



The Scottish Parliament
Pàrlamaid na h-Alba

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

AGENDA

4th Meeting, 2012 (Session 4)

Wednesday 22 February 2012

The Committee will meet at 10.00 am in Committee Room 6.

1. **Decision on taking business in private:** The Committee will decide whether item 7 and future consideration of a draft report, should be taken in private.
2. **Broadband infrastructure in Scotland:** The Committee will take evidence from—

Alex Neil, Cabinet Secretary for Infrastructure and Capital Investment, Mike Neilson, Director, Digital, and Trudy Nicolson, Team Leader of Innovation and Digital Economy, Scottish Government.

3. **Petitions:** The Committee will consider the following petitions—

PE1192, a petition by Donald Ewen Darroch calling on the Scottish Parliament to urge the Scottish Government to state how it is supporting and promoting independent vehicular ferry routes between the islands and the mainland and how the planning system is playing a constructive role in supporting the economic and social future of such routes; and

PE1394, a petition by Huw Francis on behalf of Stòras Uibhist calling on the Scottish Parliament to urge the Scottish Government to reintroduce a direct ferry service between Lochboisdale and Mallaig.

4. **Subordinate legislation:** The Committee will consider the following negative instrument—

the Scottish Road Works Register (Prescribed Fees) Regulations 2012: SSI 2012/11.

5. **Subordinate legislation:** The Committee will consider the following instrument which is not subject to any parliamentary procedure—

the Housing (Scotland) Act 2010 (Commencement No. 5) Order 2012 SSI/2012/19(C.3).

6. **European Commission Work Programme:** The Committee will consider the European Commission Work Programme and European Union priorities for engagement and scrutiny.
7. **Broadband infrastructure in Scotland:** The Committee will consider the evidence heard during the meeting and in previous sessions.

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The papers for this meeting are as follows—

Agenda item 2

PRIVATE PAPER

ICI/S4/12/4/1 (P)

[Written evidence received by the Committee](#)

[Scotland's Digital Future - Infrastructure Action Plan](#)

Agenda item 3

Cover note

ICI/S4/12/4/2

Agenda item 4

Cover note

ICI/S4/12/4/3

[The Scottish Road Works Register \(Prescribed Fees\) Regulations 2012](#)

Agenda item 5

Cover note

ICI/S4/12/4/4

[The Housing \(Scotland\) Act 2010 \(Commencement No. 5\) Order 2012](#)

Agenda item 6

European Reporter paper

ICI/S4/12/4/5

[Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors \(COM\(2011\) 895\)](#)

[Proposal for a Directive of the European Parliament and of the Council on public procurement \(COM\(2011\) 896\)](#)

Infrastructure and Capital Investment Committee

4th Meeting, 2012 (Session 4), Wednesday, 22 February 2012

PETITION PE1192 and PE1394

Introduction

1. The Public Petitions Committee (PPC) has referred two petitions, PE1192 and PE1394, to the Committee for further consideration:

PE1192, lodged on 10 September 2008:

Petition by Donald Ewen Darroch, calling on the Scottish Parliament to urge the Scottish Government to state how it is supporting and promoting independent vehicular ferry routes between the islands and the mainland and how the planning system is playing a constructive role in supporting the economic and social future of such routes.

PE1394, lodged 8 July 2011:

Petition by Huw Francis on behalf of Stòras Uibhist, calling on the Scottish Parliament to urge the Scottish Government, to reintroduce a direct ferry service between Lochboisdale and Mallaig.

Scottish Government Ferries Review

2. The Scottish Government's Ferries Review is relevant to both of these petitions. In 2008, the Committee's predecessor conducted an inquiry into ferry services in Scotland. Subsequently, the Scottish Government launched a consultation as part of a Ferries Review. The 2008 Committee considered that the review could have a significant impact on the future approach to provision of ferry services and recommended that its successor question the relevant Scottish Minister on the outcome of the review.

3. The Scottish Government published its draft plan for consultation on 21 December 2011, which concluded its review of ferry services in Scotland. The [Scottish Ferry Services: Draft Plan for Consultation](#) states the outcomes of its Ferries Review and sets out its plans and proposals for the provision and support of Scotland's ferry services, to 2022.

Background to PE1192

Consideration by the PPC

4. In session 3 the PPC considered PR1192 at various meetings, agreeing to defer further consideration until the publication of the Scottish Government's Ferries Review and the related consultation exercise.

