Transport Safety Is One of the Main Aspects of EU Transport Policy

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Abstract. The article covers a relevant topic, since transport has been considered as a source of increased danger throughout its existence. In this regard, the maximum focus on transport security is required from participants in the transportation process as well as from developers of the international transport legal framework. The paper highlights one important feature of transport security, such as a “no-fault liability.” This type of responsibility is applied because transport, as a key sector of the economy of States, is given the status of a “source of an increased danger.” The consolidation of such status in the law is necessary, since it fundamentally changes the system of normative and legal acts developed by States and international organizations. Moreover, the corresponding efforts of the European Union Member States are being analyzed to illustrate specific approaches, taking into account the peculiarities of the region. In general, regional cooperation allows all actors of international law to identify and adapt to the nuances of a particular region. Knowing all the specifics, the subjects of these international legal relations will be able to develop more effective rules of conduct. The European Union continues to be one of the most interesting integration organizations. The very fact that this association has both primary and secondary law confirms the EU’s capacity to implement the most advanced and innovative goals and ideas. In this regard, the issue of transport security is being implemented at the highest level. All the more so, all the acts adopted within the framework of the EU are binding for each Member State of the EU. Thus, the level of transport security in the EU member states is also high.

1. Introduction

Today, in our opinion, it would be right to formulate the following thesis, which characterizes all subsequent analysis of this scientific paper. This thesis is as follows: the development of the state, its access to the international arena directly depends on the economic situation in the country; in turn, the driving force of the state’s economy is the developed system of transport and its infrastructure (since the main activity of the state is trade relations with foreign states); intensive development of transport and its infrastructure requires proper legal regulation of all important issues at the major regulatory levels (universal, regional, national). These three important factors, repeat once again, the economy of the state, transport and its infrastructure, legal regulation, are so closely related that the absence of at least one of them would lead to a complete collapse or chaos.

At the moment, within the topic under study, the main question we want to answer is how this principle is implemented at the regional level, using the example of the European Union.

The object of the study is cooperation between States on transport security.
The subject of the study is the actual efforts of the EU invested in the implementation of the safe transport principle.

The purpose of the study is to identify all existing legal means and ways of implementing the European Union safety principle in various modes of transport.

In the process of the study of the topic of the article, the following methods of research were used: general scientific (dialectic, formal-logical, structural-functional, analysis, synthesis, deductions, induction) and special (historical-legal, comparative-legal) methods of cognition. The degree of research development: the issues related to the study of EU activities in various areas, including transport, as well as the peculiarities of EU cooperation with states not part of this integration association are in one way or another set out in the works of both Russian international lawyers and foreign ones. Among the Russian specialists it is necessary to distinguish works by A.Ya. Kapustin [4], I. I. Lukashuk [10], Yu.M. Kolosov [5]. Among the foreign specialists in public international law and European Union law Christopher Hodge [20], Vincent Lamand [21] and Mustafa Turkis [22] are worth noting.

2. The European Union’s work on transport security

Before pointing out the relevant European Union (hereinafter the EU) legal instruments on transport security, I would like to focus on a number of important factors visible to the naked eye on the first pages of the official website of the EU. First, transport security within the EU is considered to be one of the most pressing transport issues. Second, in all modes of transport, EU Member States clearly identify safety and security. Moreover, the legislation adopted on the issue of technical security differs significantly from the legislation on the question of security. Third, the so-called forms of transport threats are identified within the EU, including: crimes committed on the territory of transport operators (e.g. burglary), stowaways, theft of valuable goods in transit or piracy on the high seas. This is due to the huge economic costs that can be measured in the range from the monetary value of cargo theft to insurance losses, business interruption and property damage. Nor should we forget such crimes as terrorist attacks using transport. Fourth, among all the EU’s existing institutions, it is the responsibility of the European Commission to take all necessary actions to ensure transport safety. As transport is by its nature actively used in international areas, it is important to ensure a harmonized EU approach to safety standards developed in ICAO (for aviation safety) and IMO (for maritime safety). This is complemented by cooperation with third countries in the field of transport security. The Commission consolidates and strengthens security by working with key international partners, sharing experiences and best practices. So, what legal instruments are developed by the EU to ensure safety in all modes of transport? Road and air transport will be covered below.

