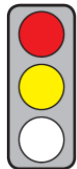


MAIN ISSUES

Objective of the Communication: The Commission proposes a short-term and medium-term plan for action concerning urban traffic.

Parties affected: Public transport users, transport operators and other providers of public transport services, local companies, the automobile industry, national, regional and communal authorities.



Pros: Sharing best practice procedures fosters the competition of ideas; the interoperability of ticketing and payment systems would improve traffic flow and reduce costs.

Cons: (1) Almost all measures infringe the principle of subsidiarity.

(2) Action regarding access rules for green zones and the incorporation of freight transport in local transport planning infringe the communal planning competence.

CONTENT

Title

Communication [COM\(2009\) 490](#) of 30. September 2009: **Action Plan on Urban Mobility** and **Commission Staff Working Document** [SEC\(2009\) 1211](#) of 30. September 2009: **Impact Assessment**

Brief Summary

► Context

- In 2007, with its Green Paper „Towards a new culture for urban mobility“ [COM(2007) 551; cp. [CEP Policy Brief](#)] the Commission initiated a consultation. Based on the results of that consultation the submitted Action Plan is to set out a “coherent framework” for “EU initiatives” by 2012.
- According to the Commission, 72% of the European population live in urban areas and 85% of EU GDP is generated in cities. 90% of EU citizens believe that the traffic situation in their area should be improved.
- According to the Commission, the choice of transport mode is vital for the development of cities and for the economic well-being of citizens and companies, as well as for the attainment of EU climate protection targets. The Commission therefore intends to link transport policy with environmental protection, land use planning, social aspects and industrial policy.
- The Commission views urban mobility as a crucial factor in long-distance traffic, since this mainly starts and ends in urban areas. The Commission sees urban mobility as the basis for the competitiveness and sustainability of the transport system as a whole.
- The Commission emphasises that urban areas across the EU face different challenges, depending on their location, their size and their wealth. In its Communication it states that it does not intend to prescribe any “one-size-fits-all or top-down solutions”, but offers voluntary commitment to co-operate (p. 3). In the Impact Assessment accompanying the Communication, however, it argues several times in favour of statutory regulations across the EU [[SEC\(2009\) 1211](#), p. 90, 91, 92, 93, 95, 97, 99].
- In detail, the Commission plans to introduce action concerning the user-friendliness, environmental friendliness, funding, optimisation and exchange of knowledge regarding urban transport.

► User-Friendliness

- According to the Commission high-quality and affordable public transport is the “backbone” of a sustainable urban transport. Reliability, safety, ease of access, a high level of information for users and a high level of passenger rights are the main criteria. A transparent procurement policy could foster innovation.
- The Commission intends to:

Encourage better access to travel information and the availability of an online travel platform for the public transport service at EU level;	starting a.s.a.p.
Address the rules on access to “green zones” (restricted access, speed limits, etc.); in the accompanying Impact Assessment it expresses the opinion that statutory regulations at EU level and in particular the harmonisation of rules for green zones would be the best solution [SEC(2009) 1211 , p. 91-92];	starting a.s.a.p.
Discuss with the regulatory committee on driving licences if and how energy-efficient driving could be included in driving tests;	starting in 2010
“Moderate” a dialogue with organisations representing operators, authorities and user groups in order to set a “voluntary commitment” on quality standards, the rights of travellers and joint complaint procedures in public transport;	starting in 2010

Include the issue of access for disabled persons to public transport in the “New EU Disability Strategy 2010-2020” and develop appropriate quality indicators; according to the Commission, statutory EU regulations are most suitable to ensure such access [SEC(2009) 1211, p. 95].	starting in 2011
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► **Environmental friendliness**

- According to the Commission, action at EU level can help to strengthen markets for clean vehicle technologies and alternative fuels. The internalisation of external costs (in particular caused by environmental damage and congestion) could – according to the “polluter pays” principle – encourage transport users to switch to cleaner vehicles or transport modes and to use less congested infrastructure.
- The Commission intends to:

Continue to support research and demonstration projects for lower and zero emission vehicles and for alternative fuels within the “7. Framework Programme for research and technological development” (RP7);	Starting a.s.a.p.
Encourage new projects related to electric vehicles and a demonstration project on “electromobility”, which, amongst other things, support the standardisation of recharging infrastructure;	starting a.s.a.p.
Continue to provide an internet-based guide on clean and energy-efficient vehicles, including an overview of the market, legislation and support schemes as well as of “public services” supporting the joint procurement of such vehicles;	starting a.s.a.p.
Facilitate the exchange of information on urban pricing schemes related to the internalisation of external costs, such as the “city toll”, and feed the conclusions into the Commission’s work on the internalisation of external costs;	starting a.s.a.p.
Support the development of a “partnership towards healthy environments” and further synergies between public health and transport policy;	starting in 2010
Launch a “methodological” study on the urban aspects of the internalisation of external costs, with a special focus on the effectiveness and efficiency of various pricing solutions, implementation issues, public acceptability and cost recovery.	starting in 2011

