Review of the Transport White Paper

BEUC response to the European Commission stakeholder consultation on the 2011 Transport White Paper

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A. Respondent details – BEUC, The European Consumer Organisation

B. Analysis of the situation

1. The aim of this section is to obtain stakeholders' views on the most important challenges affecting the transport sector in the EU. How do you rate the importance of the challenges for the transport sector in the EU in the upcoming years?

<table>
<thead>
<tr>
<th>Challenge</th>
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<th>Slightly important</th>
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<tbody>
<tr>
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<td>Oil and energy prices</td>
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<td>GHG emissions</td>
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<td>Congestion</td>
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<td>Market barriers</td>
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<td>Administrative and regulatory burden</td>
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<td>Infrastructure development</td>
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<td>Financing of infrastructure</td>
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<td>Safety</td>
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<td>Security</td>
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<td>Passenger rights</td>
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<td>Working conditions</td>
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<td>Social responsibility</td>
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<td>Internalisation of external costs</td>
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<td>Affordability of transport services</td>
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<td>Accessibility to transport services (availability and proximity)</td>
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<td>Competition from third countries</td>
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<td>Increasing competitiveness</td>
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<td>Urban mobility</td>
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<td>Management and control of increasing traffic</td>
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<td>Cross-border transport services</td>
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<td>Innovation</td>
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<td>Technological change</td>
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<td>Multimodal transport</td>
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</table>
2. Please elaborate on your answers to the above statements and indicate any other challenges that should be taken into account.

Our current transportation system has been developed largely on the availability of cheap fossil fuel imports. Moving away from such a system, to one that is rather based on renewable energy forms is one of the greatest challenges of our time. With oil being a non-renewable resource which most likely will be depleted by the middle of this century, and on the basis that it could become so expensive that exploitation becomes economically unviable, it is of fundamental importance to find ways to reduce our dependence on fossil fuels so that everyone including the least well-off citizens can afford to remain mobile in the future. At the same time, there is also the need to tackle numerous negative side-effects that transport has, such as its role in climate change, but also problems that urban environments in particular are suffering from. The latter would refer to traffic congestion, air pollution, intolerable levels of noise, often lack of space for leisure activities and recreation, and concerns about increased safety risks that traffic flows generate, particularly for pedestrians and cyclists.

The White Paper recognises that in order for different modes of transport to become better integrated with each other and in turn for each and every transport mode to become more accessible there are several advances that need to occur. This clearly relates to multimodal transport, but also further advances needed in terms of logistical improvements but also strengthening of passenger rights in a multimodal scenario.

C. Assessment of the approach taken

The White Paper presents a long-term vision for transport with specific targets that are to be reached through various initiatives. Although, the impacts of the White Paper initiatives have in most of the cases not been visible so far, we would like to know your general impression on the approach taken. The objective of this section is also to verify if the strategy is well-balanced and properly addresses the challenges for transport sector and if it brings value added to transport policies in the EU.

1. What is your assessment of the following aspects of the White Paper?

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<tr>
<th></th>
<th>Very low</th>
<th>Low</th>
<th>High</th>
<th>Very high</th>
<th>No opinion</th>
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<td>Progress achieved so far</td>
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<td>Relevance of the priorities set</td>
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<td>Level of ambition</td>
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<td>Clarity of the strategy</td>
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<td>Involvement of stakeholders</td>
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<td>Communication of the strategy</td>
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<td>Costs of implementation</td>
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2. Please elaborate on your answers to the above statements.

**ENERGY EFFICIENT PASSENGER CARS**
The EU has taken ambitious action on setting mandatory passenger car EU CO₂ emissions targets of 130 CO₂/km to be met by 2015 (adopted prior to the 2011 White Paper), and the 95 g CO₂/km to be achieved by the year 2021. This was an important measure as the effect of these targets should lead to reductions in CO₂ emissions of passenger vehicles, protect consumers from long term fuel price increases, reduce the dependence on foreign oil imports, and prevent further air pollution. The Commission should now come forward with an ambitious proposal in 2015 for tighter CO₂ standards for cars for 2025 (see position paper on CO2 targets in Section F,3).

