

# Contents

<i>List of Tables, Figures and Boxes</i>	x
<i>Preface</i>	xii
<i>List of Abbreviations and Technical Terms</i>	xv
<b>1 Introduction</b>	<b>1</b>
Transport and the theories of European integration	4
Integration theory and policy-making	8
The plan of the book	13
<b>2 Mapping the Contours</b>	<b>15</b>
The origins of national and European policies	15
The practical environment	19
The political environment	23
The organizational environment	25
National transport policies	32
Conclusions	35
<b>3 The Development of a Common Transport Policy</b>	<b>36</b>
Transport in the treaties	37
The evolution of EU transport policy since 1958	47
<b>4 The Community Method</b>	<b>66</b>
Transport and the institutions of the Community	66
Structures and policies	81
The Community method	86
<b>5 Inland Transport</b>	<b>88</b>
Transport by rail	91
Transport by road	102
Transport by inland waterway	116

<b>6</b>	<b>Transport by Sea</b>	<b>122</b>
	1974–79, a common response to the UNCTAD liner code	123
	1978–82, a European response to marine pollution	125
	1983–86, first steps towards a common shipping policy	126
	1989–92, cabotage and registries	129
	1986–2002, competition in the liner trades	133
	Since 1993, safety at sea	134
	Since 1993, a new strategy for European ports and shipping	140
	Conclusions	143
<b>7</b>	<b>Transport by Air</b>	<b>145</b>
	1958–84, a slow start	145
	1984–92, the internal market in air services	147
	Since 1992: (1) defending the internal market in air services	156
	Since 1992: (2) regulating for safety	161
	Since 1992: (3) the Community's external relations	165
	Conclusions	169
<b>8</b>	<b>Infrastructure and Multimodal Programmes</b>	<b>171</b>
	1980–90, the strengthening case for a Community infrastructure programme	173
	1990–99, launching the trans-European transport networks	178
	After 2000, the future development of transport TENs	191
	Other multimodal policies: research and development	195
	Conclusions	197
<b>9</b>	<b>Policies and Politics</b>	<b>199</b>
	The policy alternatives	199
	National policies	207
	The impetus of politics	214
	Conclusions	218
<b>10</b>	<b>Intergovernmentalism and Supranationalism</b>	<b>221</b>
	Intergovernmentalism and supranationalism in EU transport policies	222
	Internal policies and external competence	223
	Choosing the supranational option	233
	Conclusions	239

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<b>11 A Model in Four Dimensions</b>	<b>242</b>
The practical environment	242
The political environment	245
The organizational environment	248
A game in four dimensions for many players	254
Summary and conclusions	259
<i>Further Reading</i>	262
<i>Bibliography</i>	265
<i>Index</i>	272

## Chapter 1

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# Introduction

Transport policies have to respond to many powerful and conflicting pressures, arising from the demands of safe operation, the efficient functioning of the economy, respect for the environment, the public interest, private profit, convenience and price. This book sets out to explore and explain the growing role and influence of the European Union in the articulation and reconciliation of these pressures.

‘An effective transport system is vital for economic well-being and the quality of life.’ It might be supposed that this statement, with which Sir John Houghton began his weighty report on transport and the environment (Royal Commission on Environmental Pollution, 1994, p. xiii), was so obvious that it hardly needed to be stated then or repeated now. But it does, because transport policy has rarely engaged the attention of governments for very long. Yet it touches a sensitive nerve; the demand for personal mobility is acknowledged by politicians of every persuasion. For example, Jean-Claude Gayssot, French Minister of Transport and a Communist, declared in 1998:

The increase in the number of journeys made is unavoidable. It is closely linked to economic growth, and I am convinced that personal mobility is an integral part of liberty. (Gayssot, 1998, p. 4; author’s translation)

This popular attachment to affordable mobility was sharply underlined in September 2000 when protests against rising fuel prices, begun by truckers but widely supported by the general public, gave rise to the first more or less spontaneous pan-European strike action, compelling one government after another to respond with tax cuts or other concessions (Chapter 5). Time was when governments could win votes by promising to build new roads and railways, or a new airport to speed people on their way to their business engagements or holiday destinations; but today such announcements are just as likely to be greeted with howls of

protest. Meanwhile, taking steps to discourage travel whether by price or regulation, or alternatively doing nothing while congestion deteriorates into persistent gridlock, are almost equally unpopular.

During the nineteenth century, when transport systems needed only an occasional helping or restraining hand from government, a policy of benign neglect and intermittent attention to transport policy worked well enough. In the course of the twentieth century, the need for closer and more persistent attention became increasingly apparent, and it is not difficult to foresee that governments in the twenty-first century will store up very serious problems indeed for the economy, for the environment and for the quality of life if they fail to give transport policy the attention it requires. One day there will have to be a serious debate about the premises underlying European transport policies and their proper scope. The European Commission has repeatedly attempted to launch such a debate, but the difficulty which governments face in engaging with transport policy should not be underestimated. It takes time and courage to win consent for policies which would probably require people to change their behaviour, and governments with an eye to the next election are rarely willing to face the public with unpalatable truths if they can be pushed to one side for a little longer.

One of the challenges will be to bridge the policy gulf which divides those who favour what Kenneth Button has termed the Anglo-Saxon philosophy of transport policy, from those who favour the alternative or Continental philosophy. The Anglo-Saxon approach emphasizes the use of market mechanisms to maximize efficiency, backed up by regulatory action to correct market distortions. The Continental approach, by contrast, sees transport as an instrument of public policy to be used alongside other interventionist policies to secure a wide range of economic and social welfare goals (Button, 1984, p. 11). The dividing line between these two distinct approaches to transport policy is neither tidy nor immutable (Chapter 2), but we shall see how the broad lines of the debate have influenced the development of a common policy for Europe, and what this experience may imply for transport policies in the future.

