



WWJMRD 2023; 9(04): 70-74  
www.wwjmr.com  
International Journal  
Peer Reviewed Journal  
Refereed Journal  
Indexed Journal  
Impact Factor SJIF 2017:  
5.182 2018: 5.51, (ISI) 2020-  
2021: 1.361  
E-ISSN: 2454-6615

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## Regarding the Rules of Transport Policy in the Eu and its Future Development

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### Abstract

Transport policy is becoming increasingly important, especially in the context of the sector's steady increase in greenhouse gas emissions, which threaten the European Union's climate goals. The aim of this research is to analyze the problematic situation regarding the EU transport policy rules. In addition, the main factors and approaches in planning the development and management of the transport industry should be determined and the most important priorities should be specified. Despite all efforts, European transport policy still faces a number of sustainability challenges. About a quarter of the total greenhouse gas (GHG) emissions generated by human activities in the EU are emitted by the transport sector.

**Keywords:** transport policy, transport rules, transport sector.

### Introduction

Transport industry is a complex of different modes of transport with sophisticated connections, dynamic processes, and specific characteristics of transport services.

It is one of the main industries in the EU economy and the most important key to success of the single market of the Union. It forms around 7% of the GNI of the Member States and over 6 m people work in its sphere. Moreover, this activity is tightly connected to other economic industries (like key activities): energetics, environmental protection, social and regional policy. The arguments are that it contributes to the real achievement of two of the basic objectives of this market, namely:

- free movement of persons,
- free movement of goods.

Transport policy has been a part of the fields of the common policies of the EU for more than 30 years. It began with the Judgement of the Court of Justice of the European Union (the Court of Justice of the EU) from 22 May 1985 and the legal basis is Article 4, paragraph 2, letter g), as well as Title VI of the Treaty of the Functioning of the European Union. It was back in the Treaty of Rome when the Member States highlighted the meaning of the common transport policy, dedicating it a separate title from the Treaty. Thus, transport turned into one of the first common policies of the Union.

Parallel to opening transport markets for competition and to the creation of trans-European networks, the topic of 'sustainable mobility' has been gaining greater and greater significance, especially in the context of permanent increase of the emissions of greenhouse gases of the sector which threaten the objectives of the European Union in the field of climate.

The aim of this study is to analyze the problematic situation regarding the rules of transport policy of the EU. Moreover, it is to define the basic factors and approaches in planning the development and management of transport industry and to specify the most significant priorities.

Despite all efforts, European Transport Policy still faces a number of challenges connected to sustainability. Around one fourth of the total emissions of greenhouse gases (GG) generated from human activities in the EU are emitted from the transport sector.

Title VI of the Lisbon Treaty, and in particular Article 91 of the Treaty on the Functioning of

the European Union. A common road transport policy that safeguards fair conditions of competition and guarantees the freedom to provide services calls for the harmonisation of the relevant legal provisions in force in the Member States. This applies not only to taxation (VAT, vehicle taxes and fuel taxes) and State aid, but also to technical specifications (maximum authorised dimensions and weights), social provisions and measures to protect the environment.<sup>[1]</sup>

Another step was in 2008, when the Commission presented a package of initiatives for achieving more environmentally friendly transport, which package provided a transparent, general, and transposable model of calculating external costs, including costs connected to environment, noise, traffic jams, and healthcare. This model served as a basis for calculating fees for using the infrastructure while reviewing Directive 1999/62/EC from 17 June 1999. (also known as the Eurovignette Directive) and was the first step to the development of strategies for its gradual application regarding all modes of transport.

The Eurovignette Directive is still the main regulatory framework in the field of payment of fees for using the road infrastructure by transporters. It was amended with Directive 2011/76/EU from 27 September 2011 r. The Eurovignette Directive is based on the 'the polluter pays' principle and on internalisation of external costs for road transport. It aimed to charge heavy goods vehicles for the costs arising from the use of the infrastructure.

In order to achieve the bold ambitions of the European Green Deal from 2019, on 14 July 2021, the European Commission presented its 'Fit for 55'. The package contains changes in the legislation for reviewing the whole EU framework on the policies in the field of climate and energetics by 2030, including the legislation regarding the distribution of the efforts, land use and forestry, the power from renewable resources, the energy efficiency standards on the emissions of new cars and mini-buses, and the Directive for Taxation of Energy Products and Electricity.