5. At the PPC's meeting on 26 October 2010, the Committee agreed to write to the Scottish Government, inviting it to outline the actions it intended to take to address the issues raised by the petitioner and the likely timescale for

these activities. A response to these requests was received from the Scottish Government.

6. The PPC also received a written update from the Scottish Government on 8 August 2011, on the outcomes of the Ferries Review consultation and its impact on the issues raised within the petition, to which the petitioner also responded. The previous PPC suggested that the petition be reconsidered during session 4 and the current PPC considered the petition at its meeting on 4 October 2011 and agreed to refer it to the Infrastructure and Capital Investment Committee, under Rule 15.6.2.

7. A copy of the petition, the Official Reports from the PPC meetings at which the petition was considered and the various written submissions received from both the petitioner and the Scottish Government, are available at the link below:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/40026.aspx>

Consideration by the ICI Committee

8. The Committee heard evidence from the Minister for Housing and Transport on the outcomes of the ferries review, at its meeting on 25 January 2012. During this meeting Members raised several questions in relation to PE1192, the responses to which can be seen in the [Official Report](#) of the meeting.

9. When questioned specifically on support of independent ferry operators in the delivery of ferry services, the Minister stated:

“If we did not operate the services that we subsidise in such a way that they do not infringe the rights of independent operators, we would quickly be brought up before the European Commission. That is the body that safeguards such services.”¹

Background to PE1934

Consideration by the PPC

10. At its meeting on 6 September 2011 the Public Petitions Committee took evidence from representatives of Stòras Uibhist, the owners of the South Uist estate and the Highland Council. During the discussion a number of points arose in relation to this petition and the Committee therefore agreed to write to the Scottish Government seeking their views on the petition in general, the inclusion of consideration of a Lochboisdale to Mallaig ferry service in the Scottish Ferry Services Review; and the timescale for publication of this review.

¹ Scottish Parliament Infrastructure and Capital Investment Committee, *Official Report 25 January 2012*, Col 629

11. Transport Scotland responded to these questions in its letter of [4 October 2011](#), suggesting the route proposed in the petition would be difficult to run due to the lack of an available up to standard vessel with spare capacity. Transport Scotland stated the Lochboisdale to Mallaig route was being considered as part of the ferries review and further information would be available upon its publication.

12. Following a response from the petitioner to the Scottish Government's letter, the Committee agreed, on 15 November 2011, to write again to the Scottish Government, seeking a response to the points made in the [petitioner's letter](#). Further correspondence from both [Transport Scotland](#) and then from [the petitioner](#) was received. Transport Scotland reiterated that it would be unable to confirm the addition or redirecting of any routes, until the ferries review had been concluded and that the next Clyde and Hebrides Ferry Services tender would be likely to alter existing routes in any case.

13. The Scottish Ferry Services draft plan made specific reference to the proposal for a new route between Lochboisdale and Mallaig. The document stated:

"150. We have considered whether a Mallaig to Lochboisdale service could become the principal route for the Uists and Benbecula. We believe that given the shorter crossing between Lochmaddy and Uig, and the easier access to this service by a greater proportion of the Western Isles population, that it is correct that Lochmaddy to Uig remains the principal route for the Uists and Benbecula. Our household survey showed that while 42 per cent of residents in South Uist were not satisfied with Oban as their mainland port, 52 per cent were satisfied and 6 per cent said destination port was not important. However, we accept the strength of feeling held by some of the South Uist Community. We will further consider the economic viability of this proposed service in the context of other planned improvements to services to, and within, the Western Isles. "

14. The most recent letter received by the PPC Committee from the petitioner was dated [9 January 2012](#). In this letter the petitioner questions the approach taken by the Scottish Government in conducting its household survey and expresses concern that it did not specifically ask about residents' satisfaction with the service to Oban or ask directly about a preference for a new service between Lochboisdale and Mallaig. The petitioner also calls upon the Scottish Government to consent to a trial run of a ferry service between on this alternative route. At its meeting on 24 January 2012, the PPC agreed to refer the petition to the Infrastructure and Capital Investment Committee, for further consideration of the issues raised in the petition and the suggestions made in the petitioner's correspondence.

15. As members will be aware, the consultation on the Scottish Ferry Services draft plan is currently underway, with comments invited from all parties with an interest in ferry services by the closing date of 30 March 2012. This would appear to provide a further opportunity for the petitioners to pursue their proposal directly with the Scottish Government.

