing the need to develop domestic liberalisation on rail. ATOC is fully supportive of the Commission's approach and the findings of their recent report on the means of achieving this aim. However, in terms of the proposals for ticketing and information systems (also covered in the forthcoming Transport White Paper), ATOC does not support the imposition of an EU-wide system which is likely to be both cumbersome and costly to operate, with marginal benefit.
- 2.2. ATOC advocates a flexible, market-led, approach based on customer needs and cost-effective solutions and which can be tailored to support the White Paper's parallel 2050 objective of rail transporting the majority of medium distance passenger traffic (300 – 1000km).

3. Forthcoming Transport White Paper – developing EU strategic policy – 'A Road Map to 2050'

- 3.1. ATOC understands that the new White Paper aims to develop a longer-term policy (to 2050) for transport, addressing sustainability, information, ticketing and financing.

- 3.2. Whilst ATOC supports the aim of reducing transport carbon emissions, the proposed targets of reducing CO2 emissions by nearly 50%-70% by 2050 and making city transport carbon-free by the same time will be challenging unless a wider approach is adopted i.e. one that encourages low carbon power generation, investment in electrification etc.
- 3.3. ATOC fully supports the proposed review of infrastructure pricing to deliver fair track access charges and a system of financing which ensures a sustainable and commercially viable railway for the future.

January 2011

Written evidence from the Heritage Railway Association (EU 15)

The Heritage Railway Association represents 108 heritage railways and tramways operating in Great Britain and Ireland. The Association is run by volunteers, and established a Legal Services Committee at the time of BR privatisation to monitor new legislation affecting heritage railways, advising members how to meet the new legal requirements. Heritage railways are subject to similar safety requirements to the main line network, recognising the simpler nature of their operation and lower maximum speed (25 mph), but HRA has periodically sought derogation from legislation designed for the main line network where it is not appropriate for heritage lines. This has been done, either through DfT ministers and officials, or in Europe, through the good offices of Brian Simpson MEP. In general, this approach has worked well, but in some cases, the interpretation of EU legislation can result in impacts and costs on heritage railways, not intended by the legislators. Three recent examples of this are:

Railways & Other Guided Transport Systems (Safety) Regulations, 2006: Approval of new works (such as line extensions or signalling schemes) had traditionally been undertaken by Inspecting Officers from HMRI, but the new regulations require this to be done by 'independent competent persons' (ICPs). Their application in Britain goes well beyond the national railway network intended by the directive and encompasses tramways and heritage railways. The latter use traditional technology requiring specialist skills no longer widely available, so HRA with ORR has had to organise and fund specialist training courses through Birmingham University to train ICPs for heritage railways and tramways.

The Train Driver Licences and Certificates Regulations, 2010: The Directive is designed to facilitate international services, and heritage Railways were exempt from its application, but in transposing it into national law, a problem arose in the case of the North York Moors Railway which runs through trains to the national network at Whitby. It is hoped that this will be exempt, along with other future through services between heritage railways and the national network, but initially, it appeared that a strict interpretation of the definitions used in the Directive would require NYMR drivers to hold the international certificate.

2003 EU directive on the use of biofuels: Whilst railway locomotives are exempt until the end of this year, it is important to continue this for heritage diesel locomotives, where conversions to burn a biofuel mix is either impractical or requires major and expensive modification of the engines.

There is a strong case for heritage railways and tramways, with their traditional technology and limited transport role, to be exempted from EU regulations and their translation into national law as a matter of course. At the least we would suggest that

legislators should give careful consideration to the special needs of heritage railways to avoid the law of unintended consequences as well as unnecessary costs. HRA is happy to give advice and guidance on what is practical in railway terms.

January 2011

Written evidence from the British Air Line Pilots' Association (BALPA) (EU 16)

The British Air Line Pilots' Association is campaigning to make every flight a safe flight.

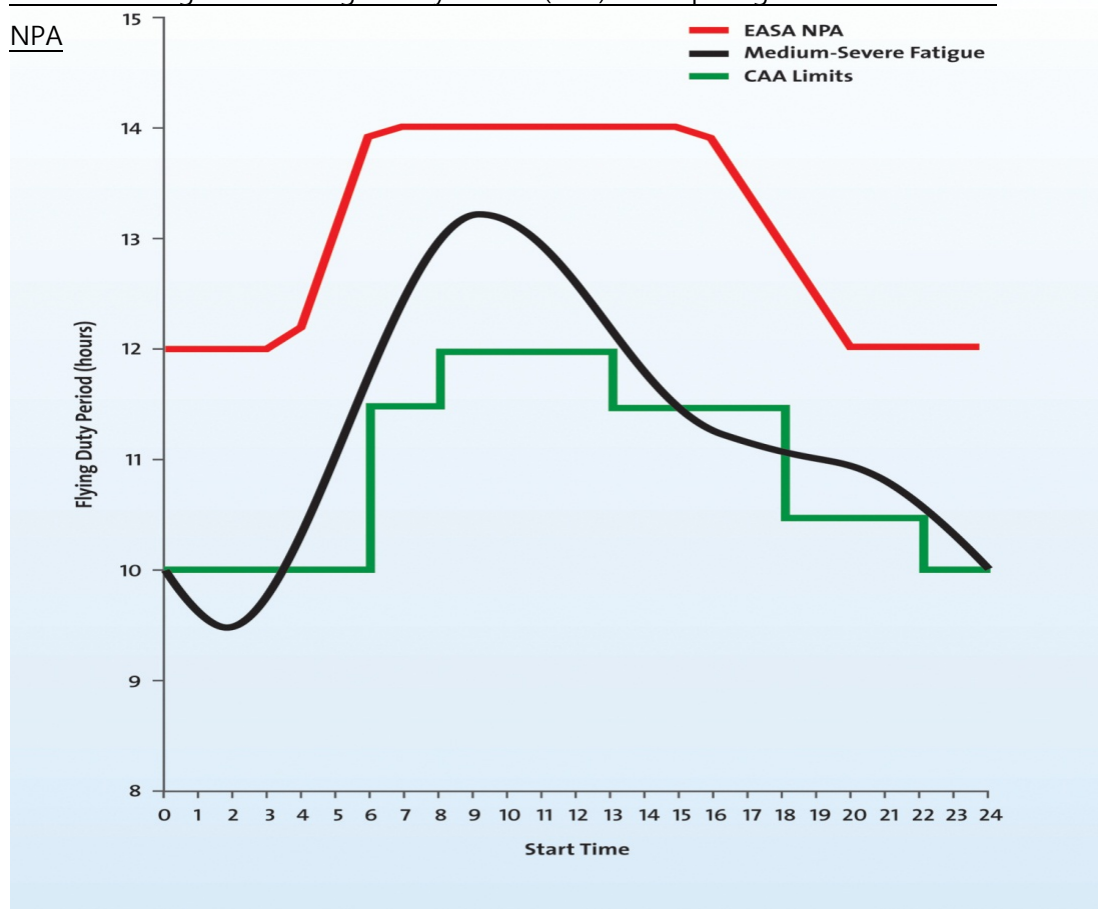
On 20 December 2010 the European Aviation Safety Agency (EASA) published its proposed changes to Flight Time Limitations (FTLs) which would pose a real threat to flight safety.

Current FTLs are governed by the Civil Aviation Authority's regulations known as CAP371. Under this scheme the UK has the best air safety record in Europe. New European legislation will supersede CAP371 and will apply across the EU.

Our principal concern is that these new rules (known currently as the EASA's Notice of Proposed Amendment) have been developed with little regard for the science behind FTL calculation. The current rules are based on 40 years of scientific research into fatigue and its impact on transport safety. The new proposals have never been subject to scientific or medical evaluation.

What will the impact of these changes be?

Maximum 'single sector' Flight Duty Period (FDP) – comparing CAP371 to EASA's



Fundamentally, the new rules would mean pilots flying for longer, with less rest time. Under current regulations a pilot's maximum 'single sector' Flight Duty Period (FDP) is 12 hours (including an hour's extension at the Captain's discretion). The new regulations would instead have a maximum 14 hours FDP. They would also then be expected back on duty more quickly too: down to 7.5 hours in certain circumstances.

The black line in the above graph is what is known as the 'Karolinska sleepiness scale', a well-respected model for evaluating subjective sleepiness used by, amongst others, NASA. EASA's new proposals are shown as clearly unsafe and would result in medium-severe fatigue at every point on the graph.

Truck drivers are restricted in the amount of time they can drive to 9 or 10 hours per day. Pilots would be expected to fly significantly longer hours than truck drivers under this new scheme, and, of course, pilots cannot pull over or take a break when they feel tired.

Pilot fatigue is already a global air safety problem – 15-20% of all air accidents have pilot fatigue as a contributing factor – and these new regulations, if implemented, would make matters far worse.

The Science

BALPA is not against EU-wide FTLs as long as they are based on the scientific and medical evidence and would not put air safety at risk.