The guidelines for the development of the Trans-European Transport Network <sup>[2]</sup> are established by Regulation (EU) No. 1315/2013 of the European Parliament and the Council. The defined objectives are directed to approximation, efficiency, sustainability, and increase of the benefits of the users of the network. The developmental policy of transport infrastructure covers all the modes of transport and foresees structuring the network in two levels:

- core network (it includes the most important EU transport connections and bonds and is to be realized by 2030);
- extended network (it covers the whole territory of the EU and is to be finished by 2050)

#### 1. Emission regulations

Regulation (EC) No. 443/2009 and Regulation (EU) No. 510/2011 set emission performance standards for new passenger cars and light commercial vehicles as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions. These regulations were amended by Regulation (EU) No. 333/2014 from 11 March 2014 for amending Regulation (EC) No. 443/2009 to define the modalities of reaching the 2020 target to reduce CO<sub>2</sub> emissions from new passenger car sand with Regulation (EU) No. 253/2014 from 26 February 2014 for amending Regulation (EU) No. 510/2011 to define the modalities for reaching the 2020 target to reduce CO<sub>2</sub> emissions from new

light commercial vehicles.

The new offer regarding the emission standards of new passenger cars and of new light commercial vehicles (COM (2017)0676) for amending Regulation (EC) No. 715/2007 (reviewed), repealing Regulation (EC) No. 443/2009 and repealing Regulation (EU) No. 510/2011 was targeted to setting objectives for reduction of the emissions for 2025 and 2030. The process of mutual judgement finished and the act was approved. The final act was published in the Official Journal in April 2019 (Regulation (EU) 2019/631).

#### 2. Maximum authorized dimensions and weight

Directive 96/53/EC from 25 July 1996, laying down the maximum authorized dimensions in national and international traffic, is the main act regarding the authorized dimensions within the Union, which are valid for all the heavy goods vehicles circulating within the Member States. Yet, Article 4 of the Directive allows national derogations, namely, to permit vehicles which exceed the maximum length and weight, appointed in the Annex to the Directive (18,75 m and 40 t), to carry out certain national transport operations that do not significantly affect international competition in the transport sector (e.g., operations connected to logging industry and forest exploitation). The Member States shall inform the Commission of the measures taken, which Commission shall, respectively, allow derogations.

It was amended and modified with Directive 97/27/EC from 22 July 1997 (later repealed by Regulation (EC) No. 661/2009 from 13 July 2009) and Directive 2002/7/EC from 18 February 2002, which objective is to harmonize the maximum authorized dimensions of buses in order to create conditions of free circulation within the Union, and, more specifically, to provide the good functioning of cabotage in the field of transporting passengers. Directive (EU) 2015/719 from 29 April 2015 amended Directive 96/53/EC, laying down the maximum authorised dimensions in national and international traffic circulating on the territory of the EU and the maximum authorised weights in international traffic.

#### 2. Social harmonizing of working time, driving time and periods of rest

Transport sector was excluded from the applicable field of the main Directive 93/104/EC from 23 November 1993 concerning certain aspects of the organization of working time. The main objective of Directive 2002/15/EC from 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities is to introduce minimum daily and weekly periods of rest, and adequate breaks, which shall improve the safety and health of the motor vehicle drivers. The average weekly working time may not exceed 48 hours. The maximum weekly working time may be extended to 60 hours only if, over four months, an average of 48 hours a week is not exceeded. The maximum driving time per day and week, the break, and the minimal duration of the period of rest during the day are specified by Regulation (EC) No. 561/2006 from 15 March 2006, which repealed Regulation (EEC) No. 3820/85 from 20 December 1985. The Regulation shall apply for drivers carrying goods (vehicles that exceed 3.5 tons) or passengers (vehicles carrying more than nine persons). The Regulation sets more frequent periods of rest, improves and simplifies the

possibilities of control procedures and sanctions.