**FUEL CONSUMPTION/CO₂ TESTING**
The White Paper’s plan to ‘ensure that CO₂ and pollutant emissions are reduced under real-world driving conditions by proposing at the latest by 2013 a revised test cycle to measure emissions’ has not been achieved. BEUC has high expectations that the European Commission will rectify this current impasse in order to see the adoption of a new testing protocol, the Worldwide Harmonised Light Vehicles Test Procedure (WLTP) under EU law in 2015, for it to become operational by 2017 (see position paper on fuel consumption testing in Section F,3).

**VEHICLE CO₂ AND FUEL ECONOMY LABELLING**
The list of initiatives included in the White Paper includes reviewing ‘the labelling Directive to make it more effective. This will, inter alia, consider the extension of the scope to light commercial and L-category vehicles, and the harmonisation of the label and vehicles fuel efficiency classes throughout the Member States’. Again, this has not been achieved. It is very important that the car labelling Directive is reformed in order to allow for better information to be provided to consumers at the points of sale and in advertisements.

**PASSENGER RIGHTS**
The White Paper mentions the establishment of a ‘legislative framework on passenger rights with measures covering passengers on multimodal journeys with integrated tickets under a single purchase contract as well as in the event of..."
transport operator’s bankruptcy’. This has not been achieved. It is vitally needed because passenger rights differ depending on the means of transport used, which in turn can trigger difficulties in multimodal trips. Passengers need the guarantee to travel to the final destination without bearing any financial or associated risks concerning transport delays or the bankruptcy of the transport operator. In particular, the lack of an obligation for air companies to take up insurance against their bankruptcy, has been regularly denounced by BEUC and requested by the European Parliament. While we acknowledge that each means of transport has its specificities, it is essential to ensure that a coherent and passenger friendly framework is established that fits a multimodal context (See position paper on sustainable mobility in Section F,3)

INTEROPERABILITY
The White Paper aims to build a ‘framework for a European multimodal transport information, management and payment system’ by 2020. This has not been achieved yet but would be an important development. Travellers need to be able to rely on integrated trip services and should incentivise more consumers to use more public transport. Currently, public transport enterprises and other actors increasingly provide information in a digital format, such as in the form of booking and reservation systems, but very much on a piecemeal approach. This lack of a uniform mobility system is not adequate for consumers as they stand to suffer, not only in terms access to disjointed multimodal information but also when travelling across regions (both intra Member State and across Member States).

CONSUMER REPRESENTATION
An important reason why it is difficult to achieve progress in the transport sector is that consumer and passenger representation is not strong enough. This makes it difficult to find ways to a sustainable transport strategy, since consumers’ acceptance is key to any change in the transport system. Therefore we advise the Commission to strengthen consumer representation in the transport sector across Europe. This will be elaborated in more detail under question No. D. 2.

3. Do you think that the most urgent challenges are adequately addressed in the White Paper? Is the list of priorities in the White Paper well-balanced? Please explain.

The White Paper does adequately address urgent transport challengers. The objective now should be to ensure that the priorities are acted on and proposals to amend existing legislation or for new legislation are made as appropriate.
4. Do you see any contradictions/incoherencies in the objectives or in the implementation of the White Paper? Please specify.

**PASSENGER CARS**

There are incoherencies in terms of policies developed in the area to reduce carbon emissions of passenger cars. In spite of ambitious actions taken on stricter CO2 targets for such vehicles, and despite an intention to amend the car CO2 and fuel consumption labelling Directive, there has still been no reform in the latter area (this stretches back to 2007 when the idea to amend the Directive was first proposed by the European Commission). This is despite the fact that studies commissioned by the European Parliament and European Commission have proposed changes to the car labelling Directive, and indeed that the Commission has publically stated on a number of occasions that the Directive needs amending. Without a reform to the label to ensure that all EU citizens are provided with reliable, easy-to-understand and valuable information, it becomes less likely that the full potential of the CO2 targets will be achieved.

**PASSENGER RIGHTS**

In terms of passengers’ rights, current EU legislation creates at times discrimination among passengers depending on the mode they choose to travel. In particular, this applies to the protection of package travellers in the event of the insolvency of the airline (right to reimbursement and/or repatriation following the package travel directive), while passengers who choose to buy a seat only ticket, are left unprotected in the event of the insolvency of their airline.