As regards the proper scope of a European policy, transport is local, regional, national, European and global. The majority of journeys are in fact very local, and only a few cross national boundaries. Yet policy at the European level is critically important. It is needed in order to secure the efficient operation of an economy which now operates on a European scale. If goods and people are

to flow freely across frontiers, the transport industries by which they are moved need to operate in fair competition with one another under conditions which do not impose unnecessary barriers. Transport policies are needed at every level, but they also need to find their place within an overall framework at the European level. For example, while I was writing this introduction, my local Council was preparing to discuss proposals for dealing with the congestion caused by the daily school run, the British Secretary of State for Transport was making a statement to Parliament about the financial reconstruction of the UK railway network, and Heads of State were discussing arrangements to enhance the security of air and sea transport in the wake of the September 2001 terrorist attacks on the World Trade Centre in New York. None of these events was taking place within a European Union (EU) policy environment, yet EU policies on fair pricing for the use of transport infrastructure, on the structures of railway management, and on transport security would all affect the outcomes or be affected by them. The making of transport policies at the European level has become important not just for the direct consequences it has on the transport of people and freight across European frontiers, but also for the policy framework it establishes for national, regional and local transport policies.

When Jürgen Erdmenger and Carlo degli Abbati were writing about the development of a common transport policy 20 years ago, the situation was very different. There was at that time almost no substance to the common transport policy, and consequently no serious impact on policies within the member states. One of the challenges they had to face was the need to explain why European transport policies had failed to make the expected progress towards an integrated policy (Erdmenger, 1983; Abbati, 1987). In the event, as we shall see, substantial progress was made during the 1980s and 1990s towards the development of EU transport policies, so that what is needed now is a new framework which is capable of explaining both why policy stagnated for so long and why it has begun to take shape over the past 20 years. The uneven pace of policy development is one of the factors which makes transport policy interesting as a case study in European integration.

Having now introduced the European Union, it should be noted that there is a distinction between the European Union and the European Community. Strictly speaking, the European Union is the overarching organization which embraces the common foreign

and security policy and justice and home affairs as well as the European Community (Chapter 4). Transport policy is conducted under powers set out in the Treaty establishing the European Community (Chapter 3), which is itself the unified successor of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community. However, people commonly refer loosely to the European Union, or simply the EU, and that is the practice generally followed in this book, except where the context requires a more precise nomenclature. It should also be noted that all European currency figures are shown as € (euro), although earlier papers to which reference is made use units of account (u.a) or more recently the European currency unit (ecu).

### **Transport and the theories of European integration**

The influences which compete with one another in seeking to shape European transport policies come from a bewildering variety of sources representing transport operators, customers and employees, and every conceivable level of government, as well as a whole host of organizations which have been set up over the years, by transport companies and by governments, to carry out a variety of representative and executive functions on their behalf. This kaleidoscope of competing influences, which is not unique to transport, has been reflected in the differing emphases accorded to these disparate sources of pressure and influence by the three major schools of theory which seek to explain the process by which European integration has taken place.

#### **Neofunctionalism and liberal intergovernmentalism**

Neofunctionalism has its roots in the thinking of the founding fathers of European integration, such as Jean Monnet and Robert Schuman, who created the European Coal and Steel Community. They acted in the expectation, or at least the hope, that the integration of the coal and steel industries under a strong supranational authority, a significant step in itself, would generate a demand for wider measures of economic integration, each step creating the need for further supranational institutions in an

ongoing process which would ultimately lay the foundations of the political integration which would guarantee peace in Europe. For those who had experienced the destruction and misery of two great European wars in the space of 30 years, peace was the chief motivation, and they were clear that something different from the old alliances of nation states was needed to secure it. The mechanism by which economic integration would spread from one sector to another was called spillover, and it was assumed that transport would be an obvious candidate, given the self-evident need for improved transport across the European frontiers to carry the raw materials and finished products of an increasingly integrated European economy (Rosamond, 2000; Haas, 1968; Lindberg, 1963).

The neofunctionalist explanation seemed to relate rather well to the progress of European integration in the 1950s and early 1960s as the coal and steel community led on to the establishment of a wider economic community, and the latter agreed to shorten its 12-year transitional period. However, it soon became apparent that the onward march of an apolitical, technocratic approach to the integration of Europe's economies was not the only possible explanation of events. It might continue to work in areas of 'low' politics, where what came to be known as 'negative integration' (the removal of barriers to the operation of markets) could still pay dividends, but it showed signs of running into opposition in areas of 'high' politics (Rosamond, 2000, pp. 77–8). There was plenty of life yet in Europe's ancient polity of nation states, as was amply demonstrated by the behaviour of General de Gaulle, who had no compunction about asserting the power and authority of the French state if he thought that French interests were being put at risk by the supranational authorities of the new European institutions. Matters came to a head in 1965 when a crisis over the common agricultural policy, which included the withdrawal of French representation from all meetings of the Council of Ministers (the empty-chair policy), led to recognition through the Luxembourg compromise of 1966 that when a vital national interest was at stake, discussions in the Council would continue until agreement was reached.

