

Key EU transport legislation

This table has been prepared solely for the purpose of supplementing the Call for Evidence on the Government's Review of the Balance of Competences in the transport field. The Department for Transport has endeavoured to make it accurate and comprehensive but it is not intended to be relied on for any other purpose. Any comments will be welcome and may be sent to: balanceofcompetences@dft.gsi.gov.uk.

Aviation

Key EU legislation	Treaty base in TFEU	Description of legislation
ECONOMIC		
Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 establishing common rules for the operation of air services in the Community (Recast).	Article 96(2) TFEU (ex Article 80(2) Treaty establishing the European Community)	Common rules for the operation of air services. This instrument regulates the licensing of EU air carriers, their access to the market and the pricing of air services.
Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports.	Article 84 (2) TEC (Article 104 TFEU)	Ground-handling. Opens up the groundhandling market to offer airlines a choice of providers. Due to be replaced by a regulation in the 'Better airports Package'.
Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports	Article 84 (2) TEC (Article 104 TFEU)	Slots. Due to be replaced by a new regulation in the 'Better airports Package'.
Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community	Article 80 (2) TEC (Article 100 (2) TFEU)	State aid for airlines. The regulation provides for redressive measures to be imposed when non-EU air carriers are subsidised directly or indirectly or when they carry out unfair pricing practices on one or more routes to or from the EU.
Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators	Article 80 (2) TEC (Article 100 (2) TFEU)	Defines insurance obligations for air carriers
SOCIAL		
Reg (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency	Article 80 (2) TEC (Article 100 (2) TFEU)	Safety - Established European Aviation Safety Agency (EASA)

Key EU legislation	Treaty base in TFEU	Description of legislation
Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC	Article 80 (2) TEC (Article 100 (2) TFEU)	Safety - Empowers EASA to develop implementing rules to give effect to the essential requirements. The implementing rules are adopted through Commission Regulations. EASA is also given responsibility for the type certification of aircraft and for issuing approvals to third country organisations.
Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation	Article 80 (2) TEC (Article 100 (2) TFEU)	Safety - Deals with the reporting of occurrences that have endangered or which would have endangered if they had not been corrected, an aircraft, its occupants or any other person.
REGULATION (EC) No 2111/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC	Article 80 (2) TEC (Article 100 (2) TFEU)	Safety
REGULATION (EU) No 996/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC	Article 100 (2) TFEU	Safety - aims for efficient, quality aviation safety investigations across Europe.
Regulation (EC) 549/2004 – Framework for the creation of the single European sky (the Framework Regulation)	Article 80 (2) TEC (Article 100 (2) TFEU)	Airspace – SES framework regulation
Regulation (EC) 550/2004 – Provision of air navigation services in the single European sky (the Service Provision Regulation)	Article 80 (2) TEC (Article 100 (2) TFEU)	Airspace – SES Service Provision regulation
Regulation (EC) 551/2004 – Organisation and use of airspace in the single European sky (the Airspace Regulation)	Article 80 (2) TEC (Article 100 (2) TFEU)	Airspace – SES Airspace regulation
Regulation (EC) 552/2004 – Interoperability of the European Air Traffic Management network (the Interoperability Regulation)	Article 80 (2) TEC (Article 100 (2) TFEU)	Airspace – SES Inter-operability regulation
Regulation (EC) N° 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending regulations (EC) N° 549/2004, (EC) N° 550/2004, (EC) N° 551/2004 and (EC) N° 552/2004 in order to improve the performance and sustainability of the European aviation system	Article 80 (2) TEC (Article 100 (2) TFEU)	Airspace – SES second package “SES II” Regulation amending SES I Regulations