5. Are the impacts resulting from the current implementation of the White Paper fairly distributed? Are there any regions, stakeholders, modes of transport that are affected differently than others? Please elaborate.

**GENERAL COMMENTS**

It is impossible to establish a level playing field between different transport modes unless prices reflect the true costs caused by users. In general, it is therefore important to follow the principle of correct pricing of externalities of different means of transportation in order to give the right price signal which provides an incentive to consumers to change their behaviour. A 2013 Eurobarometer survey showed that a big majority of Europeans support this so-called polluter pays principle, which states that those who are responsible for pollution should also be the ones responsible for the costs that society bears for dealing with negative side effects on health and the environment.

**DECARBONIZATION EFFORTS**

As far as EU efforts to achieve a level playing field between different transport modes, it seems apparent that as far as measures to decarbonize the transport sector are concerned that different transport modes have been approached in different ways. Whilst acknowledging their individual circumstances, for instance
only road vehicles have been targeted with CO2 reduction targets whilst the same
does not apply to the aviation (inclusion in EU ETS), rail or maritime sectors. There
is also the issue surrounding the favourable tax treatment of company cars or the
current European legislation that incentivises air transport by exempting
international air transport from VAT and kerosene fuel for international and intra-
Community transport from taxation. Thus, it is apparent that in terms of climate
action that a level playing field does not exist between the main transport modes.
The knock on impacts of such an approach are many, and perhaps to detriment of
other modes of transport used by consumers. It has often been cited for example
that due to the tax exemptions for VAT and kerosene in the aviation sector that it is
rail travel that has in turn been harmed due to a downturn in demand.

PASSENGER RIGHTS
The White Paper recognises that in order for different modes of transport to become
better integrated with each other and in turn for each and every transport mode to
become more accessible, there are several advances that need to occur. It is clear
today in the European Union, that the advances needed include both logistical
improvements but also strengthening of passenger rights.

Improving the interoperability of different transport modes will require joint
planning of networks and coordinating timetables between different modes of
transportation in order to allow for the seamless interchange of passengers between
different modes of transport. Travellers need to be able to rely on integrated trip
services, which include better information provision and the use of common
reservation systems and ticketing systems for the entire trip. Integrating and
enhancing the combination of different public transport modes, whilst also investing
in their performance, would also have the effect of incentivising more consumers to
forego the use of their private car. And without the offer of equally attractive
alternatives, private cars as the principal mode of passenger transport will clearly
play a dominant role in the life of many European citizens for many years to come.
The White Paper’s aim of establishing a ‘framework for a European multimodal
transport information, management and payment system’ by 2020 would be an
important development in this regard.

The White Paper also mentions the establishment of a ‘legislative framework on
passenger rights with measures covering passengers on multimodal journeys with
integrated tickets under a single purchase contract as well as in the event of
transport operator’s bankruptcy’. This is vitally needed because passenger rights
differ depending on the means of transport used, which in turn can trigger
difficulties in multimodal trips. Passengers need the guarantee to travel to the final
destination without bearing any financial or associated risks concerning transport
delays. While we acknowledge that each means of transport has its specificities, it is
essential to ensure that a coherent and passenger friendly framework is established
that fits a multimodal context. In this, it is also the better provision of information
online in order to assist consumers in their travel planning and which in turn will
make public transport more attractive.
6. Are the White Paper initiatives and other European policies compatible with each other? Are the Member States policies compatible with the White Paper? Please specify.

**EU2020 Strategy**
Concerning the EU2020 strategy, as expressed in our 2010 and 2014 response to the consultations on EU 2020 strategy, a much broader approach for an EU strategy, beyond the competitiveness of the EU economy is needed. We consider that the concept of the current EU2020 strategy is too much driven only by an industry-centric economic growth perspective and does not sufficiently target the objective to enhance people’s welfare and quality of life as the ultimate value.

For example, the key priorities of the EU2020 Strategy such as research, innovation and the promotion of new technologies should not become a means of endangering citizens’ human rights to have their privacy protected; empowerment of people goes far beyond access to jobs and refers to basic and affordable services, health, digital technology, complaint handling mechanisms, etc. Greening the economy should be extended to making the economy more sustainable.