The reassertion of the national veto in the Council of Ministers, even if it was confined to the protection of vital national interests and rarely invoked in a formal sense, suggested that the process of European integration might not after all be so very different from what happened in any other theatre of international relations

where nation states in negotiation with one another seek a consensus which sufficiently respects their national interests. Liberal intergovernmentalism, which builds in its essentials on the Realist tradition in International relations theory, emphasizes the decisive impact of successive high-level, history-making bargains among the member states, which have launched and at key points directed and redirected the process of European integration. It acknowledges that the outcome of negotiations which take place at lower levels within the European Union cannot so readily be explained as the result of an unconstrained negotiation among sovereign nation states, but it points out that at these levels more complex deals are done which in overall terms are consistent with the divergent interests of the member states, often providing a convenient way to deal with the disparate pressures which arise in domestic politics (Rosamond, 2000; Hoffmann, 1964, 1966; Moravcsik, 1993). In some cases a domestic lobby may be satisfied by a favourable concession obtained in Brussels; in other cases it may be convenient to shelter behind the intractability of established Community rules or Community negotiating partners to resist unwelcome domestic pressures.

### **Institutions and networks**

Both neofunctionalism and liberal intergovernmentalism recognize the importance of the institutions which have been set up to carry forward the European project. Within the neofunctionalist model, the high authority, the supranational institution established to implement the first steps towards integration, becomes a key sponsor of further integration (Rosamond, 2000, p. 58). Within the liberal intergovernmentalist perspective institutions have an important role as facilitators of the positive-sum bargains (that is, bargains where everyone is a winner) which governments find so helpful in dealing with the domestic pressures to which they are subject (Rosamond, 2000, p. 143). Both these theoretical approaches see the institutions as functioning in conformity with their own approach, in the one case to carry forward the process of integration which has been set in motion, and in the other to provide a continuing forum for the articulation and bargaining of national interests. However, the various versions of institutionalism go beyond these rather passive, instrumental views to assert the autonomous contribution which institutions can make to the development of policy. The new institutionalists emphasize

the capacity of institutions, broadly defined to encompass rules both formal and informal as well as organizations, to structure the choices which individuals and states have to make, and in structuring those choices to go a long way towards determining the outcomes. The various institutions of the European Union, and notably the Commission, many of whose staff have a personal commitment to the process of European integration, have proved adept at exploiting the opportunities they have to set the agenda, to structure choices and to exploit path-dependency. This is the process, important to historical institutionalism, by which the solutions which have been devised to resolve crises in past negotiations (for example, package deals, transitional periods, time-limited derogations for particular countries and so forth) tend to establish precedents which condition future choices (Rosamond, 2000, p. 117; Peterson, 1999, pp. 18–19). Armstrong and Bulmer (1998) use the liberalization of air transport, among other case studies, to support their view that historical institutionalism offers a good explanation for the development and governance of the Single European Market.

Neither the governments of the member states nor the institutions of the European Union are alone in seeking to influence the development of European transport policies. They are important players, but they are surrounded, as we have already noted, by a host of other organizations (see Chapter 2) representing all the different interests affected by transport policy at every level of government, and these combine with the representatives of national governments and international organizations to form policy networks (Peterson, 1999, pp. 22–8). Since the European Commission has to initiate all formal proposals for legislation, yet lacks the in-house technical expertise which most national governments develop as a consequence of their more direct responsibility for making transport policy work, the Commission's transport directorate needs the support of such networks. However, the epistemic communities of professionals with recognised expertise and competence in a particular domain (Haas, 1992, p. 3), which dominate such networks, tend by their very nature to be both technocratic and conservative. Where radical change is called for, this is more likely to come from an advocacy coalition formed around a relatively narrow issue which may be more political than technocratic. Epistemic communities and advocacy coalitions often compete for influence within the policy networks which are an important feature of the European transport policy landscape.

## **Integration theory and policy-making**

The empirical evidence concerning the development of European transport policies, which is summarized in Chapters 3 and 5 to 8 of this book, throws some light on the influence of policy and issue networks, and demonstrates the explanatory power of neofunctionalism, liberal intergovernmentalism and historical institutionalism in relation to the process of European integration, at different times and in respect of different aspects of transport policy. If that were all that a study of transport policies could contribute to our understanding of the process of European integration, it would not amount to anything very much, but this book seeks to explore the more interesting possibility that the three approaches should be regarded not as competing with one another, nor simply as lying alongside one another, but as relating to one another within a more complex policy-making model. Some of the linkages have already been identified. Rosamond points out that both Haas as a theorist and Monnet as a practitioner of neofunctionalism came to recognize that the automaticity of functional spillover needed to be given a push by actors in the political environment (Rosamond, 2000, p. 61). Both neofunctionalists and liberal intergovernmentalists acknowledge the part played by institutions in carrying forward the process of integration. A helpful framework of analysis has been put forward by John Peterson and Elizabeth Bomberg (1999), who categorize decisions within a hierarchy of history-making decisions at the super-systemic level, policy-setting decisions at the systemic level, and policy-shaping decisions at the sub-systemic level, and suggest that different theories of integration offer the best explanation at different levels. Thus liberal intergovernmentalism and/or neofunctionalism tend to offer the best explanation of decisions at the super-systemic level, whilst new institutionalism is more relevant to the systemic level, and policy network analysis is often important in seeking to understand how decisions are taken at the sub-systemic level.