Key EU legislation	Treaty base in TFEU	Description of legislation
Council Regulation (EC) N° 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR)	Article 171 TEC (Article 187 TFEU)	Establishing 'SESAR' – Airspace – Established a Joint undertaking to develop the next generation of air traffic management systems
DIRECTIVE 2009/12/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2009 on airport charges	Article 100 (2) TFEU	Sets common principles for the levying of airport charges at community airports
Regulation (EC) No 300/2008 of the European Parliament and of the Council ('EC300') which establishes common rules and basic standards in the EU to protect civil aviation against acts of unlawful interference.	Article 80 (2) TEC (Article 100 (2) TFEU)	Framework regulation on common rules in the field of security in civil aviation
Commission Regulation (EC) No 272/2009	Regulation (EC) No 300/2008 (and having regard to TFEU)	Security – Supplements the common rules in EC 300/2008
Commission regulation (EU) No 185/2010	Regulation (EC) No 300/2008 (and having regard to TFEU)	Security – Detailed measures for the implementation of the common rules in EC 300/2008
Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation	Article 139 TEC (Article 155 TFEU)	Workers rights – Sets minimum standards for the organisation of working time for mobile workers in civil aviation
Council Regulation (EC) N° 1361/2008 of 16 December 2008 amending Regulation (EC) N° 219/2007 on the establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR)	Article 171 & 172 TEC (Articles 187 & 188 TFEU)	Passenger rights – Gives the SESAR joint undertaking the legal status of a community body with legal personality
REGULATION (EC) No 261/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91	Article 80 (2) TEC (Article 100 (2) TFEU)	Passenger rights – Establishes common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights.
REGULATION (EC) No 1107/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air	Article 80 (2) TEC (Article 100 (2) TFEU)	Passenger rights – Prohibits operators from refusing reservation or boarding to persons because of their reduced mobility or disability
Regulation (EC) No 2027/97 as amended by Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 on air carrier liability in respect of the carriage of passengers and their baggage by air	Article 84 (2) TEC (Article 104 TFEU)	Passenger rights – Sets out various requirements concerning air carrier obligations to passengers in the event of damage or loss of baggage and injury or death of passengers

Key EU legislation	Treaty base in TFEU	Description of legislation
Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours	Article 100 (a) TEEC	Passenger rights – The Package Travel Directive requires package tour operators to provide refunds and repatriation in the case of failure. ATOL is our method of complying in aviation, though ATOL predates the PTD.
Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89.	Articles 71 and 80 (2) TEC	This Regulation aims to establish a harmonised code of conduct regarding the use of computerised reservation systems in order to ensure fair competition and to protect consumers' rights
ENVIRONMENT		
Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC	Article 175 (1) TEC (Article 192 TFEU)	Establishes Emissions trading scheme
Directive 2004/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms	Article 175 (1) TEC (Article 192 TFEU)	Links ETS credits and targets with those of the UNFCCC and the Kyoto protocol
Directive 2008/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community	Article 175 (1) TEC (Article 192 TFEU)	Extends ETS to include aviation
Directive 2009/29/EC of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community	Article 175 (1) TEC (Article 192 TFEU)	Improves ETS processes and implementation. Makes targets more ambitious
EC Directive 2006/93 on the Regulation of the Operation of Aeroplanes covered by Part II Chapter 3 Volume 1 of Annex 16 to the Convention on International Civil Aviation	Article 80 (2) TEC (Article 100 (2) TFEU)	A consolidated Directive of obligations contained in 3 earlier Directives. Prohibits Chapter 2 aircraft (the oldest and noisiest aircraft) from operating in Europe
EC Directive 2002/30 on the establishment of rules and procedures with regard to noise related operating restrictions at large UK airports	Article 80 (2) TEC (Article 100 (2) TFEU)	Noise – Due to be replaced by a regulation in the 'Better airports Package'
Council Regulation (EC) No 71/2008 of 18 December 2007 setting up the Clean Sky Joint Undertaking.	Articles 171 & 172 TEC	Environment - Establishes a private/public research partnership to develop clean, innovative and competitive air transport solutions

EXTERNAL RELATIONS

Regulation (EC) No 847/2004 of the European Parliament and of the Council of 29 April 2004, on the negotiation and implementation of air service agreements between Member States and third countries.

Article 80 (2) TEC
(Article 100 (2) TFEU)

Aims to establish legal certainty to the bilateral air services agreements concluded between Member States and third countries