EASA commissioned a report into this issue, known as the Moebus Report, but did not take this report into consideration, or draw on it, when drafting its current proposals.

BALPA would like the Committee to ask the Minister to oppose any moves to change FTLs which are not based on the scientific evidence and to encourage EASA to take the Moebus report into consideration before issuing the next draft of its proposals, known as the Comment Response Document (CRD)

We are happy to provide the Committee with further evidence and would welcome the Committee raising this matter with the Transport Minister at the evidence session on 1 February 2011.

January 2011

Written evidence from Freight Transport Association (EU 17)

FTA welcomes the engagement shown by the Transport Committee (TransCom) in EU transport policy making, demonstrated by the upcoming visit to the European Institutions in Brussels, and is happy to present below its suggestions for matters to be discussed with the representatives and officials in the Parliament and the Commission.

Overall EU transport Policy

- TransCom should ask the Commission for a timetable of the publication of the new 10 year Transport White Paper, which was expected towards the end of 2010. This document will shape EU policy over the coming 10 years and further so it is of significant interest that it is published in the near future.
- The Committee should urge the Commission, within the White Paper, to continue and strengthen its policy of 'co-modality', allowing each transport mode to improve to the best of its abilities in free and fair competition with other modes, and not return to the failed modal shift policy measures of the past.

Rail policy

- FTA strongly supports the Commission's work on the recast of the First Railway Package to help improve the rail freight market. Barriers to entry must be removed, whether they are administrative, transactional or on capacity levels.
- FTA asks TransCom to lend its support to the Commission to resist pressure to slow down or reverse the pace of further market opening needed to achieve the objective of a Single EU Rail Area from incumbent rail operators or protectionist Member State governments.

Road

- TransCom must push officials in DG MOVE to resist any proposals from DG Enterprise that could damage vital UK flexibility by the prohibition of trailers greater than 4 metres in height. Evidence from FTA members demonstrates the significant negative affects this would have on congestion levels and CO2 emissions.
- The road freight sector is one of the more heavily regulated sectors however 2011 will see further work, *inter alia*, on the revision of tachograph legislation

and the Eurovignette Directive. The Committee must demand from the European Commission that the sector must be given sufficient time to adapt to this new legislation before any further proposals are launched.

Maritime

- FTA is now the official Short-Sea-Shipping Promotion Centre for the UK. The Committee should use this example to demonstrate to the Institutions how the expertise of the private sector can be best utilised in the achievement of co-modality; improving the service levels from a transport mode to the best of its abilities.

Environment and CO2

- Work on establishing CO2 emission limits for light commercial vehicles is already underway however the Committee should demand that consideration be given to industry-led initiatives on CO2 reduction, most notably the FTA's Logistics Carbon Reduction Scheme, before EU legislators push through potentially damaging proposals for CO2 limits for the heavy goods sector.

January 2011

Written evidence from Institute of Travel & Meetings (EU 18)

Questions for EU Transportation Officials

NBTA Europe represents 2,000 European business travel buyers/managers with responsibility for over €100 billion of global business travel expenditure on behalf of more than 3 million business travellers within their organisations.

Its membership is derived from nine business travel associations and business travel media partners. Partners include;

- **The Institute of Travel & Meetings UK & Ireland (ITM)**
- Verband Deutsches Reisemanagement
- Nederlandse Associate vor Travel Management
- Danish Business travel Association
- Swedish Business Travel Association
- Norwegian Business travel Association
- Finnish Business Travel Association
- Iberian Business travel Association

ITM has the following questions for the EU Transport Officials on behalf of its members and NBTA Europe partner associations.

1.) Security

Do you have plans to introduce standardised security procedures at European airports? How will you ensure that civil liberties are respected whilst creating a secure travel environment?

Note: Items to be considered include;

- Full Body Scan processes
- Standardised liquids and hand baggage rules
- Standardised security processes in European airports and co-ordinating global airport infrastructures
- Registered Traveller Programmes

- Secure Passenger Name Record (PNR) data and other personal information collected by states and airlines

2.) Airlines & Competition

a.) Unbundling & Comparative Fare Display – Can you provide guidance on your action in relation to the continuing issue of air-fare unbundling and the subsequent impact on comparative fares at the point of sale?

Note: As airlines seek to pass on the cost of distribution and increase revenues through charging for unbundled items, the Global Distribution Systems (GDS) attempt to cater for these additional charges but the traveller, and businesses with significant travel, lose out. As the initial fares “advertised” on the GDS do not include all of the unbundled charges, the final cost of a flight can vary considerably from the original quote. In addition, as fuel surcharge etc. are *treated* as “taxes” any refund procedure should treat such surcharges in the same way – i.e. refundable. But they do not. Airlines are distorting the pricing mechanism to play to their home advantage.

b.) Contract & Pricing Policies and Route Competition – How do you monitor airline pricing on virtual monopoly/duopoly routes created by airline alliances and mergers?

c.) Are you aware of recent airline contracting practices which require a business to contract all partners of an airline alliance in order to access the fares of one? Do you consider this an unfair practice?

d.) Whilst we acknowledge that the Single European Sky initiative has a number of challenges ahead, are there any further steps or progress to be shared?

3.) The Ash Cloud & Passenger Rights

a.) Can you provide us with any plans for a revision of Regulation EU261/2004 in light of the Ash Cloud?

b.) Can you give us your perspective on the taxing of travellers as easy targets in European countries to raise revenues for the benefit of all?

Note: Everyone should contribute to the financial burden we are encountering, but city and country taxes add to the financial burden when businesses face increasing fuel, VAT and distribution costs.

January 2011

Written evidence from ABTA (EU 19)

ABTA represents over 1,400 UK travel agents and tour operators. In the interests of brevity, we are limiting our submission to the most pressing concern for many of our members, namely the lack of financial protection for consumers in relation to scheduled airline failure. The opportunity to contribute to the Committee’s work is timely in view of the Department for Transport’s revision of the ATOL regulations and the current work of the European Commission on passenger rights, airline insolvency and the Package Travel Directive, which are expected together to create a clearer and more comprehensive system of financial protection for travel.

ABTA is committed to securing comprehensive consumer protection for travellers in the event of insolvency or company collapse. Ensuring that there is a high level of consumer confidence in travel is essential for the continued success of our industry. The spate of recent airline failures has shaken this confidence. These include Zoom Airlines, XL Airlines, flyGlobespan, Highland Airways and Kiss Flights that, between them, left some 100,000 UK passengers stranded overseas and a further 380,000 passengers with lost forward bookings. There have been similar high value failures across Europe.

When passengers book their holiday components separately, rather than buying a package holiday, if they haven't travelled, not only may they have they lost their flight but also monies paid for advance bookings for accommodation and car hire which might not be refunded.

This lack of protection is at odds with the protection offered to consumers in the package holiday industry which is regulated under the Package Travel Directive 314/90/EEC. Package organisers have to assume liability for passengers and provide financial guarantees for eventual passenger refunds and repatriation, whereas scheduled airlines do not. This creates an uneven level of protection across the industry, an illogical discrepancy between the rights of airline passengers (even those on the same aircraft) depending on how they purchased their ticket. This adds to the confusion experienced by travellers in understanding whether they are protected or not.

The arguments in favour of adopting a comprehensive system of passenger protection for all flights that originate in the UK (or indeed in Europe) have been articulately expressed not least by the Committee in its report of July 2004 which had the effect of concentrating minds on the very significant deficiencies of the existing passenger protection system. This is fragmented, confused, insufficient and leaves passengers exposed in a way of which many are unaware and comes as an unpleasant and unwelcome surprise.

ABTA would appreciate the Committee's support, via UK and EU regulation, for a comprehensive system of passenger protection. We would welcome the opportunity to contribute further to the Committee's work on this matter.

January 2011

Written evidence from the Department for Transport (EU20)

HUNGARIAN PRESIDENCY 2011 – FORWARD LOOK

I thought that your Committee might find it helpful to have a general update on the EU transport proposals that are likely to be taken forward during the next six months, including Hungary's plans for their Presidency.

Main events

The broad transport themes of the Presidency are sustainability, safety and integration. There will be two formal **Transport Councils** during the Hungarian Presidency. The first one will be in Brussels on 31 March and the second will be in Luxembourg on 16 June.

An **Informal meeting of transport ministers** will be held outside Budapest on 7-8 February with a focus on the review of the Trans European Network for Transport (TEN-T) and the associated legislative proposal expected in the summer. I attach a copy of

the UK response to the recent Commission Consultation on the future Trans-European Network (TEN-T) Policy, which may be of interest to your Committee.

Other dates:

- The **Hungarian Transport Minister** will appear before the European Parliament on 25 January and 12 July.
- A **high level conference** will take place in Budapest in March or April on NAIADES – the Navigation and Inland Waterway Action and Development in Europe multi-annual action programme. Discussion will focus on the future of the programme and the promotion of inland waterways.
- A **high level conference** on Air Traffic Management, held in Budapest on 3-4 March, which will cover the implementation of SES II and establishment of Functional Airspace Blocks.