The White Paper clearly includes goals that are not simply industry-centric nor concerned with competitiveness and indeed in many instances outline objectives that would enhance people’s welfare and quality of life. Where action has yet to be taken in terms of the White Paper goals, the influence of the EU200 Strategy should not be to delay action or reduce the level of ambition in terms of measures that would be in the consumer interest.

**‘BETTER REGULATION AGENDA’**
Concerning the “Better regulation” agenda, which may also affect the implementation of the White Paper’s goals, we underline that reducing consumer protection or environment protection standards must not be an option under the heading of “better or smart” regulation or the REFIT initiative. Rather than focusing the rhetoric on cutting red tape and costs for SMEs, a broader approach embracing the welfare and quality of life of all EU citizens should be made visible. The positive relationship between an ambitious regulatory framework and a competitive market place should be highlighted more particularly in the international context, as regulation can often boost innovation and the EU can position itself globally as champion of innovation and high standards of consumer protection and needs.

**CONSUMER POLICY**
Concerning consumer focused policy, BEUC welcomed the adoption of the European Commission’s 2012 Consumer Agenda which for the first time was declared a strategic initiative under the Barroso II Commission. BEUC recommends that the Consumer Agenda should be fully acknowledged. We underline that the obligation to integrate consumers’ interests into other Union policies as stipulated in the Treaty of the Functioning (Article 12) of the EU should be fully and visibly taken up by EU transport policy.
ENERGY POLICY
Concerning energy policy and particularly the Commission’s plans for an Energy Union, we are supportive of efforts to set post 2021 fuel economy/CO2 targets, and see this clearly being in-line with the Transport White Paper’s goals. However, there is a disconnect between the White Paper’s goal to reform the car CO2 labelling Directive and the lack of any mention on this subject in the Energy Union plans, something that urgently needs rectifying. Reforming the label to ensure that all EU citizens are provided with reliable and easy-to-understand information about the carbon footprint, fuel consumption and costs of running a car is essential for a well-structured Energy Union.

7. Overall, do you think that the White Paper on transport has made a difference? What are the main achievements of the White Paper strategy? Please explain.

The very existence of the White Paper as a tool to ensure that focus remains on certain priorities is important considering that it has in essence a 10 year life span and which in turn provides a sense of assurance that measures will be taken despite the inevitable shorter life political cycles existent at national and European level.

MAIN ACHIEVEMENTS
The setting of mandatory passenger car EU CO2 emissions targets of 130 CO2/km to be met by 2015 (adopted prior to the 2011 White Paper), and the 95 g CO2/km to be achieved by the year 2021. This was an important measure as the effect of these targets should lead to reductions in CO2 emissions of passenger vehicles, protect consumers from long term fuel price increases, reduce the dependence on foreign oil imports, and prevent further air pollution.

PASSENGER RIGHTS
We welcome that new regulations protecting the rights of passengers in coach, bus and boat, have been adopted. In its Communication on Passenger Rights in all transport modes (COM/2011/89), the Commission set out a list of basic passengers’ rights in all means of transport.

D. Expected impacts and implementation
The White Paper set a long-term vision for the EU transport system and a 10 year programme which should help achieving the transport policy objectives. Given the wide areas of intervention we would like to know your opinion, if the proposed mix of measures and the approach taken are appropriate. We would also like to verify if the goals set are a good benchmark for the transport policy or they need to be revised. In addition, this section should provide us with your opinion on potential obstacles and catalysts for the implementation of the White paper strategy.
1. How do you assess the impact of the White Paper initiatives proposed, adopted and implemented so far by the Commission in the following areas?

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<th>Area</th>
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<td>A single European transport market</td>
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<td>Promotion of quality jobs and working conditions</td>
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<td>Transport safety</td>
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<td>Service quality and reliability</td>
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<td>Research and innovation in transport</td>
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<td>Promotion of more sustainable behaviour</td>
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<td>Integrated urban mobility</td>
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<td>Modern transport infrastructure</td>
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2. Please elaborate on your answers to the above statements.