Maritime

Key EU legislation	Treaty base in TFEU	Description of legislation
ECONOMIC		
Council Regulation (EC) 718/1999	Article 75 TEC (Article 95 TFEU)	The purpose of this Regulation, on a Community-fleet capacity policy, is to promote inland waterway transport
Commission Regulation (EC) 411/2003		Amends the above
Council Directive 91/672/EEC	Article 75 TEC (Article 95 TFEU)	This Directive is to institute the reciprocal recognition of national boatmasters' certificates for inland waterway navigation between the Member States.
Council Regulation (EEC) 3921/91	Article 75 TEC (Article 95 TFEU)	The purpose of this regulation is to lay down the conditions under which non-resident carriers may have freedom to operate inland waterway transport services in a Member State.
Directive 96/50/EC	Article 75 TEC (Article 95 TFEU)	The aim of this Directive is to harmonise the conditions for obtaining national boat masters' certificates for inland waterway navigation between Member States in order to combat distortions of competition between carriers and to increase the safety of inland waterway navigation.
Council Regulation (EC) 1356/96	Article 75 TEC (Article 95 TFEU)	The aim of this Regulation, on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services, is to institute freedom to provide transport services between Member States.
Council Directive 96/75/EC	Article 75 TEC (Article 95 TFEU)	This Directive, on the systems of chartering and pricing in national and international inland waterway transport in the Community, aims to adapt the organisation of the turn-by-turnabout chartering systems to greater commercial flexibility in order to achieve a system of free transactions on 1 January 2000.
ENVIRONMENT		
Regulation (EC) 1013/2006	Article 175 TEC (Article 192 TFEU)	Shipments of waste. This Regulation aims to strengthen, simplify and specify the procedures for controlling waste shipments to improve environmental protection
Directive 2001/81/EC	Article 175 TEC (Article 192 TFEU)	Shipping emissions. Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants commits the Commission to report on the extent to which emissions from maritime traffic contribute to acidification, eutrophication and the formation of ground-level ozone
Council Directive 1999/32/EC	Article 130 TEC (Article 150 TFEU)	Shipping emissions. Directive 1999/32 relating to a reduction in the sulphur content of certain liquid fuels sets sulphur limits for marine distillate oil used in EU territorial waters.
Directive 2005/33/EC	Article 175 TEC (Article 192 TFEU)	Shipping emissions. This Directive extends the scope of Directive 1999/32/EC, which relates to a reduction in the sulphur content of certain liquid fuels, to all petroleum-derived liquid fuels used by ships operating within Member States' waters.

Key EU legislation	Treaty base in TFEU	Description of legislation
Regulation (EC) 782/2003	Article 80(2) TEC (Article 100(2) TFEU)	The purpose of this Regulation, on the prohibition of organotin compounds on ships, is to reduce the adverse effects on the environment caused by organotin compounds used on ships.
Directive 2002/84/EC	Article 80(2) TEC (Article 100(2) TFEU)	Prevention of pollution. The aim is to simplify the committee procedures through the replacement of the various committees set up under the Community legislation on maritime safety and the prevention of pollution from ships with a single committee to be known as the Committee on maritime safety.
Directive 2005/35/EC	Article 80(2) TEC (Article 100(2) TFEU)	This Directive, on ship-source pollution and on the introduction of penalties for infringements, states that ship-source polluting discharges constitute a criminal offence and this relates to discharges of oil or other noxious substances from vessels. The persons responsible for discharging polluting substances may be subject to criminal penalties, if they have acted with intent, recklessly, or with serious negligence.
Directive 2009/123/EC		Amends the above. Ship source pollution and penalties
Council Decision 2002/762/EC	Articles 61(c), 67(1) and 300(2) TEC (Article 67(3) TFEU)	Authorises the Member States, in the interest of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention).
INFRASTRUCTURE		
Directive 2005/44/EC	Article 71(1) TEC (Article 91(1) TFEU)	This Directive establishes an EU framework for the implementation and use of harmonised river information services (RIS) in order to enhance the safety, efficiency and environmental friendliness of inland waterway transport as well as to ensure compatibility and interoperability with other modes of transport. This directive applies to all waterways of class IV or above across the EU.
Directive 2006/87/EC	Article 71(1) TEC (Article 91(1) TFEU)	This Directive, laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC, is intended to promote European river transport by improving the technical harmonisation of vessels. It is designed to lay down a high level of safety equivalent to that for shipping on the Rhine. To achieve this, it provides for the introduction of a Community certificate for inland waterway vessels in each Member State, to be issued by the competent authorities, authorising them to operate on Community waterways including the Rhine.
Directive 2006/87/EC; Directive 2008/59/EC; Directive 2008/68/EC; Directive 2008/87/EC; Directive 2008/126/EC; Directive 2009/46/EC		Amend the above