### **A new model in four dimensions**

This book builds on these ideas by suggesting that the extensive and complex linkages between policy-making and the process of European integration, which Peterson and Bomberg recognize as defining and determining one another (Peterson, 1999, p. 254), may be conceptualized in terms of a four-dimensional model, in which

three dimensions represent three distinct policy-making environments, whilst the fourth dimension is that of time. First there is a practical environment, conditioned by the circumstances of geography, technology and economic development, within which private and public corporations and individuals are engaged in the business of moving passengers and freight. The actors in this environment are mainly preoccupied with the efficiency and profitability of their operations, but since their ability to deliver results and make profits is profoundly influenced by the regulatory environment within which they have to operate, they put considerable effort and resources, both individually and collectively through their representative organizations, into lobbying those who move in the second, political environment, where such decisions are taken. Here ministers and their officials at every level of policy-making draw on the advice which reaches them from the practical and organizational environments as they debate, negotiate, construct and supervise the frameworks of law and policy within which the practical activity takes place. And, third, there is an organizational environment in which those who direct and operate the various structures which have been set up at different times to meet the needs identified within the practical or political environments seek to maintain or enhance their role and that of their organization. The wide range of these organizations is reviewed in Chapter 2; some are industry-based, others formed by governments, some mono-modal, others multi-modal. The different perspectives typical of each environment are reflected in the literature too; Wheatcroft and Lipman for example (1986) write from a perspective grounded in a profound knowledge of the practical environment of the airline industry, whereas Erdmenger (1983) and Abbati (1987) reflect the institutional preoccupations of the organizational environment within which they have operated. We all see what is going on in all three environments, but even an academic commentator may have better sources and stronger links with one environment than another, and be influenced accordingly.

Each of these environments – practical, political and organizational – is relatively self-contained, though actors may operate at a variety of different levels within their own structures and hierarchies. Thus, in the practical environment a company chairman may at one level be seeking to exploit the regulatory environment to win advantage for his or her company, whilst simultaneously joining with competitors to seek changes which may benefit them all. Actors in the organizational environment may similarly be

engaged in turf wars within their own organizations whilst presenting a more or less united front in negotiations with others. Equally, in the political environment politicians have become adept at playing what Robert Putnam (1988) has called two-level games, the idea being that national politicians seek to enhance their position within the domestic environment on which they depend for reelection both by what they do and say in the national arena and by what they are able to achieve on the international stage.

Action may also occur simultaneously in more than one environment, for example when new arrangements are being considered, either domestically or internationally, which raise a wide range of practical, political and organizational implications. The debate may move to and fro from one environment to another, sometimes in the public arena, sometimes behind closed doors, but the environments themselves remain distinct. In each environment success, and with it motivation, is measured in quite different terms. In the practical environment success is measured in terms of performance, whether that is expressed as profit or the satisfactory provision of a public service; in the political environment success is measured in terms of favourable publicity, the advancement of the policies to which the government is committed, and ultimately its reelection; in the organizational environment success is measured in terms of any enhancement or diminution of the reputation and powers of the organization for which one works.

There are both formal and informal bridges of communication, by which those who operate in one environment convey their messages to those who operate in the others, and some actors move in more than one environment. However, each environment has its own rules and structures and the chairman of a large company, for example, who may be enormously influential in the practical environment, may be a relatively insignificant player in the political environment. Equally, politicians who seldom spend more than a couple of years in the same position may have less influence than they would like to think over the longer-term direction of the organizations over which they exercise such decisive authority, albeit briefly. Indeed there are formal measures in place whose purpose is to mark the boundaries between the three policy-making environments and to prevent the contamination of one environment by the presence of actors too closely associated with another. Those who operate in the practical environment strive to influence

those who operate in the political and organizational environments by all means within their power, but if they go too far we call it corruption and the link has to be broken. If someone wishes to move from the political or organizational environment into the practical environment, there usually has to be a gap of some months, often called a period of quarantine. The institutions of the European Communities, whose senior staff are often recruited from politicians and civil servants who have operated within the political environment in the member states, have formal provisions in the Staff Regulations (Article 11) which require that 'he [*sic*] shall neither seek nor take instructions from any government, authority, organization or person outside his institution'.

Sometimes the pressures arising in one environment may amplify and reinforce those arising in another, as was the case during the second half of the 1980s when pressures in the practical, political and organizational environments all favoured the adoption of liberal transport policies consistent with the single European market programme. More often, such pressures drive policy in different directions which may be hard to reconcile. For example, the attractiveness of Community action in the organizational environment is frequently at variance with the preference of ministers in the political environment to retain their domestic autonomy and their freedom to act as they judge best in international negotiations with third parties outside the EU; or the path dependency which suggests a particular way forward in the organizational environment, because it has worked before, may provoke howls of protest in the practical environment, where the path-dependent solution may be judged inappropriate (see for example the port services directive, Chapter 6). When such conflicts occur, it can take a long time to find a new way forward, precisely because the three environments are so autonomous.

In all this the importance of the fourth dimension – time – should not be underestimated. Time is not simply a linear function allowing the interplay of forces within each environment to be dynamic rather than static. It also seems to be the case that whilst action in the political environment may have a powerful influence on policy-making in the short term, that influence may very well fade as the political salience of a topic declines or even be reversed as different political views become more popular. The influence enshrined in organizational structures, and in the policy networks which they foster, tends to have a longer life, and changes in the practical

environment – for example those brought about by the advent of new technologies – may affect transport policies more profoundly and more permanently than anything else. The gradual evolution of circumstances in each of the three environments may eventually lead to a new set of circumstances in which a window of policy opportunity opens up.

Finally, illuminating as it may be to observe and analyse the practical, political and organizational factors which work on one another to generate policy outcomes, it would be a mistake to regard the process as mechanistic or theory-driven. Models and theories may have the capacity to explain why circumstances favoured a particular policy development at a particular time, but nothing happens without people to make it happen. The opportunity may be there, but someone has to have the vision to see it, the skill to translate that vision into a practical programme, and the commitment to carry it through. Moreover, in a negotiating situation, the personal chemistry of the key players is important too; it is not sufficient to have a vision if you cannot inspire others to share it with you, or win their trust in putting together a deal which respects their goals as well as your own. The critical element in the story of European transport policies, the catalyst for change, is to be found not in feuding bureaucracies or even in new technologies, but rather in the people who have seized the opportunities presented by favourable developments in the practical, political and organizational spheres, and carried their policy through from conception to implementation.