The work programme

Aviation

The Hungarians are not expecting a significant amount of work on Aviation, with elements of the Airports Package (possible revisions to the slots regulation and ground handling directive) expected to appear later during the Polish and Danish Presidencies. Nevertheless, we expect to see a communication preparing the deployment strategy for **SESAR (Single European Sky ATM Research)** which will be accompanied by Council Conclusions, and a proposal under Comitology on **Security Scanners**. There appears to be no interest in resuming negotiations on the proposed **Aviation Security Charges Directive** and we do not expect to see anything on the revision of Regulation 261 (**Air Passenger Rights**) until 2012. There may be further work on reviewing cargo security requirements after the October incidents, with a possibility of a Commission report at the June Transport Council.

On **external aviation relations** we can expect discussions on Brazil, Moldova, Israel, Lebanon, Ukraine, cabotage issues with Switzerland and SESAR/NEXTGEN interoperability.

Volcanic activity on Iceland has the potential to demand considerable focus and engagement at short notice.

Horizontal

On Galileo, the focus of work will be the proposed Decision on the use of the **Public Regulated Service (PRS)** and the forthcoming **Mid Term Review (MTR)**. While progress was made under the Belgian Presidency on the PRS decision (EM 14701/10), the proposal does not deal adequately with questions of funding, nor does it sufficiently describe the role to be performed by Member States' Competent PRS Authorities. The European Parliament is currently scheduled to hold its first reading of the proposal in June. The Commission has just published its Mid Term Review of the Galileo programme; an Explanatory Memorandum on the Mid-Term review will be provided to the Scrutiny Committees and deposited in the House library shortly.

The Presidency is not expecting the **Transport White Paper** to be published until February or March 2011 at the earliest. We expect a political debate on it at the June Council, perhaps followed by Conclusions. Ministers will be asked for written contributions ahead of the debate.

Land Transport

The Hungarians plan to work vigorously on the proposed Recast of the **1st Rail Package** (EM 13789/10), which aims to address the fact that the First Railway Package has not achieved its declared objective of market opening. They have indicated that on average they will devote at least one Working Group per week to this dossier for the duration of their Presidency. They are hopeful that a General Approach can be reached at the June Council but are mindful that positions are diverse and discussions thus far have been somewhat protracted. Nevertheless, they plan to continue work along the three thematic strands established by the Belgian Presidency - financing and charging of railway infrastructure, improvement of market access and monitoring and supervision of legal framework. The European Parliament's first reading is currently scheduled for June 2011.

We agree with the Commission that the Package has not achieved its declared objective of market opening, and support the Commission's overall aim of clarifying and strengthening the regulatory framework for market access. In particular, we endorse the need to ensure adequately resourced and properly independent regulatory bodies in order to facilitate market entry and competition. We believe that the Commission should focus on ensuring that Member States implement existing legislation correctly before it proposes new measures. However, we do note that it is pursuing infringement action against those Member States that have not correctly implemented the First Railway Package.

The Presidency plans to send the Council's common position on the proposed **Eurovignette Directive** on charging of heavy goods vehicles (EM 11857/08) to the European Parliament in February 2011, with a view to reaching a second reading deal by June. The Presidency have already started informal discussions with the rapporteur and have highlighted the EP's main issues, which include support for "earmarking" (hypothecation) of revenues from any charges that member states may introduce and the requirement that vehicles under 12 tonnes should always be included in any charging schemes. Our top priority will be to protect the gains made during the Council's first reading. This means making the case against hypothecation, as it goes against subsidiarity, and resisting charging vehicles below 12 tonnes because very few such vehicles are engaged in international trade, meaning there is no international competition issue and charging such vehicles in the UK would introduce unnecessary cost for no gain. This is in the context of our own emerging plans for lorry road user charging.

The Presidency are aware of the UK's opt-in rights engaged by the proposed **Cross Border Enforcement Directive** in the field of road safety (EM 7984/08 and 2010 Unnumbered EM) which aims to increase enforcement of certain road traffic offences between different Member States (MS), by facilitating the exchange of vehicle keeper information. The Presidency will not agree the Council's first reading position until the March Council to enable appropriate UK Parliamentary scrutiny to take place. They will hold some working groups early in the Presidency to look at issues such as the EUCHARIS system, as well as studying some of the EP amendments. They hope for a second reading deal in the second half of their Presidency. A debate has been arranged on this proposal in European Standing Committee A on 25 January; Mike Penning will speak for the Government.

The Presidency may pick up work on the **Interbus Agreement** on the international occasional carriage of passengers by coach and bus in January following

the publication of the Commission proposal to extend the scope to regular transport with third countries. As this is not a priority for Hungary they will see if there is enthusiasm among Member States before deciding whether to take it forward.

Although proposals are expected in 2011 from the Commission on the **Digital Tachograph** and **Roadworthiness Testing**, the Presidency do not expect to start discussions on these dossiers during their tenure.

Shipping and Inland Waterways

The Hungarians will ask Belgian officials to chair the Shipping working group (including IMO experts) and the Friends of the Presidency meetings. Hungary will chair working groups on Inland Waterways.

There will be weekly working group meetings to continue discussions on the proposal to amend the **Regulation establishing a European Maritime Safety Agency (EMSA)** to clarify the existing tasks and roles of the Agency and extend those tasks to new areas (EM 15717/10). The Presidency hopes that it will be possible to reach a General Approach or Political Agreement at the March Council. This seems optimistic given the slow pace of discussions to date and strong views that many Member States, including the UK, expressed at the December Transport Council on issues such as budgetary implications. The European Parliament first reading is currently scheduled for July.

The Presidency will hold some discussions in January on the proposed Decision on EU accession to the 2002 Protocol to the **Athens Convention** relating to the Carriage of Passengers and their Luggage by Sea, 1974 (EM 17511/10), which introduces compulsory insurance to cover passengers on ships and raises the limits of liability. They hope that agreement on the Decision can be reached at the March Council.

Following the high level conference on the **NAIADES programme** in Bucharest in Spring 2011, the Presidency will prepare Council Conclusions for adoption at the June Council on a forthcoming Commission progress report.

Other work will include: **IMO preparation** and the proposal to financially underpin the Programme to support the further development of an **Integrated Maritime Policy** (EM 14284/10), both of which will continue to be chaired by Belgium. The Presidency are keen to pick up work on the revision of the **Marine Equipment Directive** and the proposal on **Boatmasters' Certificates**, both of which are expected to be published in the Spring.

Work in other Council formations:

Technical Harmonisation

Vehicle standards and related work is handled under the Competitiveness Council. There are three live dossiers at the moment.

The Hungarian Presidency will continue work started under the Belgian Presidency on **Tractors**, the proposed Regulation on the approval of agricultural or forestry vehicles (EM 12604/10). This will continue to be discussed in detail in the Council's Technical Harmonisation Working Group. It is possible that the Council will be able to reach a General Approach under the Hungarian Presidency, or that the Parliament, currently scheduled to complete its first reading in September 2011, will signal that it is willing to work on a first reading deal and negotiations will start towards that end. Also on **Tractors, the flexibility scheme proposal** (EM 15935/10) will continue its progress

but is likely to move more slowly and be less controversial than the main Tractors Regulation. The third technical harmonisation dossier concerns **Motorcycles** (EM 14622/10) 'Regulation on the approval and market surveillance of two- or three-wheel vehicles and quadricycles'. Negotiations will continue on this proposal, but a General Approach or negotiations with the Parliament are less likely to take place under the Hungarian Presidency.

Environment Council dossiers

A first reading agreement on the proposed Regulation to reduce **CO2 emissions from new vans** (EM 15317/09) is expected to be confirmed by the European Parliament plenary in February. Linked to the proposal on the flexibility scheme for tractors, is a similar proposal to extend the flexibility scheme for **non-road mobile machinery** (EM 12171/10). In recognition of the current economic difficulties facing manufacturers, this proposal is intended to ease the burden upon them that will result from the stricter "Stage IIIB" emissions stage, contained in Directive 2004/26/EC, which comes into effect from 2011. This is of interest to the UK, in particular given the proposed extension of the scheme to the rail sector. This has been briefly discussed under the Belgian Presidency and, now that the European Parliament has appointed a rapporteur, speedy progress may be made towards finding a first reading agreement. The question of **biofuels** also remains. The Commission consultation on indirect land use change has recently closed and we are awaiting the Commission's next steps. And the focus on energy at the February European Council may mean a renewed political interest in the EU's biofuels policy.

I hope that this general summary of our expectations is useful and I look forward to discussing some of these dossiers with your Committee on 1 February.

Appendix

United Kingdom Government response to the European Commission Consultation on the future Trans-European Network (TEN-T) Policy

Summary of Views

The UK welcomes the opportunity to contribute to the European Commission's consultation on the future of the Trans-European Network –Transport (TEN-T) Policy.