16. A copy of the petition, the Official Reports from the PPC meetings at which the petition was considered and the various written submissions received from both the petitioner and the Scottish Government, are available at the link below:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/40062.aspx>

Recommended Action

17. The Committee is invited to consider what, if any, action it wishes to take in relation to these petitions.

Steve Farrell
Clerk to the Committee
February 2012

Infrastructure and Capital Investment Committee

4th Meeting, 2012 (Session 4), Wednesday, 22 February 2012

Subordinate Legislation Cover Note

| | |
|---|--|
| Title of Instrument | The Scottish Road Works Register (Prescribed Fees) Regulations 2012: SSI 2012/11 |
| Type of Instrument | Negative |
| Laid Date | 20 January 2012 |
| Circulated to Members | 17 February 2012 |
| Meeting Date | 22 February 2012 |
| Minister to attend the meeting | No |
| SSI drawn to the Parliament's attention by Subordinate Legislation Committee | No |
| Reporting Deadline | 5 March 2012 |

Purpose

1. This instrument replaces the Scottish Road Works Register (Prescribed Fees) Regulations 2011 (SSI 2011/43) as it exercises the powers to prescribe the fees payable for the 2012/13 financial year.
2. The regulations will allow for the Scottish Road Works Commissioner to charge local authorities and utility companies fees in order for them to access the Scottish Road Works Register, created by the 2005 Transport Scotland Act. The instrument also provides a formula for the calculation of such fees, ensuring that the costs of keeping the register are balanced by the income received from users, reflected in the minimal increase for the year from 1 April 2012 (from £1,017,000 for 2010/11 to £1,024,000 for 2011/12).

Subordinate Legislation Committee Report

2. The Subordinate Legislation Committee had no comments to make on this instrument.
3. A copy of the [SSI](#) and the [Executive Note](#) are included with the papers.

Recommendation

- 4. The Committee is invited to consider any issues which it wishes to raise in reporting to the Parliament on this instrument.**

Steve Farrell
Clerk to the Committee
February 2012

Infrastructure and Capital Investment Committee

4th Meeting, 2012 (Session 4), Wednesday, 22 February 2012

Subordinate Legislation Cover Note

| | |
|---|--|
| Title of Instrument | The Housing (Scotland) Act 2010 (Commencement No. 5) Order 2012 SSI/2012/19(C.3) |
| Type of Instrument | Commencement Order |
| Laid Date | 26 January 2012 |
| Circulated to Members | 17 February 2012 |
| Meeting Date | 22 February 2012 |
| Minister to attend the meeting | No |
| SSI drawn to the Parliament's attention by Subordinate Legislation Committee | No |
| Reporting Deadline | 12 March 2012 |

Procedure

1. This instrument was laid before the Parliament, but is not subject to any Parliamentary procedure. Under the new procedure introduced by the Interpretation and Legislative Reform (Scotland) Act 2010, Scottish statutory instruments previously not laid now require to be laid before the Parliament. Under Rule 10.1.3, any instrument laid before the Parliament is to be referred to a lead committee for consideration. Therefore, instruments laid only but not subject to any parliamentary procedure are also now referred to lead committees for consideration.

2. The requirement on lead committees to consider these instruments is an unintended consequence of the recent rule changes, brought into effect by the ILR Act. It is proposed that this requirement be removed in the next round of minor rule changes. Therefore, the requirement to note this type of instrument on the agenda is expected to be a temporary measure.

Purpose

3. This Order brings sections 153 and 155 of the Housing (Scotland) Act 2010 into force on 22nd February 2012 for limited purposes.

4. Section 153 enables landlords to retain tenants in their existing tenancies where agreement has been reached about rent arrears following a court decree for eviction. The instrument is commenced under the Housing (Scotland) Act 2011, for the purposes of enabling Scottish Ministers to provide that court orders specify the maximum period for recovery of possession of a tenancy by landlords.

5. Section 155 requires landlords to comply with pre-action requirements before commencing court proceedings where a tenant has rent arrears. It is commenced in order to enable Scottish Ministers to set regulations confirming to the court, that pre-action requirements have been complied with and to issue guidance about how a landlord should comply with and make further provision about, those requirements.