Table 1. Road deaths per million inhabitants - preliminary figures for 2019.

|         | 2010 | 2018 | 2019 | % change 2018-2019 | % change 2010-2019 |
|---------|------|------|------|--------------------|--------------------|
| France  | 64   | 49   | 48   | 0%                 | -19%               |
| Croatia | 99   | 77   | 73   | -6%                | -30%               |
| Sweden  | 28   | 32   | 22   | -32%               | -17%               |
| Finland | 51   | 43   | 37   | -14%               | -24%               |
| Germany | 45   | 40   | 37   | -7%                | -16%               |
| Greece  | 113  | 65   | 65   | -1%                | -45%               |
Automobile transport: According to preliminary data published today by the European Commission, fewer people died on EU roads in 2019 compared to previous years. An estimated 22,800 people died in road accidents last year, 7,000 fewer than in 2010 with a 23% decrease. Compared to 2018, the number dropped by 2%. Europe remains the safest region in the world in terms of road safety, with an average of 51 deaths per million inhabitants. The underlying trend remains downward. Eight Member States recorded the lowest number of deaths in all recorded history in 2019: Croatia, Finland, France, Germany, Greece, Latvia, Luxembourg and Sweden. However, progress has slowed in most countries. As an example, below is a table from the official EU website.

The main EU documents on road safety are: 1) EU road safety policy framework 2021–2030—Next steps towards “Vision Zero” 2018 [14]; 2) EU Strategic Action Plan on Road Safety 2018 [18]; 3) Valletta Declaration 2017 [2].

Air transport: Flight safety is affected by the international nature of the aviation industry. International cooperation is therefore essential for security and for the development of globally agreed standards. The EU is actively involved in strengthening flight safety at the international level, in particular through its work with the International Civil Aviation Organization (ICAO), technical cooperation projects and negotiations on safety agreements with key partners in Europe and beyond. With regard to air transport safety, the EU has the same approach as to all other modes of transport, and it also identifies security and safety. Since 2002, the European Commission has established general civil aviation safety rules aimed at protecting people and goods from unlawful interference with a civilian aircraft. Important within the EU today is Commission Regulation (EU) 2016/2096 of 30 November 2016 amending Regulation (EU) No 1254/2009 as regards certain criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures. In connection with the situation that is happening due to the pandemic, the EU is taking steps to develop joint legal acts, on the one hand aimed at combating it, on the other hand aimed at supporting the participating parties of the transport process. Thus, in this connection, it is worth mentioning Commission Implementing Regulation (EU) 2020/910 of 30 June 2020 amending Implementing Regulations (EU) 2015/1998, (EU) 2019/103 and (EU) 2019/1583 as regards the re-designation of airlines, operators and entities providing security controls for cargo and mail arriving from third countries, as well as the postponement of certain regulatory requirements in the area of cybersecurity, background check, explosive detection systems equipment standards, and explosive trace detection equipment, because of the COVID-19 pandemic.[16]

In the light of the consideration of air transport safety issues, it is mandatory to say a few words about the aviation strategy for Europe.[1] The European Commission has identified three main priorities as part of this strategy: 1) Tapping into growth markets, by improving services, market access and investment opportunities with third countries, whilst guaranteeing a level playing field; 2) The EU must now plan for future demand for air travel that will soon overwhelm our skies and airports; 3) Maintaining high EU safety and security standards, by shifting to a risk and performance based mind-set. In order to realize the priorities set by the EU, the Member States of our integration association should take concrete actions in the following areas: (a) strengthening the social agenda and creating quality jobs in aviation; (b) protecting passenger rights; (c) entering a new era of innovation and digital technologies; (d) promoting a sustainable Energy Union and a forward-looking climate change policy. Moreover, the European Commission has the right to carry out such actions as:

1. Recommending that the EU Council authorize the conclusion of comprehensive air transport agreements at the EU level with the following countries and regions: China, ASEAN (Association of Southeast Asian Nations), Turkey, Saudi Arabia, Bahrain, UAE (United Arab Emirates), Kuwait, Qatar, Oman, Mexico and Armenia;

2. Supporting the policy that the EU will enter into further bilateral agreements on flight safety with important aviation manufacturers such as China and Japan;

3. Inviting the launch of a new aviation dialogue with important aviation partners such as India;
4. Negotiating effective fair competition provisions in the context of negotiations on comprehensive EU air transport agreements and consider measures to eliminate unfair practices of third countries and third-country exploiters;
5. Proposing to publish guidance on the interpretation of the application of Regulation 1008/2008 with respect to EU airline ownership and control provisions to provide greater legal certainty for both investors and airlines.

Thus, the aviation strategy for Europe, which is being implemented, covers the pressing problems of modern aviation, whereby the issue of safety in transport is on the list of those that have been and will be relevant.

3. Conclusion
In our view, the research shows that we should focus on the following:

✔ Security of transport is currently, in our view, one of the key aspects, as both international law and national legislation of each state provide for the so-called “no-fault liability” in view of recognition of the status of vehicles as a “source of increased danger”;
✔ The European Union, as the only integration organization of its kind, is very careful about the regulation of the issue of transport safety. Once again, it should be noted that for each mode of transport within the framework of the EU legislation there is a different regulatory framework regulating safety and security. Moreover, the European Commission aims to provide that there are high safety standards throughout the EU, involving absolutely all modes of transport.

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