We support the move towards a methodological approach to network planning and design that is based on passenger and freight traffic demand. The dual layer approach seems a sensible one. We think that the comprehensive network should be closely linked to the strategic networks of Member States; this should make the delivery of the network a more realistic proposition. The core network should link the key international nodes and gateways directly and support the development of low carbon infrastructure and services. It should deliver a more efficient, reliable network which uses intelligent transport systems to provide a better choice of transport options for businesses and people.

It is important that the network is developed in a sustainable way. Decarbonising the transport sector is one of the biggest challenges in the coming decades. The Programme should encourage technical innovation to accommodate new types of vehicle and enable infrastructure advances relating to the use of energy in transport.

We must recognise that both domestic and EU budgets will be under pressure for the foreseeable future. With that in mind the programme should focus resources effectively

to bring value for money, supporting more efficient use of the existing infrastructure and requiring a clear evidence base to justify the inclusion of any new routes. We would welcome greater co-ordination between TEN-T, Cohesion and other Structural Funds along with a greater role for the European Investment Bank. A streamlined funding programme should reduce administrative costs and burdens on applicants and encourage greater involvement of private sector funding.

We look forward to working with the European Commission and Member States in developing this important policy which can support growth and sustainability.

The methodology for TEN-T planning

1. Are the principles and criteria for designing the core network, as set out above, adequate and practicable? What are their strengths and weaknesses, and what else could be taken into account?

The principles and criteria seem sound and are similar to the criteria used to define the strategic transport corridors. More clarity is needed on the definitions of major hubs and the criteria for establishing which ports and airports would be considered intercontinental hubs within the “core” network. We recommend that a proportionate view is taken which recognises the different regional needs and allows for flexibility to meet future transport demands whilst balancing the need to keep the core network tightly focussed. In determining the “relevant technical parameters” the Commission should look at functional and capacity needs rather than engineering standards for the infrastructure.

The Commission should consider defining European Added Value in the context of the programme.

2. To what extent do the supplementary infrastructure measures contribute to the objectives of a future-oriented transport system, and are there ways to strengthen their contribution?

The programme should encourage improving the efficiency of existing technologies across all modes of transport and help to develop a broad range of cost effective low carbon technologies.

The UK supports in principle the continuation of measures to promote inland waterways, rail and short sea shipping within the TEN-T network where this makes good sense as an alternative to road, in order to reduce the environmental impact of freight transport overall. Progress on the Motorways of the Seas funding programme under the TEN-T has been slow although it does appear to be improving now. If such targeted funding is to continue, in order to better exploit the potential of rail and water freight networks within the TEN-T, we would prefer to see a strategic assessment to identify EU locations, in each Member State, where infrastructure upgrade of ports, transport hubs and rail, inland waterway and shipping facilities etc could provide maximum benefits in relation to costs. Providing the results were agreed with Member States, the outcome of the review could be used by the Commission to prioritise the allocation of funds to rail and water freight projects over the Financial Perspective, in order to better integrate these modes into the TEN-T and maximise the potential benefits of limited funds. Safe and secure parking areas for road haulage and passenger vehicles and passenger should be an integral part of the road network; this can improve safety and reduce congestion.

We think that developing intelligent transport systems (ITS) that use collaborative decision making to increase the use of multi-modal transport systems will help us capitalise on the opportunities offered by technological advance. Providing improved travel and traffic information will help reduce congestion and give business and the travelling public the ability to make better transport choices. While standardisation of ITS has the potential to improve interoperability, this should not be used to prevent local innovations that deliver network benefits. The Commission should ensure that where ITS standards are appropriate on the TEN-T they should reflect those developed under the ITS directive and that there is no competing or overlapping activity between these programmes.

What specific role could TEN-T planning in general play in boosting the transport sector's contribution to the "Europe 2020" strategic objectives?

It is important that the focus of the policy should be to support competitiveness, enabling growth and job creation, balanced with the need to make transport more sustainable.

Decarbonising the transport sector is one of the biggest challenges in the coming decade. The Programme should encourage technical innovation to accommodate new types of vehicle and enable infrastructure advances relating to the use of energy in transport. Common standards across Europe will be an important part of this, but with these new technologies at such an early stage of development the Commission should not rush to impose standards or we risk stifling innovation. The focus at the European level should be agreeing the minimum number of base standards necessary to ensure interoperability.

Investing in Intelligent Transport Systems such as traffic management and enforcement and safety systems can deliver environmental gains and optimise network usage. Projects should demonstrate their fit with the 2020 strategic objectives to receive funding.

TEN-T implementation

3. *In which way can the different sources of EU expenditure be better coordinated and/or combined in order to accelerate the delivery of TEN-T projects and policy objectives?*

Coordinated funding is important; but care should be taken that amalgamation of different funding streams with different strategic objectives doesn't reduce the value of EU funding. There may be scope for better co-ordination between the Cohesion Fund and TEN-T projects, especially as both budgets are likely to be under pressure in the next programming period.

Funding alone cannot accelerate projects; if the network is closely aligned to national strategic priorities it is more likely to be completed. Objective analysis of bottlenecks and problems on the network should enable a better prioritisation of funding to deliver better results. The UK agrees that oversight and coordination may be needed in complicated cross-border projects but Member States should retain competence in developing and delivering transport projects on their national networks; the programme should work as a partnership to mobilise different sources of funding effectively to deliver projects that have demonstrable value for the network.

How can an EU funding strategy coordinate and/or combine the different sources of EU and national funding and public and private financing?

The proposed co-ordination between the European funding framework and the European Investment Bank (EIB) transport projects portfolio is welcomed as a means leveraging EU project support and EIB know-how to secure synergies between the two institutions. However, it is important to recognise that financial sector volatility has led to intense competition for EIB funds and that this will limit the Bank's ability to mobilise private sources of PPP funds towards transport sector projects.

Similarly, the proposed development of the Commission's funding practice into a form that supports EU PPP practice is welcomed. However, EU rules only envisage supporting projects over a seven year period. This can be helpful in relation to the early stages of projects (for example, with the design phase or feasibility studies), but it does not address longer term PPP delivery issues. The most common form of UK PPP delivery is the Private Finance Initiative (PFI); such projects typically require longer term commitments (25-30 years) from Government. The Commission should consider ways of supporting such long term projects that are not limited to the period of the Financial Perspective.

Would the setting up of a European funding framework adequately address the implementation gap in the completion of TEN-T projects and policy objectives?

The UK government considers that this has merit. Properly designed it could provide transparency in managing the funding programme and a more efficient, cost effective delivery. However competence on deciding and promoting projects and investment on the network should remain with individual Member States. The implementation gap is not necessarily a funding issue. Having a clearer idea of what constitutes European added value, an objective assessment of which parts of the network are most in need of extra capacity and ensuring potential projects have a sound cost benefit analysis (which includes an assessment of the network benefits) will ensure that funding is given to projects which will improve the way the network functions.

The legal and institutional framework of the TEN-T policy review.

In which way can the TEN-T policy benefit from the new legal instruments and provisions as set out above?

In deciding the new legislative framework for the Programme it is important to consider the better regulation agenda. New legal instruments should actually deliver programme benefits and not just simplify the existing legislative framework.

Genuine efficiencies should be sought from the review with an emphasis on removing bureaucracy and saving money in managing the programme. It should be recognised that guidelines can be a more flexible way of managing a programme. Simplification is not just about removing or reducing regulation; it should focus on doing things in the most practical and cost effective way.

A clearer definition of the nature and extent of delegated powers in the committee arrangements is needed. Competence over the delivery of transport infrastructure should remain with Member States.

January 2011

Supplementary written evidence from the Department for Transport (EU 20a)

Following from our discussion at the Committee hearing last week, I am writing to let you know that this morning I have announced the Government's 'in principle' decision to reform the Air Travel Organisers' Licensing (ATOL) scheme. Our aims are to improve consumer protection, ensure that those booking holidays have greater clarity about which holidays are protected, and to secure the sustainability of the scheme's finances.

As you will be aware, new ways of selling holidays, and a recent Court ruling, mean it can now be very difficult for consumers and the travel industry to know when they are protected by ATOL and when they are not. The proportion of holidays with ATOL protection has fallen, and the scheme no longer fulfils its intended purpose.

The Air Travel Trust Fund (ATTF), which provides the money for refunds and repatriations when an ATOL licensed company becomes insolvent, is currently operating at a deficit. This is a result of significant travel company failures in 2008 and 2010, combined with a lack of income for a number of years.

The Fund is only able to meet its obligations because of a Government guarantee, which is currently £42 million. It is important to restore the sustainability of the fund so that it can continue to provide financial protection for consumers, while reducing and eventually removing taxpayers' exposure.