**PASSENGER CARS**

Despite the impressive achievement of setting EU CO₂ emissions targets for passenger cars, the targets themselves are being undermined as a result of the well documented problems associated with the monitoring of passenger car CO₂ emissions (See answer to Section C, Question 2, ‘fuel consumption/CO₂ testing’). Similarly, such problems are also negatively impacting on the potential of the car CO₂ labelling Directive as a tool to nudge consumers towards buying more fuel/energy efficient vehicles. Due to the information about the fuel consumption and CO₂ emissions of new cars being unreliable, prospective car buyers are less able to make informed decisions when considering the fuel/energy efficiency of a new vehicle. This in turn will reduce the potential of measures designed to lower the carbon emissions of passenger cars.

**PASSENGER RIGHTS**

The application and enforcement of those rights does not live up to consumers expectations which is demonstrated by the high number of complaints. Also, it is crucial that the conditions to benefit from a seamless transport experience are created and that passengers can benefit from effective basic rights in a multimodal context.
PASSENGER REPRESENTATION
Public transport is essential for making the transport system more sustainable; it is also essential to improve quality of life in urban and rural areas. However, presently many people are dissuaded from using public transport because they perceive it to offer low service quality and too little flexibility. One important reason why public transport does not readily follow consumer expectations is that public transport enterprises often follow the expectations of the donors of public money more than they follow the expectations of consumers. Therefore it is essential to strengthen consumer representations in the public transport sector. Some countries have already gathered experience in that regard, especially in the UK with its organisations “Transport Focus” and “London Travel Watch” and Denmark with “Passagerpulsen”. To achieve progress with regard to the White Paper objectives in terms of service quality, promotion of more sustainable behaviour and integrated urban mobility, the EU should build on this experience and foster greater consumer representation in the public transport sector across Europe.

3. Are the White Paper initiatives coordinated well enough to deliver the expected results? Please explain.

Despite the White Paper’s goals to reform fuel consumption/CO2 testing legislation and car CO2 labelling legislation (see Section C, Question 2), it is still unclear as to whether or not the European Commission will come forward with a proposal to reform the car labelling Directive, whilst it appears certain that the fuel consumption/CO2 testing legislation will be amended. It is clear however that both pieces of legislation need amending. (see answer to Section D, question 2 for further detail)

The result of weaknesses in the fuel consumption/CO2 testing legislation and car CO2 labelling legislation, means that the expected results of the EU’s CO2 targets for passenger cars are also being put at risk.

4. Are the ten goals useful benchmarks for the EU transport policy? Please explain.

Yes. They set out overarching objectives and gives a degree of certainty for citizens, Member States and industry.

5. Do the current goals for transport respond to the strategy's overall objective of more sustainable and competitive transport? Please explain.

Yes. As indicated in earlier answers, it is the implementation of the strategy that needs to be addressed in order to achieve the objectives of more sustainable and competitive transport.
6. How do you assess the importance of the aspects listed below as potential obstacles to the implementation of the White Paper strategy?

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<td>Approach taken (objectives, division of competences, areas of intervention, timing,...)</td>
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<td>Tools chosen (design of initiatives, legal form, scope,...)</td>
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<td>Different policies at MS level</td>
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<td>Lack of support from the stakeholders</td>
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<td>Conflicting priorities</td>
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7. Please elaborate on your answers to the above statements and indicate any other potential obstacles to the implementation.

The political climate at the European level has changed somewhat over recent years with poor economic conditions and a growing European scepticism seemingly influencing EU decision makers. The degree to which these factors have had an effect is yet to be fully understood, but with high profile turnarounds of the European Commission (such as the revocation of the Circular Economy Package) it must be recognized that the EU is struggling to create a balance between Member State and European authority and which in turn could jeopardize the level of success of the Transport White Paper.

In addition, the new European Commission’s growth agenda raises doubts about the development of environmentally friendly legislation. However, it can also be considered that the growth agenda might be shaped in such a way that it supports innovation and consumer friendly measures that would aid the further roll out of, for example, more fuel/energy efficient vehicles.