► **Funding**

- The Commission believes that although the financial requirements for infrastructure, vehicles and new technologies will increase, there will be fewer and fewer public funds available. EU funding could lead to more private means being provided. In the short term, the Commission wishes to help establish public-private partnership schemes.
- The Commission intends to:

Continue to regard the Structural and Cohesion Funds, which support clean urban transport with over 8 billion euros per year, as being a “very important” funding source;	starting a.s.a.p.
Continue to financially support the sustainable-city-initiative (CIVITAS), the transport aspects of the programme “Intelligent Energy Europe” (STEER) and URBACT, a European exchange and learning programme promoting sustainable urban development;	starting a.s.a.p.
In addition to its ongoing activities, such as “sustainable urban transport”, which is one of the main items on the agenda of the RP7 programme, the Commission will consider new “targeted research and demonstration activities”;	Starting a.s.a.p.
Examine the future funding requirements that urban mobility improvements involve as part of its overall reflection on the next multi-annual financial framework;	Starting in 2010
Provide information on the existing funding opportunities of structural funds, cohesion funds and European Investment Bank; therefore, it wishes to “explain the link between urban transport and the trans-European transport network” (TEN-T; cp. CEP Policy Brief).	Starting in 2011

► **Optimisation**

- The Commission considers the effective interconnection of different transport networks to be a key feature in facilitating the shift towards greener transport modes. For this, “affordable and family-friendly public transport solutions” are also important.
- The Commission would like to see companies “influencing travel behaviour by drawing the employees’ attention towards sustainable transport options”.
- The Commission intends to:

Focus on the incorporation of freight transport in local transport planning and a better management and monitoring of transport flows;	Starting in 2012
Provide help on how to improve the link between inter-urban and long-distance freight transport aiming to ensure efficient “last mile” delivery;	Starting in 2012
Organise a conference on urban freight transport where the implementation of the Freight Logistics Action Plan will also be assessed [COM(2007) 607; cp. CEP Policy Brief];	Starting in 2012
Support intelligent transport systems (ITS) [COM(2008) 887; cp. CEP-Analyse] such as electronic payment, travel information and access regulation;	Starting in 2012
Conduct a study into the interoperability of ticketing and payment systems.	Starting in 2012

► Sharing knowledge

- According to the Commission, action at EU level can be decisive in ensuring the collection and exchange of transport information. This data would be necessary for public transport services, the internalisation of external costs or integrated transport and land use planning.
- The Commission intends to:

Promote the sharing of “best practice”, identify benchmarks and support educational training in order to develop sustainable urban mobility plans covering freight and passenger transport;	starting a.s.a.p.
Set up an urban mobility observatory in the form of a virtual platform facilitating the exchange of information among “urban transport experts”;	starting a.s.a.p.
Conduct a study into how to improve data collection for urban transport and to explore the synergies with existing Commission activities.	starting in 2010

Changes Compared to the Status Quo

A final assessment is not yet possible as so far only proposed actions have been announced.

Statement on Subsidiarity

The Commission emphasises that the responsibility for urban mobility lies primarily with the local, regional and national authorities. However, such decisions adopted are not made in isolation but within the framework provided by national, regional and EU policy and legislation. Therefore, the Action Plan should set out a coherent framework for EU initiatives while “respecting the principle of subsidiarity”.

Policy Context

In their statements following the Green Paper “Towards a new culture on urban mobility” [COM(2007) 551; cp. [CEP Policy Brief](#), in German only] the European Parliament, the European Economic and Social Committee and the Committee of the Regions have welcomed the Commission’s project in principle.

In its Communication on a sustainable future for transport [COM(2009) 279; cp. [CEP Policy Brief](#)] the Commission referred to urbanisation and its impact on traffic as being one of the major trends and challenges for future transport policy. Moreover, the Commission has submitted a Proposal laying down a framework for the deployment of Intelligent Transport Systems [COM(2008) 887; cp. [CEP Policy Brief](#)]. An agreement by the Council and the European Parliament (EP), however, is yet to be reached [cp. [CEP-Monitor](#), in German only]. Furthermore, the Commission has submitted a Communication promoting the internalisation of external costs for congestion, noise and pollution, as well as for climate change [COM(2008) 435; cp. [CEP Policy Brief](#)], although in its Directive Proposal for the introduction of an HGV Toll [COM(2008) 436; cp. [CEP Policy Brief](#)], an agreement between EP and Council is yet to be reached. The most contentious issue here is the question of whether or not costs for congestion should be internalised [cp. [CEP-Monitor](#), in German only].