The attached Written Ministerial Statement outlines the proposed reforms. A consultation on the details of the proposals, including draft secondary legislation, is planned for the spring, with the aim of implementation by late 2011 or early 2012.

February 2011

Written evidence from Airbus (EU 21)

Airbus welcomes the Transport Select Committee's forthcoming visit to Brussels and scrutiny of relevant transport policy issues at an EU level. Airbus would like to take this opportunity to suggest the following issues for the Committee to consider as part of this work.

1. SESAR Programme to Improve Air Traffic Management (ATM)

The Committee will be aware of the Single European Sky ATM Research (SESAR) programme from its inquiry into "The Use of Airspace", held in the previous Parliament, to which Airbus gave written and oral evidence. European airspace is already very congested and the organisation of its air navigation services very fragmented. And with air traffic in Europe set to double by 2030, SESAR has the potential to deliver several important benefits, including:

- 10% reduction in fuel burn and CO2 emissions
- Tenfold increase in air transport safety in Europe
- 2-3 times increase in air traffic management (ATM) capacity
- 50% reduction in the cost of air navigation services

The importance of this initiative was highlighted by the severe disruption to European air transport systems caused by recent volcanic ash and severe weather incidents.

There are several current issues to do with SESAR which the Committee may wish to consider:

- **Governance.** A diverse range of stakeholders, including the European Commission, National Governments, air navigation service providers, airlines, and aircraft manufacturers, are involved in the deployment of SESAR. In light of this, the Committee may wish to inquire into the Commission's progress in adopting a Communication on a deployment strategy for SESAR and establishing an appropriate governance structure involving all relevant partners to ensure the quick and efficient deployment of the programme.
- **Funding.** Although SESAR is estimated to deliver around €35 billion in savings to airlines over the next 15 years, the programme will require significant initial investment to be established. The Committee may therefore wish to inquire into the funding arrangements in place to encourage airlines to install the new aircraft technologies required for SESAR, as well as the European Commission's progress in providing "pump-priming" funds, estimated at around €4 billion between 2014 – 2020, to help establish the system.

2. Research and Technology to Improve the Eco-Efficiency of Aviation

Another key issue the Committee may wish to consider is research and technology funding to improve the eco-efficiency of aviation.

The Committee will be aware of the ACARE research targets to achieve the following improvements in aviation by 2050:

- 50% reduction of CO₂ emissions through drastic reduction of fuel consumption
- 80% reduction of NO_x (nitrogen oxide) emissions
- 50% reduction of external noise

This ambitious agenda requires significant research funding from both the European Commission and National Governments. Between 2008-2013, funding is being provided by the Clean Sky Joint Technology Initiative as part of the EU Framework Programme 7 (FP7), mechanisms which have proven to be well adapted and efficient public-private partnerships.

Next Steps for ACARE.

The Committee may wish to consider the arrangements in place to maintain the instruments deployed in FP7 such as Clean Sky whilst improving their efficiency and simplifying implementation. The Committee may also wish to enquire into the arrangements in place to continue the ACARE agenda beyond 2013, including a possible distinct aeronautics thematic in the future FP8 and a dedicated research programme into the use of biofuels in aviation.

Furthermore, the Committee may wish to inquire into the steps being taken to place aviation at the heart of EU priority actions such as European industrial policy, research and innovation policy, and policies relative to the environment and sustainable development.

Airbus would be delighted to provide further information on any of the above topics if that would be helpful.

January 2011

Written evidence from Daniel Edwards (EU 22)

I have serious misgivings about the way in which the Department for Transport and Theresa Villiers have handled the concerns I (I am an airline pilot based out of London Gatwick airport) and my fellow aviation workers have regarding the introduction of ionising body scanners at several UK airports. I contacted my MP, Sam Gyimah (Cons. East Surrey) before Christmas expressing my concerns surrounding the accuracy of statements made by the Health Protection Agency (HPA), which the DfT are promoting as gospel, as well as serious concerns regarding the implementation of legislation regarding the scanners.

I received a reply via Mr. Gyimah from Theresa Villiers. It was obvious reading the letter from Mrs. Villiers' office that it was a generic, copy-and-paste reply that had been sent to several other colleagues. So copy-and-paste was this letter that Mrs. Villiers referred to someone else, a Mr Gilbert, who happens to be a pilot for another airline, in the second paragraph of a letter that was supposed to be in reply to me! I understand that Mr. Gilbert has subsequently written to the Minister expressing his dissatisfaction that Mrs. Villiers' office would issue such crass copy-and-paste replies and indeed refer to him in a reply to someone else. He is, rightfully, demanding an apology to all those involved. He is awaiting a reply. Furthermore, such lack of attention to detail clearly points to Mrs. Villiers not taking the serious concerns of pilots and aircrew seriously regarding the use of body scanners, which emit ionising radiation, which is linked to incidences of cancer.

I subsequently requested to attend one of Mr. Gyimah's surgeries and I relayed my concerns surrounding the health aspects of these scanners, which despite the attempts of the DfT to justify their safety through an assessment by the HPA, several leading radiologists and scientists have disputed the findings by the HPA. I referred to Mr. Gilbert earlier, who had mistakenly been copied into a letter that was supposed to be for me, Mr. Gilbert wrote to the HPA regarding his concerns of the accuracy of the statements by the HPA. Jill Meara, Deputy Director at the HPA, admitted to Mr. Gilbert that the HPA has conducted no long-term or laboratory testing of ionising backscatter machines, therefore it is disingenuous for the DfT to repeat claims that the HPA has conducted "studies". This clearly is not the case.

It is accepted medical fact, recognised by the Euratom Treaty, that repeated exposure to doses of ionising radiation can cause cancers and leukaemia. The independent Health and Safety Executive (HSE) refer to the link between exposure to ionising radiation and the threat to contracting cancer as a "linear, no-threshold" relationship. Ultimately, that means any increase in exposure to ionising radiation creates a linear increase in risk of contracting cancer. This risk contains no lower threshold. That means that even tiny exposures will increase the risk and there is no such thing as a "safe" dose.

This is a conclusion shared by the American Nuclear Regulatory Commission. Therefore, for the HPA to assert that the machines are completely safe because the doses are low (which is disputed by several radiologists, most prominently Dr. David Brenner of Columbia University, NY) fails to acknowledge the fact that these machines, regardless of dose emitted, actually increase the risk of contracting cancer. Mr. Gyimah suggested that I encourage as many people as possible to bring this issue to the attention of their MPs and the government. I responded by saying that I know a lot of pilots who have

and every single person has been essentially fobbed off by the standard generic, copy-and-paste reply that I received and ultimately our concerns are falling upon deaf ears.

Mr Gyimah concluded our meeting by saying that if the issue is raised in parliament he will pass on any details to me. Furthermore I mentioned a couple of other MPs who have written several times to the Minister regarding the use of ionising body scanners at airports and on aircrew. Mr. Gyimah assured me that he would speak with the MPs concerned for their thoughts on the matter. I appreciate that Mr. Gyimah's hands are most likely tied and there is not much more that he can do to pursue the issue. I find this situation completely unsatisfactory and that is why I am writing to you to try and get my concerns taken more seriously by the government.

The reason that this issue is so important to me as an airline pilot is that due to the altitudes and latitudes that I and my colleagues fly at, in the course of our duties we are typically exposed to more radiation than the general population. I and some of my colleagues exceed the non-volunteer recommended radiation limit by several times. Under direction of legislation, airline pilots are classified as radiation workers because of the high levels of ionising cosmic radiation that we are exposed to every year.

Our airlines are required by law to keep a record on the level of radiation that we are exposed to each year. Several studies have pointed out worrying findings and trends which include, among other things, that pilots contain a higher incidence than the general population of four types of cancer. Myeloid Leukemia has a direct relationship to radiation exposure. Astrocytoma (a type of brain cancer), is poorly understood within the medical field but pilots are twice as likely to suffer from it as the general population. Prostate cancer incidence is also higher among pilots and some scientists have concluded that this could be related to exposure to radiation from avionics and weather radars.

Finally studies regarding Malignant Melanoma revealed that British Airways pilots are at six times greater risk than the general population. This one is of particular concern to me as not only did my wife's grandfather, now a retired airline pilot, suffer from this three times, but ionising radiation from body scanners, according to Dr. David Brenner at Columbia University, penetrates not the whole body, but is absorbed primarily by the skin and the first few layers of tissue. This means that the radiation absorbed by the skin from one scan is potentially 20 times higher than the HPA estimates.

The DfT state in their generic response that "at the moment" there are no plans to make it "mandatory for all passengers, aircrew and airport staff" to pass through the body scanners. As you can appreciate, the language is vague and leaves a lot of room to be modified at the whim of the Minister. At the moment says to me that the DfT certainly have plans to change their policy. Furthermore, while it's not mandatory for all, if you are selected it does become mandatory as the UK legislation does not allow for an alternative screening method like in the USA. Therefore if I am chosen by a security agent to be scanned, if I refuse the scan on health grounds I will not be allowed to proceed to my aircraft. As aircrew that would mean any refusal to be scanned does not permit me to carry out the duties I am contractually obliged to by my employer.