The model proposed here is similar in some respects to that developed by John Kingdon (1995). His three streams of problems, policies and politics, essentially independent but joining together in windows of policy-making opportunity, bear some resemblance to the three environments described in this book, but there are many differences between the policy-making environment in the USA and Europe, as well as many illuminating points of similarity, which lead me to suggest an alternative European model. Whilst there is much in common between Kingdon's problem stream and my practical environment, I believe it is essential in European policy-making generally and particularly in transport policy, to make more room for the organizational dimension, which in turn allows greater weight to be given to an institutionalist perception of integration theory. Secondly, in Europe, where there is not quite the same ferment of independent policy-making as appears to be the case in Washington (Kingdon's primeval soup), I believe it is

more helpful to think in terms of a model which places policies within the same environment as politics, without I hope confusing the two, whilst recognizing that the development of policy will also be affected by influences arising from the practical and organizational environments.

## **The plan of the book**

This book begins by mapping the contours of the three environments (Chapter 2), which together constitute the context within which transport policies are both made and implemented. Chapter 3 surveys the historical development of the main features of a common transport policy for the European Communities, rooted in the Treaties, whilst Chapter 4 explores the process, known as the Community method, by which EU transport policy and legislation takes shape through the interaction of the several institutions which together constitute the European Union. Against the background of these successive attempts to construct an overarching common transport policy, the central chapters of the book explore the arguably more successful attempts which have been made to construct policies for each mode of transport separately, beginning with the inland transport modes in Chapter 5, followed by sea and air transport in Chapters 6 and 7, and transport infrastructure in Chapter 8.

The concluding chapters turn to an examination of two issues which have arisen in every mode of transport. Chapter 9 examines the contest which has taken place, primarily within the political environment, between the two major paradigms of transport policy, sometimes characterized as Continental and Anglo-Saxon, the one stressing the harmonization of competitive conditions and cooperation among transport providers under the tutelage of the public sector, whilst the other is more inclined to favour competition among providers within the private sector. Chapter 10 examines the contest which has taken place, primarily within the organizational environment, between the inter-company and intergovernmental organizations, which managed the interface between national transport policies in the past, and the more supranational character of the EU institutions which have gradually supplanted them as the dominant European authority in almost all fields of transport policy. The concluding chapter then tests the relevance and validity of the proposed four-dimensional model of policy-making against

the evidence both from the vertical studies of separate modes in Chapters 5 to 8, and from the horizontal studies of cross-cutting issues in chapters nine and ten, and considers to what extent such a model might be useful not just as a means of understanding how European policies for transport have developed over the past half century, but also, more ambitiously, how they might evolve in the future.

# Index

- Abbate, C. degli 3, 9  
AETR *see under* European Court of Justice  
Air France 157, 159, 213  
Air Union 146, 215  
Alpine crossings 19, 34, 101, 172, 186, 192, 255  
'Anglo-Saxon' or market-led policy approach  
2, 13, 23–4, 199–206, 208, 218, 246  
*Aegean Sea*, grounding of 135–6, 244  
*Amoco Cadiz*, sinking of 53, 125, 134–6, 244  
Amsterdam, Treaty of 37–8, 46, 61, 78, 188  
Armstrong, K. 7, 250  
Aspinwall, M. 251  
Association of European Airlines (AEA) 31
- Bangemann, M. 140  
Bauchet, P. 200, 201  
Berne Convention 26, 27, 28, 39, 94–5  
Bethell, N. W. 53, 80, 150  
Bomberg, E. 8, 256  
*Braer*, sinking of 135–6, 244  
Braibant, G. 107  
British Airways 53, 150, 157, 158  
British Rail 25, 101  
Brittan, Lord 154–5, 217  
Bulmer, S. 7, 250  
Button, K. 2
- cabinet* 70–1, 73  
Cabinet Office (UK) 76, 77  
cabotage 41, 60, 127, 202, 203, 205, 216  
    in air transport 155, 160, 212  
    in road transport 90, 109, 112, 116  
    in rail transport 90, 99  
    in sea transport 122, 127, 128–33, 211  
    on inland waterways 117  
Caspari 133  
Channel Tunnel 19, 108, 173, 213  
Chicago Convention 28, 31, 164, 167  
Chlomoudis, C. 24  
Christoffersen, H. 183, 186–9, 191  
Clinton Davis, S. 154, 208  
Cockfield, A. (Lord) 45, 150, 215  
Cohesion Fund 175–95, 211  
Coleman, R. 164, 206, 208  
combined transport 96, 97, 196–7  
Commission of the European Communities 2, 7,  
    22–3, 27, 31, chapters 3–11 *passim*  
    Commissioners 69–73, 154–5, 165, 208–9,  
    217, 239, 257  
    Directorate-General for Transport 69–73  
    Committee of Permanent Representatives  
    (COREPER) 74–6, 82–4  
    Committee of the Regions 67, 73  
    Community law 69, 72, 75, 85, 115, 119, 126,  
    137, 143–4, 162–5, 168, 212, 218, 222–3,  
    225–7, 231, 233–4, 237–40, 252, 257, 259  
    Community of European Railways 176, 244  
    common transport policy 3, 31, 36–65, 103,  
    117, 120–1, 127, 204, 229, 247–53, 261  
    'competence' of the European Community 50–2,  
    255–7  
    in external relations 109, 165–8, 223–33,  
    253, 257  
    computer reservation systems 148, 156, 223  
    conciliation procedure *see under* European  
    Parliament  
    Concorde 168  
    'Continental' or state-led policy approach 2, 13,  
    23–4, 89, 199–206, 218, 246  
    Contogeorgis, G. 56, 71  
    COTIF Convention 26, 99  
    Council of Ministers 5, 47, 52, 66–8, 73–7,  
    82–6, 217, 222–37, 245–53, 255–7  
    Council of Ministers (Transport) Chapters 3  
    and 5–7 *passim*, 171–89, 203–5, 210,  
    214–18, 222–37  
    Council of Ministers (Finance), Ecofin 180,  
    186, 188  
    voting rules 41, 44, 112, 114, 222, 246,  
    247, 250  
    Cresson, E. 196, 211
- de Croo 56, 107–8, 203, 204, 246  
Danube 19  
Delebarre, M. 155, 216–17  
Delors, J. 56, 155, 186, 217, 244–5  
    White Paper on Growth, Competitiveness  
    and Employment 181–3, 191–3, 197,  
    217, 244  
Deutsche Bahn 33, 101  
distinctive features of transport 42–3  
Dobbin, F. 200  
Dollinger 56, 59, 128, 204, 216, 246–7
- Easynet 161, 213  
Economic and Social Committee (Ecosoc) 67, 73  
Erdmenger, J. 3, 9, 36, 49, 54, 127  
*Erika*, sinking of 139, 209, 244, 251  
*Estonia*, sinking of 138  
Eurocontrol 146, 163–4, 238–9, 241