SOCIAL		
Regulation (EC) 725/2004	Article 80(2) TEC (Article 100(2) TFEU)	The main objective of this Regulation, on enhancing ship and port facility security, is to implement EU measures aimed at enhancing the security of ships and port facilities in the face of threats of intentional unlawful acts.
Directive 2005/65/EC	Article 80(2) TEC (Article 100(2) TFEU)	The main objective of this Directive, on enhancing port security, is to introduce measures to improve security in EU ports in the face of threats of security incidents. To achieve this, the Directive aims to establish an EU framework to guarantee a high and comparable level of security in all European ports.
Commission Regulation (EC) 324/2008		This amends Regulation (EC) 725/2004 and Directive 2005/65/EC and lays down revised procedures for inspections in the field of maritime security
Directive 2008/68/EC	Article 71 TEC (Article 91 TFEU)	This directive, on the inland transport of dangerous goods, establishes a common regime for all aspects of the inland transport of dangerous goods, by road, rail and inland waterways within the EU.
Commission Decision 2011/26/EU		This Decision authorises Member States to adopt certain derogations pursuant to Directive 2008/68/EC on the inland transport of dangerous goods.

Rail

Key EU legislation	Treaty base in TFEU	Description of legislation
ECONOMIC		
The “First Railway Package” of 3 directives: Directive 2001/12 of the European Parliament and of the Council on the development of the Community’s railways, amending Directive 91/440	Article 91 (ex Article 71 TEC)	Opens the international rail freight market. Establishes a general framework for the development of European railways which imposes certain separation requirements between bodies responsible for the management of infrastructure and the operation of transport services. Sets out the role of independent national regulators including to monitor competition and guarantee fair access to the rail network and services.
Directive 2001/13/EC of the European Parliament and of the Council on the licensing of railway undertakings, amending Directive 95/18	Article 91 (ex Article 71 TEC)	Sets out common criteria that must be met in order to be granted a licence to operate passenger or freight services on the European rail network. Member States must also designate an independent body responsible for issuing EU licences. Provides for the mutual recognition of EU licences.
Directive 2001/14 of the European Parliament and of the Council on the allocation of railway infrastructure capacity and charging for the use of railway infrastructure and safety certification	Article 91 (ex Article 71 TEC)	Introduces a defined policy for capacity allocation and charging of fees for the use of railway infrastructure
Directive 2004/51 of the European Parliament and of the Council on the development of the Community’s railways, amending Directive 91/440 (part of the “Second Railway Package”)	Article 91 (ex Article 71 TEC)	Extends the scope of the initial Railways Directive to all freight traffic (national and international) thereby completely opening the market for rail freight transport across the EEA from 2007
Directive 2007/58 of the European Parliament and of the Council amending Directives 91/440 and 2001/14 (part of the “Third Railway Package”)	Article 91 (ex Article 71 TEC)	Opens up international passenger services to competition within the EU from 2010
Regulation 913/2010 of the European Parliament and of the Council concerning a European railway network for competitive freight	Article 91	Sets out the legislative framework for the establishment of international, market-oriented rail freight corridors. It is intended to increase international rail freight’s attractiveness and efficiency so that rail can increase its competitiveness and market share in the European transport market.
Directive 2012/34 of the European Parliament and of the Council establishing a single European railway area (recast). (A list of repealed Directives and successive amendments is set out in Annex IX of Directive 2012/34)	Article 91	Consolidates the First Railway Package (as amended) into a single Directive and strengthens some provisions. In particular, it aims to increase competition, strengthen the national rail regulator and encourage investment.