The DfT state that the policy of scanning passengers and crew is "legitimate, proportionate and commensurate" with the threat to aviation. So far no one at the DfT has been able to present any evidence or suggest any precedent for an airline pilot smuggling through a prohibited article into the Critical Part of an airport and causing fatalities through the use of the prohibited article. The use of scanners is not legitimate, it's not proportionate and it is not commensurate with the threat, especially considering

the security arrangements on other methods of transport such as underground trains and buses. Indeed, it exposes radiation workers to more unnecessary harmful radiation for no benefit. Dr Rez has concluded that the chances of contracting cancer through the repeated scanning of these machines is the same as being fatally killed onboard an aircraft subject to a terrorist attack. A well-trained terrorist can smuggle PETN through these body scanners without much difficulty, as demonstrated by a group of German researchers recently and a few months ago by scientists at the University of California.

The issue of body scanners is a part of the broader issue of the flight crew security process which urgently needs reform. The DfT suggest that the measures regarding security screening and body scanners do "not seek to suggest a lack of trust of aircrew". The DfT continue in their generic reply, "an ordinarily well-intentioned member of staff may be coerced into complicity with an attack...[terrorists may] force them to carry prohibited items into a Critical Part of an airport". That statement is clearly absurd for several reasons. As I mentioned before, there is no precedent for an airline pilot to be blackmailed or coerced into carrying out terrorist activities. Any terrorist with the potential to carry out an attack would not use a pilot to carry through prohibited items into the Critical Part of an airport. It would be far easier to secure a role as part of the security team at airports and allow fellow terrorists to smuggle through items unchecked. However, in the remotely unlikely event that a pilot was coerced or determine to cause damage, they do not need to carry a prohibited item through security. Prior to pushing back from the gate, airline pilots are locked into the flight deck of an aircraft that potentially weighs 250 tonnes of which 100 tonnes could be flammable jet A1 aviation fuel. Crashing that aircraft into a building or the ground or wherever will create far more damage than anything anyone could ever conceive of carrying through a security checkpoint. The aviation security regime with regards to pilots is not making anyone safer. In fact it could be making the situation worse; a pilot who has just been subjected to an over-zealous search, either of their personal items in intimate detail or from an overly aggressive pat-down search after being chosen randomly by the metal detector, could well have their mind preoccupied on events that occurred during the security process instead of concentrating on the task at hand on the flight deck. Forcing airline pilots through a body scanner before conducting their duties on the flight deck is going to lead to some serious flight safety consequences, especially given the concerns pilots have with regards to unnecessary radiation exposure.

Finally, the DfT carried out a consultation process on the use of body scanners earlier last year. BALPA, the British Airline Pilot's Association, was not consulted. I believe that this is not in accordance with the accessibility of consultation exercises; consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach. Clearly this consultation was not targeted at those people that the exercise was intended to reach. One would hope that airline pilots, who go through the security process more than anyone, should be consulted. Despite the consultation paper saying that a summary of results would be published three months after the consultation closed, we are now six months on from the ending of the consultation and there are no results or findings to speak of. I am incredibly fearful of what the outcome of this flawed consultation will be.

As Chair of the Transport Select Committee I trust that you will hold Theresa Villiers and her department to account for the appalling use of copy-and-paste replies to citizens expressing their concerns at DfT policy, especially using someone else's name in the correspondence. Additionally, the obvious generic replies reveal that the Minister is not taking genuine concerns seriously. This attitude must change. Due to the potential serious health consequences that the DfT has refused to acknowledge despite the overwhelming evidence from radiologists and scientists across the world, I trust that you

will be able to apply pressure to the Minister and the Department for Transport to engage in constructive dialogue about security processes for aircrew and aircrew when travelling as passengers.

The DfT's stance and conduct thus far has been nothing short of appalling. Changes to pilot Flight Time Limitations (FTLs) have also been proposed by the European Parliament which will subject pilots to potentially dangerous levels of fatigue as the new FTLs being proposed in Brussels are not based upon science. Current UK FTLs (CAP 371) is based upon science but if the European Parliament gets its way CAP 371 will be scrapped. This will lead to pilots flying fatigued and I am sure you can agree that this could lead to fatal consequences. Given the DfT's appalling reaction to the issue of body scanners, I trust that Mrs. Villiers and the rest of the UK government will vigorously resist changes to FTLs that put passengers' lives at risk. Pilots are being attacked on two fronts and they deserve better than what the government is giving them.

Thank you for your time and I await with interest your reply as to the actions that you and the Transport Select Committee will undertake.

January 2011

Written evidence from BAA (EU 23)

BAA welcomes the visit of the Transport Committee to the EU institutions and appreciates the opportunity to share its views on a number of ongoing debates which are highly important for air transportation in the UK and Europe.

General transport policy review

The Commission is currently drafting a White Paper on the Future of Transport as well as revising the Guidelines for the Trans-European Network for Transport (TEN-T) which will be published in 2011. BAA is pleased with the Commission's holistic approach to transport but believes that airports as major transport hubs – and aviation as a major means of transport – are key elements of the network which have been insufficiently taken into consideration in the preliminary papers and debates. In particular, links between airports and other parts of the land network and the funding of this network require more elaborate reflection from the Commission.

Security scanners

The use of security scanners at airports has become the center of a discussion between proponents and opponents, in particular regarding the impact on privacy, health and effectiveness of scanners in general. Following the publication of a Communication in June 2010, the European Commission is currently considering legislative actions and will publish an Impact Assessment in this regard in the following months. Over the last few months, BAA engaged directly and through trade associations with various stakeholders and officials in Brussels. We believe that many opponents are not well informed about the way security scanners are being operated and how these concerns are being addressed by airport managers and staff. Furthermore, we believe there is a need for a better understanding of the role of body scanners in the overall security chain.

Liquids, Aerosols and Gels

The current rules of LAGs on board of airplanes expire in April 2011 after which airports are required to install and use appropriate explosive scanning devices. The European Commission remains convinced that the current schedule should be maintained despite clear evidence that adequate scanning technology is still being tested and developed.

BAA believe that the current timeline is unrealistic and that airports will not be able to comply with new regulations from April onwards. In line with other airport associations, we believe that the introduction of new rules should be postponed until technology is ready for use.

Airport Package

The European Commission is currently preparing an Airport Package for adoption in June 2011 addressing the need for increased airport capacity and possible reviews of the slots regulation and the ground-handling directive. The economic crisis and the subsequent temporary suspension of the use-it-or-lose-it principle have shown that there is a need for increased flexibility in slot allocation to accommodate demand. Furthermore, recent ash cloud and snow crises have demonstrated the need to clarify the responsibilities of airports and carriers in passenger communication and management in the event of major traffic disturbances. BAA believes this subject should be included in the forthcoming airport package as well.

Environment

- ETS aviation – The Emissions Trading Scheme for Aviation will come into force in 2012 and yet many practical questions remain unanswered. The Commission should be pressed to give detailed briefings on requirements and functioning of the ETS aviation scheme as soon as possible.
- Noise – The Airport Noise Directive will be reviewed as part of the Airport Package. BAA understands that all economic actors must share responsibility in noise reduction efforts. We believe that targets should be set bearing in mind the capability of the industry to reduce noise.

January 2011

Written evidence from Gatwick Airport Limited (GAL) (EU 24)

Transport Committee & EU Transport Policy: Submission from Gatwick Airport Limited ("GAL")

GAL welcomes the opportunity to provide suggestions on issues that might be raised by committee members during their planned visit to Brussels in February 2011. The 2011 Commission Work Plan states that a new airports 'package' will be developed over the course of the year, with proposals due to be published in September 2011. This package will include a range of binding Directives that will fundamentally shape the way in which 'slots' or times to aircraft for take-off and land are allocated, the overall efficiency of airport operations, and the way in which airports seek to measure and mitigate the impact of airport-related noise on local communities. Its contents are therefore critical to the future efficient operation of Gatwick and the provision of an improved passenger experience.

Facilitating an improved passenger experience

Gatwick is constantly striving to improve the passenger experience. To do so, we need to have influence over as many elements of that experience as possible, including baggage reclaim. This service is currently provided by 'handling agents' who are independent of both airline and airport. The Ground Handling Directive¹⁰ stops

¹⁰ Council Directive 96/67/EC

operators from managing the number of these agents, and through that the overall efficiency of a particular handling activity. In this way, we are actively prevented for taking steps to improve a critical element of the passenger journey.

Key Question: How will the Commission seek to revise the airport ground-handling regulation to allow airports to provide the best possible passenger experience?