- European Atomic Energy Community 4, 195, 215
- European Aviation Safety Agency (EASA) 157, 162–3, 237–8, 252
- European Civil Aviation Conference (ECAC) 29, 146–53, 157, 160, 162–4, 216, 235–7, 241, 252, 254
- COMPAS Report 147–8, 219, 250
- US/ECAC MoU 149–50
- European Coal and Steel Community 4, 88, 92, 222
- European Commission *see* Commission of the European Communities
- European Community Shipowners Association (ECSA) 30
- European Conference of Ministers of Transport (ECMT) 29, 52, 244
- European Council 3, 45, 47, 58, 60, 64, 66–8, 86, 214, 246, 255
- and infrastructure projects 177–89
- European Court of Justice 49–52, 66–7, 79–81, 120, 240, 248–53, 256–7
- AETR case* 50–2, 54, 109, 119, 144, 165, 224–5, 232–3, 240, 253, 257
- Ahmed Saeed case* 166, 228
- Air service agreements with USA* 80, 81, 166–7, 231–2
- Bethell v. Commission* 53
- French Seamen case* 52–3, 80, 124, 126, 146, 205, 212, 214
- Nouvelles Frontières case* 58, 80, 152, 205, 212, 228, 253
- Opinion 1/76, Rhine Navigation case*, 226–8, 234
- Opinion 1/94* 166, 227–8
- Parliament v. Council* 55–6, 77, 80, 127, 151, 216
- Reyners v. Belgian State* 52
- European Economic Community 4, 43, 92
- European Institute of Public Administration 110
- European integration 3–13, 36, 221, 245, 253
- European Investment Bank (EIB) 187–95
- European Maritime Safety Agency 139, 143
- European Parliament 41, 47, 53–7, 65, 66–87, 90, 97, 99, 107, 127, 141–2, 151, 175, 183, 187–9, 214, 216, 237, 249, 255–6
- co-decision, conciliation 41, 74, 78–9, 82–4, 99, 188, 249
- Committee on Regional Policy, Transport and Tourism 78
- rapporteur*, 55, 77–9, 82–4
- trialogue 82–4
- European Railway Safety Agency 95, 99
- European Regional Development Fund 175–95, 211
- European Sea Ports Organisation (ESPO) 30
- European Shippers Council (ESC) 30, 134
- Euro registry 131–2, 203, 254
- Federation of European Private Port Operators (FEPORT) 30
- Financial Assistance Committee 188–9, 191, 224
- Fiterman 107
- flags of convenience 122, 145
- freedom of establishment 52, 230
- freedom of the seas 27, 122
- freedom to provide services 44, 52, 55, 127, 133, 142–3, 197, 230
- fuel prices, taxation 1, 112–14, 120, 218
- Gaulle, General de 5, 246
- Gayssot, J.-C. 1
- General Agreement on Tariffs and Trade (GATT) 29
- Gibraltar 153, 163–4, 211, 247
- Groeben, Hans von der 53
- ground handling arrangements 149, 156, 223
- harmonization 13, 60–76, 96, 103, 105, 109–14, 117, 120, 127, 155, 200–2, 206, 210, 214, 218, 223, 246, 259, 260
- Haas, E. 8
- Hayward, J. 23
- Heads of State and government *see under* European Council
- Herald of Free Enterprise*, sinking of 138
- Héritier, A. 85, 98, 212–13, 245, 259, 263
- high speed rail services (TGV) 24–5, 33, 36, 96, 100, 101, 173–5, 181, 182, 186, 192, 204, 207, 215, 255
- Hinz, C. 107–8
- Holmes, D. 107–8
- Houghton, Sir J. 1
- infrastructure 34–5, 37, 42, 46, 171–95
- inland waterway transport 17
- institutionalism(s) 6–8, 206, 222–3, 248, 253, 260
- Intergovernmental Maritime Consultative Organisation (IMCO) *see under* International Maritime Organisation
- intergovernmental, intergovernmentalism 4–6, 8, 13, 87, 91–2, 221–41, 242, 248–9, 252, 254, 260
- International Air Services Transit Agreement 145
- International Air Transport Association 31, 59, 150–1, 216, 243
- slot allocation rules 149, 158–9, 169, 223
- International Chamber of Shipping 30
- International Civil Aviation Organisation (ICAO) 28–9, 146, 160, 164, 168, 218, 241, 252
- International Dock Workers Council 142–3
- International Labour Organisation (ILO) 29, 125, 143