Key EU legislation	Treaty base in TFEU	Description of legislation
Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the rail network in the EU (the "Train Driver Directive", part of the "Third Railway Package")	Article 91 (ex Article 71 TEC)	Sets minimum standards on skills, fitness and training and harmonises the licensing system for train drivers across the EU to make it easier for cross-border rail services to operate. Creates a more flexible labour market for EU train drivers while maintaining a high level of safety.
Commission Decision 2010/17 EC on the adoption of basic parameters for registers of train driving licenses and complementary certificates provided for under the Train Driver Directive	Article 91 (Directive 2007/59)	Establishes basic parameters for national registers of train driving licenses and for registers of train drivers' complementary certificates.
Commission Regulation 36/2010 on Community modals for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licenses under the Train Driver Directive	Article 91 (Directive 2007/59)	Sets out the content, physical characteristics and format of the documents and registers associated with train driver licences.
Commission Decision 2011/765 on criteria for the recognition of (1) training centres for train drivers and (2) examiners of train drivers; and criteria for the organisation of examinations in accordance with the Train Driver Directive	Article 91 (Directive 2007/59)	Lays down common criteria for training centres, examiners and the organisation of examinations.
Directive 2008/57 of the European Parliament and of the Council on the Interoperability of the rail system within the Community (Recast) ¹	Articles 91 and 172 (ex 71 and 156 TEC)	Increased technical harmonisation and standardisation through adoption of EU technical specifications for interoperability (TSIs). Covers conventional and high speed rail networks and vehicles likely to travel on those networks. The scope of TSIs is to be progressively extended to the whole EU rail system. Also simplifies the procedure for placing vehicles into service in the EU.
Commission Directive 2009/131/EC & Commission Directive 2011/18/EU amending Directive 2008/57	Articles 91 and 172 (Directive 2008/57)	Directive 2009/131/EC amends Annex VII of Directive 2008/57 (parameters to be checked for vehicles which do not conform to TSIs and classification of national rules) Directive 2011/18/EU amends Annex II (on subsystems), Annex V (declaration of verification of subsystems) and Annex VI (verification procedure for subsystems)
Commission Decision 2011/107/EU	Articles 91 and 172 (Directive 2008/57)	Common specifications for the national vehicle register

¹ This Directive is a recast of Directive 96/48 and Directive 2001/16 on the interoperability of the rail system within the EU which were repealed in 2010.

Key EU legislation	Treaty base in TFEU	Description of legislation
Commission Decision 2011/155/EU	Articles 91 and 172 (Directive 2008/57)	Publication and management by the European Railway Agency of a document which cross references all the national rules applied by Member States for authorisation of vehicles which do not conform to TSIs (as referred to in Article 27(4) of Directive 2008/57).
Commission Regulation (EU) 201/2011	Articles 91 and 172 (Directive 2008/57)	Model of declaration of conformity to an authorised type of railway vehicle
Commission Implementing Decision 2011/633/EU	Articles 91 and 172 (Directive 2008/57)	Common specifications for the national register of railway infrastructure to be published and updated by Member States
Commission Implementing Decision 2011/665/EU	Articles 91 and 172 (Directive 2008/57)	Specifications for the European register of authorised types of railway vehicles to be developed and maintained by the European Railway Agency (as referred to in Article 34 of Directive 2008/57). National Safety Authorities to supply information on the type of authorisations they have granted. Harmonises national restriction codes.
Various Decisions and Regulations (see www.gov.uk/government/uploads/system/uploads/attachment_data/file/4026/tsi-catalogue.xls for more information)		Common technical standards across every aspect of the railway system (vehicles and infrastructure)
SOCIAL		
Directive 2004/49/EC of the European Parliament and of the Council on the safety of the Community's railways, amending Directive 95/18 and Directive 2001/14 (the "Safety Directive" in the Second Railway Package). (The Commission is proposing to recast this Directive (as amended) in the Fourth Railway Package)	Article 91 (ex Article 71 TEC)	Establishes a common regulatory framework for harmonising safety standards and requirements. In particular it defines common principles for the management, regulation and supervision of railway safety and defines responsibilities between various actors (including the new European Railway Agency).
Regulation 881/2004 of the European Parliament and of the Council establishing a European Railway Agency (part of the "Second Railway Package") (This Regulation was amended by Regulation 1335/2008 to increase the scope for the ERA to formulate common solutions for safety and rail interoperability)	Article 91 (ex Article 71 TEC)	Establishes a European Railway Agency whose objective on safety is to develop a common approach to safety on the European railway system to help create a single market for rail transport services and guarantee a high level of safety.