Subordinate Legislation Committee

6. The Subordinate Legislation Committee had no comments to make on this instrument.

7. A copy of the [SSI](#) is included with the papers.

Recommendation

8. **The Committee is invited to take note of this instrument.**

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Infrastructure and Capital Investment Committee

4th Meeting, 2012 (Session 4), Wednesday, 22 February 2012

European issues – Consideration of priorities

Introduction

1. The Scottish Parliament, in December 2010, agreed its European Strategy for Parliament-wide EU engagement and scrutiny. The Strategy defines the Parliament's objectives and priorities and states that the main role of the Scottish Parliament in relation to Europe is to scrutinise the Scottish Government and its engagement in Europe. In order to achieve this, the Parliament agreed it needed to:

- develop its approach to early engagement and the 'upstream' setting of the agenda; and
- scrutinise emerging EU legislative proposals.

2. An annual review of the European Commission Work Programme (CWP) is undertaken by each subject committee with the aim of determining a limited number of strategic priorities for action. The European and External Relations Committee will compile all the committees' priorities and proposed actions and a debate will be held in February/March on the CWP and priorities for Parliamentary action.

Purpose of the paper

3. The purpose of the paper is to agree the Infrastructure and Capital Investment Committee's priorities within the CWP.

4. The EU reporter acts as a champion for EU matters within the committee and, as such, is responsible for monitoring proposals within the CWP and identifying any that merit further consideration. The EU reporter has identified a number of issues from the CWP, which are attached at the **Annexe**, and which represent a first sift of issues felt to be relevant to the Committee's remit that may merit follow up action.

Recommendation

5. The Committee is asked to agree to consider and adopt the priorities for EU scrutiny set out in the Annexe.

6. In addition, the Committee may also wish to—

- follow up relevant issues in the course of its current work programme, such as in relation to broadband and digital infrastructure;
- write to the Scottish Government for information on how the Government is proposing to engage with the proposals and ascertain whether any are likely to involve subsidiarity issues;
- subject to a further decision by the Committee, consider whether to take written and/or oral evidence from key stakeholders as appropriate.

Jamie Hepburn MSP
European Reporter
February

2012

Annexe

Review of State aid guidelines for broadband networks (expected July 2012)

Proposal

The current guidelines for broadband networks which lay down how public funding should be granted to broadband development in line with the EU State aid rules need to be reviewed by 30 September 2012.

The European Commission has set highly ambitious objectives for broadband development because “smart investments into high and very high speed broadband infrastructures are crucial to create jobs, increase economic performance and to unlock the competitive potential of the EU in the long term”.

The Broadband Guidelines are a horizontal document that lay down the detailed rules and conditions on how public funds can be granted to broadband networks in line with the State aid rules.

The Infrastructure and Capital Investment Committee has considered the issue of providing state aid for the development of broadband networks as part of its initial scoping inquiry into the need for a broadband strategy across Scotland.

The review of state aid legislation and rules in a number of areas form a major plank of the Commission’s work programme. The Parliament’s Economy, Energy and Tourism Committee has identified a number of related proposals with which to engage.

Current guidelines

The European Commission's Regional Aid Guidelines define the areas eligible for regional aid (the assisted areas) as well as maximum aid limits. They also govern the operation of regional aid schemes, such as Regional Selective Assistance. Eligibility for aid is defined by Commission rules which relate to Articles 107(3)(a) and 107(3)(c) of the [Treaty Establishing the European Community](#) which grant derogations to Member States to provide aid which would not normally be allowed due to a fear it would distort the single market.

The current European Commission’s Regional Aid guidelines set out that Cornwall and the Isles of Scilly and West Wales and the Valleys are eligible for full Article 107(3)(a) status and the Highlands and Islands is eligible for statistical effect status which in total covers 4.6% of the UK population (see [map](#) produced by Department for Business, Innovation and Skills). In terms of eligibility under Article 107(3)(c), the Commission’s guidelines lay out that a further 19.3% of the population may be eligible which allows a total of 23.9% of the UK population to live in areas eligible for state aid. The United Kingdom Government has responsibility for deciding how that potential coverage should be distributed across the country.

It would be possible for the Scottish Government to plan a Broadband aid scheme covering particular areas of Scotland and then seek the agreement of the European Commission to run it.

Impact on Scotland

State aid is a European Commission term which refers to forms of assistance from a public body, or publicly-funded body, given to undertakings on a discretionary basis, with the potential to distort competition and affect trade between member states of the European Union.