Making the most of existing airport capacity

Airport 'slots', or time periods for aircraft to take off and land, are allocated by a slot administrator according to binding EU regulations¹¹. They do not facilitate the use of market mechanisms, such as auctions in the allocation of slots, and only allow a 'grey market' in the secondary trading of them. There is no clear and transparent mechanism for an airline to transfer a slot to another. As a result, some slots are used inefficiently or left unused. Capacity at airports, including Gatwick, is being used inefficiently. There is also no scope in current regulations for punitive measures to be applied toward airlines that delay the handing back of slots beyond an acceptable timeframe, which worsens the problem.

Key Questions: How will the Commission promote efficient use of take-off and landing slots at airports? Will they fully introduce market mechanisms in order to promote efficiency?

Managing airport-related Noise

All airport's plans for reducing noise impacts on local communities must be based on the Environmental Noise Directive (END). There is significant ambiguity around what those requirements actually are. Member states use 25 different methods for estimating how much noise airports actually generate. END also does not mandate a specific approach to actually mapping how noise might affect specific areas. Member States produce maps according to differing criteria.

Key Questions: How will the Commission seek to further harmonise methodologies for measuring and mapping airport related noise across all Member States?

January 2011

Written evidence from UK Transport in Europe (UKTiE) (EU 25)

Thank-you for inviting me to make a written submission to the TSC Inquiry into EU Transport Policy on behalf of UK Transport in Europe (UKTiE). I set out below some background on UKTiE.

I very much welcome this initiative. My submission is, with the exception of EU transport funding, focused not on the specifics of EU transport policy but how pro-actively the UK can be better at influencing it, rather than acting as passive recipients. As a former MEP (and former Member of the European Parliament's Transport and Tourism Committee 1994-2004) I know how important an influence EU policy has on the UK, bad sadly how sometimes the UK does not punch its weight in Brussels. I attach the conclusions of the UKTiE workshops but some of the key themes were:

¹¹ Regulation EEC 95/93, supplemented by EEC 793/2004

1. UK stakeholders, industry and Government should take a strong lead in securing more EU transport funding for the UK and a new transport specific fund should be carved out of the existing EU budget.
2. The industry sought more engagement with HMG, and DfT in particular, at various levels. The main problem was that it did not address issues early enough in the process. Various ideas were floated:
 - o regular briefings, possibly in Brussels, that gave the context for Commission thinking and provided intelligence on likely future initiatives. These could be aimed at the industry as a whole
 - o more dossier-focused briefings
 - o Government needed to join up better, both within and across departments, to engage with and pick up concerns from industry.
3. The focus needed to be on EARLY action.

Despite these challenging times for public and private sector alike there is strong willingness on the part of the participants to find new innovative ways of working together more effectively and efficiently to influence EU transport policy. Indeed given those challenging circumstances and finite resources it is the only way forward.

Please do not hesitate to contact me if you require any further information.

Background to UKTiE

*A new body to represent UK transport interests in Brussels, **UK Transport in Europe (UKTiE)**, was launched in the European Parliament on Monday 15 November, in the presence of the Deputy British Ambassador to the EU, Andy Lebrecht; the Chair of the Transport Committee of the European Parliament, Brian Simpson MEP; Conservative Transport Spokesman, Jacqueline Foster MEP Director, DG Move, European Commission, Jean-Eric Pacquet; and Deputy Head of the Siim Kallas Cabinet (with responsibility for the new Transport White Paper), Kier Fitch.*

The forum also heard keynote speeches from Andrew Haines, Chief Executive of the CAA, Richard Knight, Managing Director of J.P. Knight Group Ltd, Roger Cobbe, Board Member of ATOC, Prof. Roger Vickerman, Dean of University of Kent in Brussels, Lord Berkeley, Chairman of the Rail Freight Group, and Richard Lax, EU Affairs Director of Kapsch. They were joined by 50 delegates representing over 20 major UK transport stakeholders.

Delegates agreed the next step is to build UKTiE membership so it can begin the work of helping the sector more actively engage in Brussels. One of the first projects will be to set up an 'early warning' system for new Commission proposals.

UK Transport in Europe (UKTiE) launched in European Parliament and the conclusions reached were as follows:-

Funding

1. UK stakeholders, industry and Government should take a strong lead in securing more EU transport funding for the UK by:-
 - finding out what opportunities there are earlier
 - rather than just apply for funds,, we should influence policy process that creates the funds, using UK experience

- connecting localities, communities and stakeholders to develop coalitions in order to better access EU regional funding for transport
 - the new EU transport White Paper should be a priority for the UK, and we should lead in a positive way the reaction to it to help deliver our funding objectives.
2. A specific EU transport fund should be carved out of the EU budget, focused on 'smart' cities, carbon reduction and competitiveness, and thereby make better use of limited resources.
 3. To support our funding priorities there should be wide dissemination of past EU expenditure and success of EU programmes in UK. In R&D funding there should be more focus on measurable outputs, via practical demonstration projects, which have a catalytic effect. To make investments smarter there should be more focus on making better use of existing infrastructure.

Environmental Challenges

1. UKREP were thought to be useful but earlier notification of proposals would be of use to industry.
2. It was thought that the UK domestic agenda often impinged on our ability to secure our wider European objectives.
3. The fact that often there is intra-sectoral disagreement on specific proposals was highlighted.
4. Inter modal comparison of costs was often not taken into account e.g. fixed costs between modes was often not fairly compared. Therefore there needed to be greater transparency of costings between modes.
5. On technology there needed to be greater clarification of the definition of technology.
6. The greatest challenge was an EU wide approach to transport taxation.
7. The majority were in favour of maximising greater subsidiarity, but there were opposing views expressed in the plenary.

The Legislative Framework

There were some suggestions for things Government could do better, and some thoughts about what the UK transport industry could do.

1. The industry sought more engagement with HMG, and DfT in particular, at various levels. On the rail side the RPF was seen as good in as far as it went, but not effective enough. The main problem was that it did not address issues early enough in the process. It was good to be able to respond to Government consultations, but if the consensus was already emerging in the EU before the consultation finished then there was not much point. Various ideas were floated:
 - regular briefings, possibly in Brussels, that gave the context for Commission thinking and provided intelligence on likely future initiatives. These could be aimed at the industry as a whole
 - more dossier-focused briefings

- Government needed to join up better, both within and across departments, to engage with and pick up concerns from industry

The focus needed to be on EARLY action.

2. As for what industry could do, there was recognition of the need to give vocal support to the Commission when it was doing the right thing, rather than just highlight the problems. This message about support for the Commission could also be relayed to Government, at political and senior official level, given that it was often the problems rather than the successes that appeared on their radar. Such support for the Commission, which could also cover enforcement, would set a more productive context for engaging on difficulties.
3. There was some discussion about what, in the future, might be the area with the most regulatory challenge and reducing the carbon impacts of transport was highlighted. If we had a significant request, perhaps it could be to press for comprehensive pricing of externalities across all (surface) transport modes. (Aviation has the ETS.)

Notes :

1. Organisations present included DfT, UKREP, CAA, National Air Traffic Services (NATS), British Airways, Deutsche Lufthansa, Arriva Trains, Association of Train Operating Companies, Freightliner Ltd, British Business and General Aviation Association, Manchester Airport Group, JP Knight Group Ltd, Transport for London, Hutchinson Europe, Kapsch TrafficCom, Confederation of Passenger Transport, Greener Journeys, British Chamber of Shipping, and the Freight Transport Association.
2. The views expressed were the collective views of UKTiE and do not necessarily represent the individual views of all stakeholders present.
3. UKTiE Membership is open to UK transport stakeholders (UK based but not necessarily UK owned).

January 2011

Written evidence from Eurostar (EU 26)

Background

- Eurostar is the high-speed train service between the UK and Continental Europe. We have been operating since 14 November 1994 and have since carried over one hundred million passengers, doubling the size of the market for travel between London and Paris in the process. Since 1 September 2010, Eurostar International Limited has been the first truly international passenger train operating company.
- Eurostar welcomes the recast of the 1st railway package as an opportunity to strengthen the liberalisation of the European railways and aid the growth of the sector.
- **Nevertheless** we do have some concerns and observations and these are set out below.

General comments

- Whilst the market for train services is being opened up and liberalized, the provision of infrastructure to run on remains an absolute monopoly service. Infrastructure access charges can consume over half of high speed rail revenue from passengers (55% for Eurostar), and so long as both their level and structure remain largely unregulated, they will act as a substantial brake on the development of high speed rail markets.
- The level of charges needs to be set at a level that is affordable, and will help high speed passenger markets to grow. The structure of charges needs to be smarter, so as not to deter the development of longer distance markets. Currently most infrastructure managers charge on the train-kilometer basis calculated with domestic funding conditions paramount. This ensures that charges are often unrealistic in the international travel market and destroys the viability of longer distance rail services. Strict regulation of infrastructure charging is therefore needed to avoid 'Access Taxes' and excessive capture of profit by infrastructure managers.
- At the same time it should be stressed that a fairer system for charging high-speed rail, with effective regulation to ensure the charges are affordable and predictable, is also in the interests of infrastructure managers, as it will mean more TOCs can use the infrastructure viably.
- A level playing field between rail and other modes is a necessity:
 - It needs to be borne in mind that in terms of international rail, the market price for many international journeys is effectively set by the airline industry and yet the fixed costs stemming from infrastructure charges in the rail industry are of a vastly different order of magnitude.
 - Where road transport is in competition with rail, it should, for example, pay for its CO2 emissions as high-speed rail already does and as air transport will, through the EU ETS. There also needs to be a floor price for CO2 emissions, which should rise steadily and predictably over time to give clear investment incentive.