Key EU legislation	Treaty base in TFEU	Description of legislation
Commission Regulation (EC) No 653/2007 on the use of a common European format for safety certificates and application documents in accordance with the Safety Directive. (This Regulation was amended by Commission Regulation (EU) No 445/2011)	Article 91 (the Safety Directive)	Provides a harmonised format for safety certificates and applications for safety certificates
Directive 2008/110/EC of the European Parliament and of the Council amending the Safety Directive	Article 91 TFEU (ex Article 71 TEC)	Requires an entity in charge of maintenance to be identified for each rail vehicle and registered on the national vehicle register. It also establishes a formal maintenance regime for the entity in charge of maintenance to ensure rail vehicles for which it is responsible are safely maintained.
Commission Decision 2009/460/EC of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets as referred to in Article 6 of the Safety Directive	Article 91 (the Safety Directive)	Establishes a Common Safety Method to be used by the European Railway Agency for calculating and assessing the achievement of Common Safety Targets.
Commission Directive 2009/149/EC of 27 November 2009 amending Directive 2004/49/EC as regards Common Safety Indicators and common methods to calculate accident costs	Article 91 (the Safety Directive)	Introduces a revised methodology to calculate Common Safety Indicators which provide an overview of the safety performance of a Member State's railway and economic impact of accidents.
Commission Regulation 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates	Article 91 (the Safety Directive)	Establishes a common safety method for assessing conformity with requirements for obtaining safety certificates (required by railway undertakings).
Commission Regulation 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation	Article 91 (the Safety Directive)	Establishes a common safety method for assessing conformity with requirements for obtaining safety authorisations (required by infrastructure managers).
Commission Regulation 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation 653/2007	Article 91 (the Safety Directive)	Establishes a system of certification of entities in charge of maintenance for freight wagons.
Commission Decision 2012/226/EU on the second set of common safety targets as regards the rail system	Article 91 (the Safety Directive)	Establishes the second set of Common Safety Targets for the rail system based on National Reference Values.
Commission Regulation 1077/2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation	Article 91 (the Safety Directive)	Establishes a common safety method for national safety authorities to monitor compliance of railway undertakings and infrastructure managers following the issue of a safety certificate or safety authorisation.
Commission Regulation 1078/2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance	Article 91 (the Safety Directive)	Establishes a common safety method for railway undertakings, infrastructure managers and entities in charge of maintenance to develop a common and transparent framework for monitoring the safety of structural and operational subsystems.

Key EU legislation	Treaty base in TFEU	Description of legislation
Regulation 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations (part of the "Third Rail Package")	Article 91 (ex article 71 TEC)	Ensures minimum rights for passengers, for example, on compensation for delays, cancellations or lost/damaged baggage, the provision of information by railway undertakings, ticketing, complaints handling, minimum insurance and rights for disabled passengers and passengers with reduced mobility. The provisions of the Regulation are built on the existing system of international law established by COTIF ²
EXTERNAL RELATIONS		
Agreement dated 23 June 2011 between the Intergovernmental Organisation for international carriage by rail ("OTIF") and the EU on the accession of the EU to COTIF	Articles 91, 171 (Trans- European Networks), 216 (International Agreements)	EU accession to COTIF to assist OTIF in pursuing its objectives of promoting, improving and facilitating international rail transport and facilitating the development of a uniform legal system for the international carriage of passengers and freight. For decisions in matters where the EU has exclusive competence, the Union exercises the voting rights of its Member States under COTIF. In matters where the EU shares competence with Member States, either the Union or its Member States vote. A written declaration by the EU under article 7 of the Agreement indicates in general terms the scope of the competence of the EU.

² Convention concerning International Carriage by Rail of 9 May 1980 as amended by the Vilnius Protocol of 3 June 1999 ("COTIF")

Roads

Key EU legislation	Treaty base in TFEU	Description of legislation
ECONOMIC		
First Council Directive 80/1263 EEC of 4 December 1980 on the introduction of a Community driving licence. (First driving licence directive)	Article 95 (ex. Article 75)	This sets standards across the EU and allows mutual recognition of driving licences.
Council Directive 91/439/EEC of 29 July 1991 on driving licences. (Second driving licence directive)	Article 95 (ex. Article 75)	
Third Council Directive 2006/126/EC of 20 December 2006 on driving licences (Third Driving Licence Directive)	Article 91 (ex. Article 71)	
Commission Directive 2008/65/EC (Amending Directive 126)	Article 95 (ex. Article 75)	
Directive 2011/94/EU on format of the Driving Licence.	Article 91 (ex. Article 71)	
Directive 2012/36/EU (this amends the third driving licence directive 2006/126/EC)	Article 91 (ex. Article 71)	
Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability.	Article 114 of the TFEU (ex Article 95 of the TEU)	This consolidates five previous motor insurance directives. It sets minimum third party insurance requirements in all member states and allows an insurance policy issued in one MS to be valid for temporary visits to other member states.
Directive 1999/37/EC – the harmonisation of registration documents for vehicles	Article 95 (ex. Article 75)	This legislation aims to harmonise the documentation underpinning the vehicle registration system across the EU. That system is designed to ensure that, before a vehicle can be used on a road, a check is made that it fulfils all the relevant type or individual approval requirements guaranteeing an optimal level of safety and environmental standards
Directive 2005/36/EC (Recognition of professional qualifications)	Article 46 (ex. Article 40), Article 53 (ex. Article 47), Article 62 (ex. Article 55)	Driving instruction is not regulated by EU legislation but these Directives set out that the UK must allow qualified driving instructors from other EU states licence to practice in the UK.
Directive 2006/123/EC (Services in the internal market)	Article 53 (ex. Article 47), Article 62 (ex. Article 55)	
Directive 96/53/EC of 25 July 1996 on laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.	Article 95 (ex. Article 75)	The Directive sets common masses and dimensions for vehicles used for international transport between MSs.