Member State interest will clearly also have a strong role to play in the potential implementation of the Transport White Paper’s goals. For instance the development of post 2021 passenger car CO2 targets will require the support of Member States, and particularly those Member States with strong automobile manufacturing interests.
PASSENGER RIGHTS
In terms of effective enforcement of the rights of passengers, in the air sector, the national enforcement authorities are not active enough and unfair practices are very common. Airlines systematically use unfair contract terms in their passenger contracts. In addition sanctions applied by member states differ considerably from member state to member state. According to European regulations, the sanctions for non-compliance by the industry with their obligations must be dissuasive. However, the low amounts of the sanctions applied by some member states do not comply with this generic criteria. This fact, besides its direct impact on consumer protection, can cause distortions of competition in the transport sector within the EU. In this regard, and in the absence of an EU-wide sanctioning system, at the very least the EC should undertake a comparative assessment of the different national enforcement activities as well as the sanctioning systems and analyse their impact and in particular whether their dissuasive character is respected.

8. What factors have stimulated the implementation of the White Paper strategy? Have the proposed approach and tools been optimal?

Concerning the setting of EU CO\textsubscript{2} emissions targets for passenger cars and the ongoing efforts to improve the testing of a car’s fuel consumption/CO\textsubscript{2} emissions, clearly the growing interest in tackling climate change, improving energy security and reducing costs for consumers have had a strong influence on the White Paper’s strategy being implemented.

There have clearly been delays in the timing of the implementation of the White Paper’s strategy. For instance the *White Paper’s plan to ‘ensure that CO\textsubscript{2} and pollutant emissions are reduced under real-world driving conditions by proposing at the latest by 2013 a revised test cycle to measure emissions’* has passed.

E. Way forward

Considering the review of the 2011 White Paper, we would like to receive your feedback on the focus of the strategy for its further implementation and improve its effectiveness and efficiency.

1. What would best be done at the EU level to ensure that the strategy delivers results? What would best be done at the Member States level?

EU LEVEL
In general, systematic and regular reporting about the state of play of the Transport White Paper’s strategy would be desirable. The holistic nature of the strategy and the pillars of it should not get lost in the various agendas and activities undertaken by various services. In general the communication about the achievements of the
EU and its advantages for European consumers and citizens is weak. Further efforts are needed to reach out to citizens and to the media to ensure that the results of the implementation of the White Paper’s strategy are well documented.

**MEMBER STATE LEVEL**

No comment

2. How could Member States be better encouraged to follow and implement the common transport policy set in the White Paper?

No comment

3. What adjustments within the strategy would you suggest to improve its efficiency and effectiveness?

No adjustments necessary.

4. How could the strategy be better linked with other EU policies?

The inclusion of the transport dimension into the European Commission’s Energy Union plans is a good example of linking the sector with another. Considering that urban planning and transport are closely interconnected, there should be a greater connection between the two to ensure compatibility between Member State national and local authorities are working in sync with EU transport policy goals.

**PASSENGER RIGHTS**

The current regulations setting out the rights of passengers in different modes of transport do not always cover all the issues causing consumer detriment when traveling. For instance the general prohibition of unfair terms in consumer contracts, is violated in particular by the air industry. The lack of enforcement of this prohibition in the transport sector, should be tackled by adopting a “black list” of unfair terms prohibited to be used in the transport sector, in particular by airlines.

**F. Other questions**

1. Are there any other issues you would like to highlight in relation to the White Paper?

In its recent Communication on “the Paris Protocol – A blueprint for tackling global climate change beyond 2020”, the European Commission is outlining its objectives and ambition for a future legally binding agreement of the United Nations Framework convention on Climate Change (UNFCCC) which should be finalised at
the 21st conference of the parties (COP 21) in Paris in December 2015 and be implemented as of 2020. The EU Commission proposes that in case there would be a gap in the level of ambition set in the future agreement, this should be addressed by devising a work programme starting in 2016 to identify additional action to reduce emissions. As the transport sector is responsible for a large part of greenhouse gas emissions, we underline that this process requires transparent monitoring of the greenhouse gas emissions coming from the transport sector and dedicated reduction measures in case it turns out that the EU should not be on track with its international commitments.

2. Please give reference to any studies or documents that you think are of relevance for this consultation, with links for online download where possible.


BEUC vision on Sustainable Mobility http://www.beuc.org/publications/beuc-x-2014-056_cca_beuc_vision_on_mobility_long_version.pdf


3. Please upload any additional contribution (e.g. position papers).