Specific comments

Access Charges

- The drafting of the briefing and the directive say helpful things (in the context of international passenger rail). The phrase 'what the market can bear' is important, because access charges tend to be constructed to meet national domestic funding conditions and effectively are added together to form international passenger (and freight) charges. The sum of the parts often bears no relation to what the 'international travel' market can bear and can make the charges uneconomic.
- This position is exacerbated for high-speed international trains, which inevitably run on newer and more expensive infrastructure. The first cost to the TOC is

- The imprecision of the wording is unhelpful, because it suggests that the principle of ‘what the market can bear’ should only apply to freight. The provisions for international services should apply to passenger as much as they apply to freight.
- A similar charging mechanism for both international passenger and freight (not necessarily the same for both) needs to be developed and applied across the EU. High Speed international passenger and freight should be charged the incremental marginal costs their services generate. Thereafter, however, a fair and viable approach would be that international (high-speed) passenger and freight are both considered as ‘open access’ and therefore the charging mechanism would take into account the realities of the international market in which rail and air compete. This means in practice that the price charged to international rail must take account of the market price set by the airline industry.
- Cost transparency needs to be rigorously enforced by Regulators to ensure “open access” operators only pay for genuine investment costs. Cost transparency only currently exists in the UK. Eurotunnel operating costs are opaque (infrastructure and shuttle train operations are not separated), and in France and Belgium operating costs are lumped together with capital charges in a single access charge per train km.
- Any Infrastructure subject to bilateral arrangements should be treated in the same manner as any other highly important infrastructure and it should thus comply with EU regulations and Directives e.g. relating to accounting separation, transparency of charging over railway services, and network statements.
- The Commission should examine the compatibility with open access of any bilateral arrangements between TOCs and IMs which risk in law or in effect foreclosing all or part of access to other TOCs. This would be the case including where bilateral agreements do not reflect the requirements of the then current Directives.
- We consider that all existing bilateral agreements should already be treated as subject to the principles of the existing Directives and the new proposals when they take effect. We welcome the introduction of a further scrutiny process to ensure that this objective is achieved and that all existing bilateral agreements can be kept in line with the applicable rules. We would be concerned to clarify that article 14 may not be restricted in the aspects of the Directive which may be the subject of its scrutiny.

Infringements to the current directives

- The recast should not be used as an excuse by Member States to put on hold or slow down existing market opening measures. We urge the Commission to continue to encourage and enforce the proper application of the current regime and in particular to press for access charge regulation.

Performance regimes

- The directive did and does make much of the requirement to have a performance scheme in place to compensate TOCs for infrastructure failures (and other things). EU legislation in the form of the Passenger Rights Directive means that TOCs already have to compensate passengers for delays incurred as a result of infrastructure failings. The lack of a mechanism to ensure that TOCs are subsequently remunerated adequately means that the status quo is inequitable. Currently the introduction of performance regimes in the EU has been effectively ignored except in the UK. This situation disadvantages those TOCs who are not part of a single national concern.
- We need the urgent introduction of performance regimes that better remunerate the TOC for the performance failures of the infrastructure manager. That means, taking Eurostar as an example, full recompense on HS1 and a performance scheme on Eurotunnel, Infrabel and RFF.

State Aids

- Annex X 1b and c on regulatory accounts refers to avoiding cross-subsidies with 'public funds'. Governments can however also lend indirect support to TOCs by *forgoing* taxes/charges/fees which they should normally collect. The reference to 'public funds' should therefore be replaced by 'state aid as defined in EU law', or similar, here and wherever else it occurs in the text.

Contract Term

- Standardisation of contract terms would lend greater predictability to cost and aid TOCs in long term planning. In the UK we currently have a 10 year duration contract with NR and HS1 and a contract with 40 odd years left with Eurotunnel. Our new agreements with Infrabel and RFF are limited to a single timetable year at a time. The directive proposes that framework agreements can have a duration of up to 15 years. We would expect the term of framework agreements offered by Infrastructure Managers to be consistent and to comply with the 15 year period proposed in the recast.

Service Facilities

- The redraft of article 13 (2) provides some new (imprecise) words on access to service facilities, where the operator is service dominant. It suggests that the operator has to be separate from the service operator and that in the event of conflict appropriate capacity has to be allocated to the new arrival. Eurostar would be concerned to clarify what this would mean in practice.

January 2011

Written evidence from International Container Hubs Ltd (EU 27)

Select Committee's European Ports Review: briefing note on the North European Off-shore Container Transshipment Hub, Scapa Flow, Orkney

Thank you for the opportunity to provide a further brief on the Hub project, this in preparation for your and the Select Committee's tour of European ports. We are grateful for past occasions and for the interest and support of the Orkney Islands Council and of the Scottish Government.

1. BACKGROUND

2. The bulk of world trade, Britain's commercial survival and the UK's long-term economic success depends on containerised transportation.
3. Transport by sea is an order of magnitude cheaper and less polluting than road or rail.
4. Competition in global markets enhances the advantage of the economies of scale. For the UK, North Europe and for Russia West of the Urals' trade this means the largest feasible containerships providing the cheapest and most efficient services between North-West Europe and the rest of the World.
5. All the major shipping lines recognise this & are operating or introducing mega-ships of >12,500teu capacity, with <18,000teu designs under active consideration. While this is very much in North Europe's interest, several basic problems have to be overcome if North European economies are to derive full benefit from these developments. These problems include
 6. (i) Europe's taxpayers have and are being exploited to shore up the present mediaeval series of shallow, riverine, city centre ports that stretch from 100km up the Elbe to the Seine estuary.
 7. (ii) European and state subsidies have suppressed local ports and local economies, to provide life-support for archaic ports that should long ago have been supplanted by a port system that provides maximal intercontinental efficiency with the furthest extension of seaborne services for producers, customers and markets alike.
 8. (iii) The present concentration on a few shallow congested ports involves the unnecessary expense of continuous dredging and the constriction of North European trade through a handful of choke points, while leaving most of the European transport network underused and Britain out on a limb.
 9. (iv) The layout of riverside ports ensures that megaships are handled with the maximum inefficiency – working only one side of the ship and only alternate container bays at any one time. That is at <25% of the rate of container handling available with the ScapaSystem© method invented for the Scapa Flow Hub and available for introduction elsewhere.
 10. (v) Megaships provide cheapest transportation or maximum profitability or both if operated efficiently. This requires keeping them on the ocean and fully loaded. Not, as at present, wasting a week or more tramping around North Europe's shallow ports seeking part loads.
 11. (vi) To compete globally, the UK, North Europe and Russia need the ability to concentrate full loads (<18,000teu) and to turn-round megaships in <24-hours. That is,

unloading 18,000teus and loading 18,000teus, 36,000teu movements per megaship per day. At the same time assembling these loads from and dispatching them to every port, great and small in Britain, North Europe and the Baltic, by a network of short-sea fast feeder services. In effect applying the Hub and Spoke principle to North Europe's intercontinental maritime services.

12. (vii) Maximal economy and environmental efficiency in containership design requires the ability to increase draught. This is denied by a need to access North Europe's shallow ports. The true expense of current European port policy is sub-optimal ship design, congestion, suppression of local economies and unnecessary dredging, the cost of which is hidden by subsidy that itself places a further unnecessary tax-burden on British and European industry. Adding to their expenses & further degrading their competitiveness.
13. FUTURE NORTH EUROPEAN PORT DEVELOPMENT.
14. Off-shore inter-continental container transshipment addresses all these problems. Scapa Flow's naturally deep water, space, security, ideal harbour and strategic location provides the situation where these requirements can be satisfied successfully.
15. At a time when Britain and the European economies can no longer afford the burden of un-necessary, counter-productive and self-defeating taxation, the Scapa Flow Hub is being developed by global capital that believes in Britain and Europe's ability to regenerate our ports system and economies in a manner that will enable us to compete successfully on level terms, without self-imposed encumbrance in the global market place.
16. The Scapa Flow Hub will allow optimal containership design, most economical capacity and operation at the greatest environmental efficiency. While enabling current ports to survive and prosper, it will regenerate Britain, North Europe and the Baltic's local ports along with their local economies. It will free-up Europe's transportation choke-points and enable the United Kingdom to develop the 'All-Electric Britain' transportation system with which Britain can not only survive but will thrive After Oil.

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