Key EU legislation	Treaty base in TFEU	Description of legislation
Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.	Article 91 (ex. Article 71)	Common rules on the access to the road haulage market.
European Directive 2000/84/EC – (harmonised the dates when summer time begins and ends across EC Member States).	Article 114 (ex. Article 95)	Given that Member States apply summer time arrangements, it is important for the functioning of the internal market that a common date and time for the beginning and end of the summer time period be fixed throughout the Community.
Directive 98/34/EC as amended by 98/48/EC) technical standards and regulations on information society services	Article 245 (ex. Article 213), Article 49 (ex. Article 43), ex. Article 100a	
Directive 83/182/EEC on vehicle registration and licensing	Article 121 (ex Article 99)	Provides tax exemptions within the EU for certain means of transport temporarily imported into one Member State from another.
SOCIAL		
Directive 2008/96/EC of 19 November 2008 on Road Infrastructure Safety Management.	Article 91 (ex. Article 71)	The EC Directive requires that MS employ, by 19 December 2011, a certification process to demonstrate the necessary competency and training of Road Safety Auditors working on the TERN.
Directive 2011/82/EU of the European Parliament and of the council of 25 October 2011 facilitating the cross-border exchange of information on road safety related traffic offences.	Article 87 (ex. Article 30)	This enables MS to exchange motor vehicle keeper details with authorities in other MS.
Directive 91/671/EEC as amended (amending Directive 2003/20/EC)	Article 95 (ex. Article 75)	Requirement for child passengers over 3-years-old and of certain heights and weights to wear seat belts on passenger vehicles.
Directive 2008/96/EC on road infrastructure safety management	Article 91 (ex. Article 71)	The infrastructure directive places various requirements on MSs, including undertaking road safety audits; and road safety assessments of new road schemes. The directive has been implemented and I'm not aware of any plans to reconsider the issue.
Common road safety target. Commission Communication of 20 July 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – “Towards a European road safety area: policy orientations on road safety 2011-2020” [COM(2010) 389 final – Not published in the Official Journal]	This is not strictly legislation. There is a target to halve the number of road deaths in the EU by 2020.	