Options for Influencing the Political Process

Leading Directorate General: DG Energy and Transport

ASSESSMENT

Economic Impact Assessment

Ordoliberal Assessment

It is interesting to note that the Action Plan does not announce any statutory regulations at EU level. In its Green Paper on urban mobility [COM(2007) 551; cp. [CEP Policy Brief](#)] the Commission was still talking openly about legislative proposals regarding, for example, the harmonisation of rules for urban “green zones” across the EU. This means that the in part massive criticism of said Green Paper, particularly in view of the infringement of the principle of subsidiarity [cp. [CEP Policy Brief](#)], made an impact.

Nevertheless, **the Commission does intimate** – not in the actual Action Plan but less inconspicuously in the accompanying Impact Assessment – **that it is still considering legislative measures**. This applies especially to the rules for green zones [[SEC\(2009\) 1211](#), p. 91-92] and for the access of disabled persons to public transport [[SEC\(2009\) 1211](#), p. 95].

However, the Commission should relinquish once and for all its aim to make urban traffic an object of active transport policy at EU level and the related intention to harmonise national rules. After all, Europe’s cities, as the Commission itself acknowledges, face different challenges due to their different individual urban conditions. These can be best met at a decentralised level. In other words, cities can best decide for themselves where, for instance, handicapped accessible access to public transport is most urgently needed and how best to provide it.

Moreover, problem solving at a decentralised level facilitates a competition of best ideas. **The sharing of best practice proposed by the Commission is therefore to be welcomed.** However, the Commission should strictly limit its activities to just that.

In fact, the opposite is to be expected: The Commission intends to influence the development of urban transport through funding. The funds provided by the European structural and cohesion funds as well as by the European Investment Bank may be appropriated only if the measures financed therewith meet the Commission's expectations regarding a sustainable urban mobility. Although the cities are free to decide to not request this funding and can therefore prevent influence on their decisions, in view of the tight public budgets this is not to be expected.

This is not the only reason why the announced assessment of an increase in funding for urban transport is to be viewed in a critical light. For this would mean the threat of a shift in focus in EU transport policy from cross-border projects – such as the TEN-T, which brings with it real benefits [COM (2009) 44, cp. [CEP Policy Brief](#)] – to urban issues.

Impact on Efficiency and Individual Freedom of Choice

The Action Plan once again demonstrates that the Commission has no clear environmental policy strategy in the transport sector. With the incorporation of transport into CO₂ emissions trading not only would the politically prescribed target be reached effectively [COM(2009) 279; cp. [CEP Policy Brief](#)] but also the subsidisation of the development of low emission vehicles promoted by the Action Plan – which is expensive and distorts competition – would be made indispensable. For there would be enough incentives in the market. Where prices reflect (environmental) costs in an appropriate manner, the proposed influencing of the travel behaviour of employees becomes superfluous. Besides, the choice of transport mode should be left, in general, to the citizens; the responsibility for transport choice does not lie with the employer. Moreover, it would incur additional administrative costs to the latter.

Impact on Growth and Employment

An impact on growth and employment is not reliably predictable.

Impact on Europe as a Business Location

No impact of any significance is to be expected in terms of Europe as a business location.

Legal Assessment

Legislative Competence

The EU is entitled to lay down “appropriate provisions” for the implementation of a common transport policy (Art. 91 TFEU; ex-Art. 71 TEC). This applies in principle to all provisions regarding urban transport. As for the provisions regarding environmental zones, which in general aim at environmental protection, the legislative competence of the EU is laid down in Art. 192 TFEU (ex-Art. 175 TEC).

Subsidiarity

The Impact Assessment [[SEC\(2009\) 1211](#)] indicates that the Commission is planning **legislative regulations** and funding, in particular for **access to urban environmental zones, the “City Toll” and public transport**. On the one hand, there is no cross-border reference; on the other hand, local authorities can better evaluate which measures make sense. Therefore, any action in these areas **infringes the principle of subsidiarity**. Measures for the interoperability of ticketing and payment systems, however, can be better regulated at EU level, since incompatible national systems would lead to restraints in traffic flow and to additional costs.

Proportionality

An assessment of the effects of single measures is not possible on the basis of the Action Plan.

Compatibility with EU Law

Unproblematic.

Compatibility with German Law

The German Basic Law (*Grundgesetz; GG*) entitles municipalities to govern all matters of local communities in their own responsibility (right of local self-government; Art. 28 GG). In particular, **measures on access rules to green zones and the integration of freight transport into local transport planning infringe the planning competence of municipalities**.

Alternative Action

The EU should strictly limit itself to the coordination of the sharing and exchange of knowledge (best practice).

Possible Future EU Actions

In 2012 it will take stock and assess the necessity of further measures.

Conclusion

Almost all measures violate the principle of subsidiarity and infringe the planning competence of municipalities. The Commission should relinquish its aim once and for all of designing urban transport policy. Only in the proposed sharing of knowledge regarding best practice and the rules for the interoperability of ticketing and payment systems is any benefit evident.