Annexe

The 'State aid rules' are set out by the European Commission and comprise various articles of the Treaty on the Functioning of the European Union (TFEU), regulations, frameworks and guidelines - which set out what aid can be given.

The Scottish Government's State Aid Unit, part of the Enterprise and Environment Directorate of the Scottish Government, is responsible for assisting those involved in approving or granting public funding within State aid rules.

The Digital Agenda for Europe and Scotland

Proposal

The [Europe 2020 Strategy](#) stresses the importance of widely available, quick and affordable broadband in achieving a more competitive European Union (EU) and creating more jobs. Its objective is that all Europeans will have access to basic broadband by 2013 and, by 2020, access to much higher internet speeds of above 30 Mbps, with at least 50% of European households subscribing to internet connections above 100 Mbps. In the UK, Ofcom defines 'superfast broadband' as broadband with speeds greater than 24 Mbps.

One of the 2020 Strategy's seven flagship initiatives, the [Digital Agenda for Europe](#) (DAE), elaborates the objectives and emphasises the key role of Information Communication Technology (ICT). It articulates a number of actions for both the Commission and Member States (but also acknowledges the importance of activities at the regional level). It states that the lack of investment in broadband networks can be addressed by stimulating private investment (backed by EU and European Investment Bank (EIB) funds, especially in instances where the business case is weak), complemented by carefully targeted public investments.

Following the second Digital Agenda Assembly and the 2012 Scoreboard, the mid-term review should look at strategic priorities for the remaining two years of the Digital Agenda for Europe lifecycle.

Impact on Scotland

Upgrading existing internet infrastructure from telephone copper and TV cable networks to Next Generation Access (NGA) fibre cables and improving spectrum allocation for wireless networks is also considered to be important. It calls on Member States to adopt national broadband plans by 2012 that meet the Europe 2020 objectives. While not obliged to do so, the Scottish Government's targets, given in [Scotland's digital future: a strategy for Scotland](#), published on 3 March 2011, adhere to the Europe 2020 targets.

Directives on public procurement and on procurement by entities operating in the energy, water, transport and postal services sectors (published December 2011)

Proposal

The European Commission adopted on 20 December 2011 proposals for two new Directives on public procurement covering the public sector and Utility sectors respectively.

According to the UK Government's Explanatory Memorandum for the proposals, in 2009, public procurement accounted for approximately 19% of the European Union's GDP whilst total public expenditure on works, goods and services exceeds 2 trillion Euro per year. European Union (EU) law includes directives governing the procurement process undertaken by government and other public bodies when awarding most contracts (depending on the nature and value of those contracts).

Annexe

According to the Commission, the directives include measures to:

- simplify the procurement rules and provide more flexibility for purchasers;
- enable purchasers to procure goods and services that, for example, foster innovation and respect the environment;
- remove barriers for market access by SMEs;
- improve existing safeguards against risks such as conflict of interest, favouritism and corruption and provide for additional protection; and
- require Member States to establish a single national authority to be in charge of monitoring, implementation and control of public procurement law.

Impact on Scotland

The development and application of public procurement policy and the implementation of public procurement legislation is a devolved matter in Scotland. The Committee recently considered the proposals for new procurement legislation in terms of a potential breach of subsidiarity and agreed to write to the House of Lords Sub-Committee, the Scottish Government and to Scotland's MEPs on the matter.

Trans-European Networks

Proposal

In October 2011 the European Commission published proposals for a connecting Europe facility as part of the 2014-2020 European budget. According to the European Commission: "the Connecting Europe Facility will invest €31.7 billion to upgrade Europe's transport infrastructure, build missing links and remove bottlenecks. This includes €10 billion ring fenced in the Cohesion Fund for transport projects in the cohesion countries, with the remaining 21.7 billion available for all Member States for investing in transport infrastructure. The idea is to improve links between different parts of the EU, to make it easier for different countries to exchange goods and people with each other."

Impact on Scotland

The Commission, in discussion with the Member States has produced a map highlighting key projects likely to receive funding up to 2030. Included within these projects is the Edinburgh to Glasgow railway line which will be upgraded. Funding of the projects until 2020 will come from the Connecting Europe facility.

It is likely that the proposals for the Trans European Network will be agreed during 2012 with the budget for it likely to be agreed as part of the overall EU budget negotiations which may be complete by the end of 2012 or early in 2013.