Key EU legislation	Treaty base in TFEU	Description of legislation
Annex III to Directive 91/439/EEC and 2006/126/EEC	Article 95 (ex. Article 75)	This amends the rules in relation to driving with epilepsy, diabetes and defective vision.
Drivers' hours – Regulation (EC) No 561/2006 on harmonisation of social legislation relating to road transport (drivers' hours)	Article 91 (ex. Article 71)	Prescribes maximum limits on driving time and minimum requirements for breaks and rest periods on a daily and weekly basis for drivers of vehicles over 3.5 tonnes.
Tachographs – Council Regulation 3821/85 (consolidated) on recording equipment in road transport (tachographs)	Article 91 (ex. Article 71)	Requirement of installation of tachographs in in-scope vehicles in order to record hours driven.
Directive 2003/59/EC	Article 91 (ex. Article 71)	The initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers
Regulation 383/2012, amending Directives to the third Directive, Commission decision on equivalences etc.	Article 91 (ex. Article 71)	Introducing requirements related to microchips inserted into driving licences issued in conformity with Directive 2006/126/EC. (Not yet implemented in the UK.)
Directive 2007/46/EC – the directive on the type approval of vehicles	Article 95 (ex. Article 75)	
Council Decisions 2004/919/EC and 2007/533/JHA	Article 36 (ex. Article 30) and Article 40 (ex. Article 34); Article 36 (ex. Article 30), Article 37 (ex. Article 31) and Article 40 (ex. Article 34)	<u>Schengen</u> – the UK is committed to enhance UK law enforcement and judicial co-operation under Council Decisions 2004/919/EC and 2007/533/JHA. DVLA is required to supply information relating to lost or stolen driving licences to the Home Office.
Council Regulation 2135/98 which amends Council Regulation 3821/85	Article 91 (ex. Article 71)	<u>TACHOnet</u> – This requires Member States to ensure the uniqueness of digital tachograph driver cards i.e. driver only holds one valid driver card at any one time.
EU Convention on Mutual Assistance in Criminal Matters 1959 and Convention on Mutual Assistance in Criminal Matters of the European Union 2000.		<u>Mutual Legal Assistance</u> – This allows certain authorities, such as courts and prosecuting authorities, to request for assistance with obtaining evidence that is located in the UK.
The EUCARIS Treaty 2000 is not part of EU legislation		<u>EUCARIS</u> – The EUCARIS Treaty 2000 is not part of EU legislation but it requires the UK to share information with participating MSs when registering imported vehicles and exchanging driving licences. This helps prevent stolen vehicles from being registered in other Member States and allows the validity of driving licences to be confirmed prior to exchange.
Commission Directive 2000/56/EC	Article 95 (ex Article 75)	This legislation sets out the content of theory and practical driving tests and how they must be conducted, including the ages for access to various categories of vehicles and the types of vehicle that are suitable to be presented for a practical driving test.

Key EU legislation	Treaty base in TFEU	Description of legislation
Directive 2003/59/EC (Driver CPC)	Article 91 (ex. Article 71)	Sets out the rules for professional drivers of buses and lorries for obtaining and holding a driver certificate of professional competence including the periodic training required to hold such a certificate.
Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods	Article 91 (ex. Article 71)	
Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC	Article 91 (ex. Article 71)	
2002/85/EC – amending Council Directive 92/6/EEC 5 November 2002 on the installation and use of speed limitation devices for certain categories of motor vehicles in the community.	Article 91 (ex. Article 71)	Installation and use of speed limitation devices for certain categories of motor vehicles in the community.
Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities	Article 91 (ex. Article 71) and Article 153(2) (ex. Article 137(2))	This Directive provides for specific provisions concerning the hours of work in road transport in order to ensure both the safety of transport and to ensure the health and safety of mobile transport workers and self-employed drivers (Article 2(1))
Directive 2006/22/EC of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EC) 561/2006 (previously (EEC) No 3820/85), and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC	Article 91 (ex. Article 71)	This specifies the enforcement regime (roadside and premises checks) that should apply when enforcing the drivers' hours regime by means of reference to tachograph records under EC Regs 3821/85 and 561/2006 (previously 3820/85)
Directive 2009/40/EC (and related 2010/47 and 2010/48) of the EU Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers Also Directives 2000/30/EC and 1999/37/EC	Article 91 (ex. Article 71)	To improve road safety throughout the EU by carrying out periodic roadworthiness tests.
INFRASTRUCTURE		
Directive 2010/40/EU of the European Parliament and the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems (ITS) in the field of road transport and for interfaces with other modes of transport.	Article 91 (ex. Article 71)	To coordinate and accelerate harmonised deployment of ITS across Europe.
Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, most recently amended by Directive 2011/76/EU	Article 91 (ex. Article 71) and Article 113 (ex. Article 93)	For HGVs, sets out minimum rates of Vehicle Excise Duty and, where a road user charge is in place, sets out the rules for that charge, for example in terms of maximum rates. The types of

Key EU legislation	Treaty base in TFEU	Description of legislation
		charge allowable are time- or distanced-based. Does not mandate hypothecation of revenue.
Directive 2004/52/EC on the interoperability of electronic road toll systems	Article 7(1)	The legislation sets out a framework for a European Electronic Toll Service (EETS) with the aim of achieving interoperability between electronic toll systems across the European Union.
COM(2012)199. Commission Communication. Not a Directive but provides guidance and refers to a couple of test cases in ECJ.	This is guidance rather than a directive. Based on principle of non-discrimination on the grounds of nationality (Article 18)	For light private vehicles, provides guidance on vignette (time-based) charges to ensure non-discrimination against non-resident drivers. Guidance refers to ECJ case law.