- International Maritime Organisation (IMO)  
27, 30, 126, 132, 134–9, 141, 143, 224,  
240, 254
- Marine Pollution Convention (MARPOL)  
125–6,  
Convention on Standards of Training,  
Certification and Watchkeeping 137  
Convention on Safety of Life at Sea  
(SOLAS) 138
- International Road Transport Union 110  
International Shipping Federation 30  
International Transport Workers Federation 30
- joint airworthiness requirements (JARs)  
162–3, 237
- Joint Aviation Authorities (JAAs) 162, 165,  
237, 240, 252
- Joint Research Centre 195
- Kerwer, D. 120, 204, 240, 246, 249  
Kingdon, J. 12, 199, 214  
Kinnock, N. 64, 159, 164, 195, 197, 206, 208  
KLM 157, 204  
Knull, C. 101
- Lamoureux, F. 164, 206  
Leber, G. 106  
Le Goy, R. 55, 208  
Lehmkuhl, D. 101
- liberalization 120, 200–6, 207, 212–13, 214,  
218, 240, 246, 259, 260, *see under* single  
market for liberalization in each mode
- liner conferences 27–8, 122, 124, 129, 133–4,  
203, 217, 243
- Lipman, G. 9  
low-cost airlines 160–1  
Lufthansa 33, 157–8, 161, 203, 215, 216  
Luxembourg Compromise 5, 44, 47, 222
- Macmillan, H. 245  
Major, J. 239  
Mannheim Convention 25, 39, 116–19  
Maritime Industries Forum 27, 31, 140  
Van Miert, K. 154–5, 159, 217  
Mitterrand, F. 107, 155, 215  
Monnet, J. 4, 8
- national transport policies 32–5, 207–14  
Austria 34, 165  
Belgium 124, 152–3, 203  
Britain (UK) 23–4, 33–4, 98, 101, 105,  
110–13, 123, 151–4, 200, 202, 207,  
209, 250  
Denmark 111, 112, 123, 32, 152, 165,  
202, 208  
Finland 34  
France 23, 32, 38, 98, 103, 106, 113,  
124, 128–33, 152–4, 200, 207, 208,  
211, 213  
Germany 19, 23, 33, 38, 89, 98, 101–2, 103,  
106, 112, 120, 124, 152–4, 203, 213  
Greece 34, 113, 123, 128, 132–3, 152, 177,  
202–3, 208, 211  
Ireland 111–12, 108, 152, 177  
Italy 38, 98, 113, 124, 128–33, 152, 211  
Netherlands 23, 32, 38, 47, 101, 103,  
106, 112, 113, 120, 128, 132, 202,  
213, 250  
Luxembourg 112, 113, 152  
Portugal 12–13, 101, 113, 128, 152, 177,  
208, 211  
Spain 113, 128, 132–3, 152–3, 177, 211  
Sweden 34, 101, 165  
Switzerland 34, 118, 165  
USA 12, 34, 80, 133, 145–7, 149, 158,  
160, 163, 166–7, 169–70, 199, 204,  
228, 231–2, 261
- negative integration 5  
networks 6–7, 30–1  
neofunctionalism 4–6, 8, 206, 222, 243–5,  
250, 259  
Nice, Treaty of 46, 238  
Noël, E. 57
- Office Central des Transports Internationaux par  
Chemins de Fer* (OCTI) 26  
O'Reilly, D. 244, 250  
Øresund Bridge 19  
Organisation for Economic Co-operation and  
Development (OECD) 27, 28, 29, 124,  
141, 243
- de Palacio, Loyola 164, 206  
Pallis, A. 24, 250–1  
Paris, Convention relating to the Regulation of  
Aerial Navigation 28  
Paris, Memorandum of Understanding *see under*  
port state control  
Paris, Treaty of 15, 37–8, 92, 94  
path dependency 7, 11, 206, 248  
Peterson, J. 8, 211, 256  
Pilot Action for Combined Transport (PACT)  
196–7
- policy-making  
and people 12, 107–8, 215–18, 259  
and time 11–12, 255–8  
model in four dimensions 8–13, 242–61  
organizational environment 8–13, 25–31,  
121, 139, 164, 169–70, 197, 204, 242,  
244, 248–61  
political environment 8–13, 23–5, 121,  
164, 169–70, 175–7, 197, 199–220,  
242, 245–61  
practical environment 8–13, 19–23, 121,  
169–70, 173–5, 197, 242–61  
windows of opportunity 12, 173, 205,  
214–8, 259
- politics, 'high' and 'low' 5