A European vision for Passengers: Communication on Passenger Rights in all transport modes

Proposal

In November 2011 the European Commission published a Communication outlining its thoughts on improving passenger rights across all modes of transport for EU citizens. The Communication aims to help:

- carriers towards a more coherent and effective application of EU law;
- national authorities towards a harmonised enforcement of passenger protection across all modes; and

Annexe

- passengers towards a better understanding of what they can legitimately expect (and what they cannot) as minimum quality service when travelling.

According to the European Commission, passenger rights are based on three cornerstones: non-discrimination; accurate, timely and accessible information; immediate and proportionate assistance. The following ten rights that stem from these principles form the core of EU passenger rights:

- (1) Right to non-discrimination in access to transport
- (2) Right to mobility: accessibility and assistance at no additional cost for disabled passengers and passengers with reduced mobility (PRM)
- (3) Right to information before purchase and at the various stages of travel, notably in case of disruption
- (4) Right to renounce travelling (reimbursement of the full cost of the ticket) when the trip is not carried out as planned
- (5) Right to the fulfilment of the transport contract in case of disruption (rerouting and rebooking)
- (6) Right to get assistance in case of long delay at departure or at connecting points
- (7) Right to compensation under certain circumstances
- (8) Right to carrier liability towards passengers and their baggage
- (9) Right to a quick and accessible system of complaint handling
- (10) Right to full application and effective enforcement of EU law

The UK Government has expressed concerns that the Commission's thinking in this area may breach the principle of subsidiarity. As it is not a legislative proposal the subsidiarity mechanism introduced in the Treaty of Lisbon cannot be invoked, but it may be that subsidiarity concerns arise when a legislative proposal is produced – possibly later in 2012 or early 2013.

Pan European framework for electronic identification, authentication and signature (legislative regulation) (expected April 2012)

Proposal

The initiative aims to increase the usability of eSignatures and to ensure the possibility of true cross-border interoperability through mutual recognition and acceptance of national eIDs. eSignature should become as easy to use as hand written signature, to facilitate better electronic transactions between citizens, businesses and administrations. The mutual recognition and acceptance of national eIDs throughout the EU would enable all citizens and businesses to use their national eIDs in all Member States to access online services of national public administrations and public authorities and speed up procedures significantly.

Moreover, in relation to the Commission's ongoing initiative for better regulation, a further general objective is to simplify and clarify the current legislative framework, using the outcome of an ex-post evaluation.

Annexe

Smart ticketing, multimodal scheduling, information, on-line reservation (non-legislative communication) (*expected 2014*)

Multimodal transport is the transportation of goods from one country to another under a single contract, but performed with at least two different means of transport. In April 2011, the Commission launched a public consultation on an EU multi-modal journey planner, the objective of which is to collect information and opinions from stakeholders across the EU on the vision, feasibility and possible technical/organisational implementation issues of European and national multi-modal journey planners. The objective of the Commission is to support the development of national and regional multimodal journey planners, and links between existing planners, with the ultimate target of providing users with a journey planner at EU level.

Following on from this, a legislative proposal is expected which may be comprised of rules on access to information, data exchange, and liability. This could include a proposal to ensure access of private service providers to travel and real time traffic information.

Framework for future EU ports' policy (possibly legislative) (*expected 2012*)

This initiative will better enable ports to efficiently handle the increasing freight volumes to enable seamless logistics chains; review the restrictions on provision for port services and enhance the transparency on ports' financing, clarifying the destination of public funding to the different ports activities with a view to avoid any distortion of competition; and establish a mutually recognisable framework on the training of port workers in different fields of port activities.

Revising passenger ship safety (legislative) (*expected 2012*)

The overarching aim of this initiative is to improve safety and avoid distortion of competition for several passenger ship types engaged in international/domestic voyages. The forthcoming proposal will seek to simplify and clarify the legislative framework by removing excessive provisions that are currently applicable to small ships and small transport companies.

The 2011 White Paper for the future of transport – "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system", recognises the need to modernise the current EU passenger ship safety legislative framework, which followed the sinking of the Estonia in 1994.

The general objectives flowing from these two problems, derived from Articles 91 and 100 of the Treaty, are to:

- (1) ensure maritime transport safety; and
- (2) lay down the conditions under which non-resident carriers may operate transport services within a Member State and ship constructors can build ships to the same standards for the whole EU market.

Iain McIver
SPICe Research