Regulation (EC) No. 561/2006 amended Regulation (EEC) No. 3821/85 from 20 December 1985 as well, by finally introducing digital tachographs. Due to the fact that they do not admit frauds, tachographs simplify the checks for any violations of the social legislation of the EU. Directive 2006/22/EC from 15 March 2006 specifies the minimum conditions for the implementation of the above Regulations and define the minimum number of checks (at least 3% of the working days of the drivers in 2010) Member States should perform to inspect the observation of driving times, breaks, and periods of rest. Regulation (EC) No. 561/2006 is also connected to Regulation (EU) No. 165/2014 which settles the requirements regarding tachographs. The replacement of analogue tachographs with digital ones shall gradually ensure checking larger amount of database faster and more precisely, thanks to which Member States shall be able to perform more checks. Within the road transport package for 2009, Regulation (EC) No. 1073/2009 from 21 October 2009 amended Regulation (EC) No. 561/2006 by re-introduction of the '12-day rule' for road carriage of passengers in order to allow drivers to postpone the weekly period of rest to the end of twelve consecutive days (instead of working no more than six consecutive days), providing it is not a matter of a single occasional carriage of passengers, which includes at least one 24-hour period of rest. In addition, the derogation should only be allowed under very strict conditions which preserve road safety and take into account the working conditions of drivers, inter alia, the obligation to take weekly rest periods immediately before and after the service<sup>[3]</sup>. After 1 January 2014, other rules were added: the vehicle is equipped with a digital tachograph and if driving during the period from 22,00 to 06,00, the vehicle is multi-manned or the uninterrupted driving period is reduced to three hours. The legislation in the field of road transport, like Directive 2002/15/EC and Directive 2006/22/EC, amended Regulation (EC) No. 561/2006, especially regarding working time and application.

In 2017, the Commission presented its legislation *Europe on the Move* package, which included an a regulation offer to the European Parliament and the Council for amending Regulation (EC) No. 561/2006 regarding the minimum requirements for minimum daily and weekly driving time, the minimum breaks during work, and the periods of daily and weekly periods of rest, and amending Regulation (EU) No. 165/2014 regarding the localization through tachographs (COM (2017)0277). As a part of its *Europe on the Move* package, the Commission submitted another offer for a directive of the European Parliament and the Council for amending Directive 2006/22/EC regarding the requirements of execution and definition of specific posting of driver's rules in the sector of road transport, in connection to Directive 96/71/EC and Directive 2014/67/EU (COM (2017)0278). Thus, in 2020, the act was accepted and published in the Official Journal (Directive (EU) 2020/1057). These reviewed the rules of posting of drivers, the driving time and the periods of rest, as well as the better application of the cabotage rules (i.e., carriage of freights, performed temporarily by drivers outside the Member States) aim to terminate the violation of the competition in the sector of road transport and ensure better conditions for the breaks of

the drivers. They also provide the legal framework for preventing the different national approaches and guarantee the fair remuneration of the drivers.

As a starting position of cardinal change of the approach for developing transport, it is accepted<sup>[4]</sup> that:

- transport is a priority industry due to its structure-specifying significance and the necessity of anticipatory development;
- its development along with the demands of transport services requires great investments. Their assimilation needs technological time, much longer than all the other industries;
- the state should have an active role in all directions, just the way as it is in all the developed European countries;
- the application of European practices under the specific peculiarities in Bulgaria is a guarantee for dynamic development and accelerated integration into the European structures.

Other important issues connected to the single policy are as follows: application of modern single economic processes regulation models; improvement of the regulatory framework on the ownership relations; use of single principles for optimization of the social economical and regulatory role of the state, and application of advanced governance approaches.

The undisputable position that the development of transport is directly dependable on the condition and, respectively, on the transport demands of all the other economic and public structures is an important prerequisite for an effective analysis and definition of the basic tasks.

This is the reason why priority directions for the development of transport should be considered in accordance with the balance within the industries and within the modes of transport. On the basis of the above conclusions, we can highlight the following basic issues, which should be studied and analyzed while specifying the priorities for the development of transport, namely:

- exposure of the characteristic peculiarities of transport industry and analysis of the state, issues, and perspectives for its development in the new economic conditions;
- analysis of the European policy and tendencies for the development of the national transport system in the conditions of European integration;
- clear definition of the needs, obligations, and criteria for the provision of transport services for the population and of the economy for the stable development of public transport;
- development of a strategy and investment programme for the development of the national transport infrastructure by 2050, including specification of infrastructural objects of national and international significance;
- development of a strategic investment programme for the reconstruction of the existing infrastructure and the construction of a new one;
- definition of the priorities and the alternatives for the funding of: the rehabilitation of the means of transport and technologies; the innovation policy and the global technological updating;
- elaboration of the governance of all the levels and the strategic priorities connected to the acceleration of the integration with the European structures;
- development of a separate programme (in accordance to the strategy) for accelerated rehabilitation of the main transport infrastructure and the means of transport in order to improve the servicing of the intermediate periods until

the completion of the strategic projects;