- port state control 124–6, 135–7, 139, 234–5, 240, 244, 251  
 Paris, Memorandum of Understanding (Paris MoU) 125–6, 135, 137, 139, 234–5, 240, 244
- ports policy 24, 141–3, 251  
 Port Working Group (of the European Community) 27
- Powell, R. 24
- Presidency of Council of Ministers (chronological)  
 68, 74–7, 209–10  
 Dutch (1981) 54  
 German (1983) 59, 107  
 Greek (1983) 107, 209  
 French (1984) 107–8, 201, 249  
 Irish (1984) 201  
 Italian (1985) 209  
 Luxembourg (1985) 152  
 Dutch (1986) 60, 128, 152, 209  
 British (1986) 128–9, 152–3, 209, 236  
 Belgian (1987) 152–3, 209, 236, 249  
 Greek (1988) 177  
 French (1989) 132, 154–5, 209, 249  
 Danish (1993) 135  
 British (1998) 62, 83, 209  
 French (2000) 139, 209
- Prestige*, sinking of 139
- privatisation 34
- public service obligations 40, 43, 93–5, 98, 201–2
- Putnam, R. 10
- Pyrenees 19, 172, 177, 186, 194
- qualified majority voting *see* Council of Ministers, voting rules
- Quinet, E. 173, 191
- quotas, for road haulage licences 103–9, 203
- rapporteur* *see under* European Parliament
- road charging *see under* transport pricing
- Rhine transport 17, 19, 39, 106, 117, 226–8  
 Central Commission for the Navigation of the Rhine 25, 116–20, 226–7, 234, 241, 243  
 Rhine-Main-Danube canal 20, 119
- Ridley, N. 56, 59, 107, 128, 151, 204, 216, 245–7
- Rome, Treaty of 36–45, 66, 88, 92, 94, 171, 204–5, 216, 222  
*see also* Treaty establishing the European Community
- Rosamond, B. 8
- Ross, John F. L. 188, 221
- Ryanair 161, 203, 213
- Sabena 53, 153, 160
- Scandinavian Air Services (SAS) 33, 157–8, 215
- Schaus, L. 47, 70  
 Schaus Memorandum 47, 93, 103
- Schengen Agreement 175
- Schuman, R. 4
- Sforza, Count Carlo 145–6
- SGCI (Secrétariat Général du Comité Interministériel pour les questions économiques) 76, 79
- Shackleton, M. 77, 83
- Sharp, M. 211
- Single European Act (SEA) 37–8, 44–6, 59, 61, 68, 78, 86, 246
- Single Market White Paper 45, 56, 59–60, 96, 151, 250
- single (or internal) market 7, 11, 43, 45, 56–60, 61, 62, 68, 72, 77, 79, 86–7, 120, 172, 175, 177, 181–2, 191, 204, 206, 215, 222–3, 228, 234, 236, 243, 245–7, 250, 253  
 in air transport 7, 34, 57, 59, 132, 145, 147–61, 165–6, 169, 208, 209–10, 211, 213, 215–17, 223, 228, 229, 231–3, 235–7, 240, 247  
 in inland waterway transport 39, 116–18, 120  
 in rail transport 57, 83, 90, 95, 96–102, 249  
 in road transport 33, 57, 90, 103–9, 111, 115, 213, 222, 244  
 in sea transport 34, 57, 123, 127–33, 140
- Single European Sky initiative 164, 206, 218
- Smit-Kroes, N. 56, 107, 128, 204, 246
- Spaak Report 37, 171
- spillover 5, 8, 206, 244–5
- Spence, D. 70–1
- Spinelli, A. 146
- Staff Regulations of the European Communities 11
- state aids 39, 58, 93–5, 142, 159–60
- Steele, J. 55–7, 107–8, 133, 151–2, 208, 232
- Stone Sweet, A. 244, 250
- supranational, supranationalism 13, 87, 221–41
- sustainable mobility *see* transport and environmental protection
- Sutherland, P. 58, 151, 154, 217
- Swissair 160
- terrorism *see under* security
- Teutsch, M. 89, 120, 204, 240, 246, 249
- Thatcher, Thatcherite 24, 101, 107, 128, 150–1, 154, 204, 215, 246
- Train à Grande Vitesse* (TGV) *see* high speed rail services
- Trans-European Transport Networks (TENs(T)) 19, 33, 46, 65, 78, 100, 142, 171–95, 223, 243, 254–5
- Trans-European Rail Freight Network 99
- transport  
 and competition policy 41, 57, 93–5, 123–5, 129, 133–4, 151–4, 157–60, 166, 217, 253  
 and economic policy 21–3, 33, 49, 182, 189–90, 192, 202  
 and environmental protection 34, 46, 61–5, 90, 135, 167–8, 246  
 and geography 19–20

- transport – *continued*
  - and industrial policy 32
  - as a public service 43, 200, 257–8
  - and regional policy 32, 40, 43, 177, 191, 202
  - and social policy 34, 43, 182, 202
  - and technology 21, 24–5, 260
  - and wealth 21–3
- transport pricing 21, 64–5, 114, 244
- transport research 140, 195–6
- transport safety 41, 134–40, 161–5, 217, 246, 251
- transport security 3, 15, 164–5, 251–2
  - attack on World Trade Centre 3, 160, 164, 215, 251
- Treaty establishing the European Community (TEC) 4, 37–41
- Treaty on European Union (TEU) 37–8, 46, 61, 86, 246
- trialogue *see under* European Parliament, co-decision
- unanimity *see* Council of Ministers, voting rules
- Union Internationale des Chemins de Fer* (UIC) 26, 30, 94, 204, 243
- Union Internationale des Transports Publiques* (UITP) 30
- Union des Industries Ferroviaires Européennes* (UIFE) 30
- United Nations Conference on Trade and Development (UNCTAD) 27, 28
  - Liner Code 53, 123–5
- United Nations Economic Commission for Europe (UNECE) 29, 50–2, 176, 233, 240, 244
- Unwin, Sir B. 181
- Vickerman, R. 173, 191
- Vienna, Congress of 25, 116
- Wallace, H and Wallace W. 199
- Warsaw Convention 29, 168
- Wheatcroft, S. 9
- World Trade Centre *see under transport security*
- World Trade Organisation (WTO) 29
- Working Group on Transport Questions (TWG) 74–6, 82–3