- equality of the conditions of competition within the modes of transport; accelerated integration into the European structures;
- specification of the relations between the state and the transport organizations and provision of favourable conditions for the use of public transport by disabled persons, by citizens with low purchasing power, or by other groups with a special statute using transport services;
- elaboration of the pricing systems and compensation of social public transport<sup>[5]</sup>;
- stimulation of the development and integration of modern transport technologies;
- elaboration of the access regimes to the market and of the access and use of transport infrastructure systems;
- development of a complex of measures for encouraging regional integration among the modes of transport through coordination of the timetables among them, and stimulation of the development of the most appropriate ones in order to provide quality services of the modes of transport;
- rationalization of the governance system of the participation of Bulgaria in the European transport organizations and in the 41 Pan-European Transport Corridors, including specification of the priorities which ensure the realization of the maximum benefits from the geographic location of the country;
- active foreign policy for the provision of effective transport connections to all potential EU partners and to external countries for increasing the transit flow through Bulgaria, reporting national interests;
- stabilization and development of administrative and professional capacity for: provision of effective development and governance of projects ensuring dynamic development and rehabilitation of transport; attracting investments funded by international EU financial institutions and funds; creation of systems for elaboration and development of the potential of the personnel, etc.. The main tasks above can be successfully realized through the following organizational solutions:
- invention of a single system (agency) for governing the investments in transport as well as training the personnel and total technological and organizational rehabilitation of transport.

Under the accepted regulatory framework, the strategic objectives<sup>[6]</sup> of the transport policy of the Republic of Bulgaria by 2030 are as follows:

- effective maintenance, modernization, and development of the transport infrastructure;
- improving the governance of the transport system;
- reducing the use of fuels and increasing the transport energy efficiency;
- improving the connection of the Bulgarian Transport System with the Single European Transport Area;
- providing a quality and accessible transport in all the regions of the country;
- limiting the negative influence of the transport on the environment and on the human health;
- increasing the reliability and safety of the transport system.

The creation of a national structure of study, analysis, indicative modelling, and control of the inter-industrial connections for the provision of an effective strategic transport planning is a task of independent significance.

The dynamic development of international transport increases together with the transformation of the economics into a single global system. International commerce, cultural exchange, and the mobility of people and goods connected to this is increasing. The successful regulation and coordination of these processes calls for the greater necessity of a single policy in a regional and global aspect. Within this context, European Transport Policy still has to realize a lot of work and reforms.

Most of them are formulated in the White Paper as objectives for achieving a competitive and efficient transport system. The most important of them are specified below:

- halving the vehicles using conventional fuels in public transport by 2030; their gradual taking off the road by 2050;
- achieving practically carbon-dioxide-free urban logistics in big cities by 2030. The sustainable fuels with low carbon contents in aviation should reach to 40% by 2050;
- By 2030, 30% of freights in road transport of over 300 km should be transferred to other modes of transport, like railway or marine ones, and 50% by 2050, which shall be facilitated by efficient and ecologic freight corridors. The achievement of this objective also requires the development of an appropriate infrastructure.
- By 2030, the length of the available high-speed railway network should be tripled and a dense railway network should be supported in all Member States.
- By 2050, the European high-speed railway network should be finished.

The main objective of the Commission is to create a real Single European Transport Area by removing the residual barriers between the modes of transport and the national systems by facilitating the process of integration and supporting the appearance of multinational and multi-type suppliers of transport services.

Despite the number of efforts made to this moment, the European Transport Policy still faces great challenges regarding durability, especially in the field of fighting global warming. Transport produces almost one fourth of all emissions of greenhouse gases (GHG) in the states of EU-28<sup>[7]</sup> (it is the second big source of greenhouse gases after the sector of energetics). This is why, the White Paper of Transport from 2011 called for the reduction of the emissions (including those of international aviation, except international marine transport) with 20% between 2008 and 2030, and with at least 60% between 1990 and 2050, as well as reduction of the emissions of international marine transport with 40% between 2005 and 2050.

The White Paper also offers to reach the use of 40% of low-carbon-content fuels in aviation by 2050 and reduction of the share of vehicles using conventional fuels in public transport with 50 % by 2030, and with 100 % to 2050.

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