

Screening of Chapter 14 – TRANSPORT POLICY QUESTIONS

MARITIME TRANSPORT

Market access / Technical conditions / Social conditions / International relations

- How are competition rules applied to the liner shipping sector? Is there legislation governing the choice of operator and compensations for public maritime service? Do aid schemes (including tax advantages) exist for maritime companies or sailors? Do aid schemes exist for ship construction?
- What are the rules governing access to the freedom to provide international maritime transport services and access to freedom to provide national maritime transport services (maritime cabotage)?
- What are the conditions for the registration of vessels (requirements on ownership for first and where relevant second registers, management, crew nationality)?
- To which extent are technical and social standards based on measures agreed to in the IMO and/or ILO?
- Is there national legislation, in particular in the fiscal field, designed to promote registration of vessels into the national registry?
- To which extent are safety regulations and standards based on measures agreed to in the IMO, ILO or other international organisations? Are there any derogations permitted or authorised to vessels under your national flag?
- Is there legislation on the operation of ports and freedom to provide port and auxiliary services to port operations? What are the main provisions of this legislation? How and by whom is it enforced?
- Is there legislation preventing access to the freedom of providing international maritime transport services? What are the main provisions of this legislation, how and by whom is it enforced?
- Are there cargo sharing agreements with third countries? What are the main provisions of these agreements?
- To which extent does your Country apply or intend to apply the IMO/FAL Convention of 1965 on which is based Directive 2002/6?

Flag state / classification societies - Port State - Traffic monitoring – General / equipment - Passenger ships - Fishing ships - Oil tankers - Bulk carriers - Crew

- regarding Flag State performance, please fill and hand out the flag state performance self assessment form attached to IMO Resolution A.912(22) (see attached)
- data of statistical nature (number and tonnage of conventional ships in the last 5 years, list of all ports (commercial, fishing and marinas) and number of individual vessels having entered their ports in the last 5 years;
- a detailed look at legal framework and capacity to implement the following directives: 94/57/EC (intention as to future recognition of new classification societies), 95/21/EC (in which ports are PSC inspections performed and results for the last 3 years, inspectors training needs?), 2002/59/EC (VTMIS - in particular, what progress has there been in

setting up relevant infrastructure), 2001/25 (STCW) and 2000/59/EC. What was their follow-up to the recommendations of the 2004 REMPEC study?

Maritime security

- being a party to the SOLAS Convention / Chapter XI/2 and the ISPS Code, what is the situation in Turkey concerning maritime security?

SATELLITE NAVIGATION

Galileo

- General discussion

INLAND WATERWAYS

- Please provide a brief description of any transport that may take place on your lakes or, if relevant, rivers.
- Are there Turkish flagged coaster ships that are or may also be used to navigate on the Danube?
- Please outline any legislation that covers this area. Are there any rules concerning environmental aspects of transport on lakes? Which institution is in charge of registration and control of boats?
- Are there any requirements regarding access to the profession of carrier of passengers and/or goods by waterway? Are there any rules concerning crew working time and manning in the inland waterway sector? What are the competent authorities responsible for enforcing the relevant legislation and requirements?

LAND TRANSPORT / RAIL

Market and infrastructure access / Standardisation of accounts and statistics

- Are infrastructure management and provision of transport services institutionally separated ? or how is ensured that the execution of the essential functions for non-discriminatory access to the network (e.g. charging, capacity allocation) is independent of the companies/bodies that provide rail transport activities¹?
- Does the cost accounting system of the infrastructure manager calculate its costs (as required under directive 2001/14) has a performance scheme put in place²?
- What provisions will the state take to ensure the infrastructure manager's financial viability³ and to ensure that its financing is consistent with its tasks, size and financing requirements⁴?
- Has an independent regulatory body been established (staff, budget and expertise)? Are the conditions to obtain a license made available on the web and are the procedures transparent for applicants⁵?
- Has a network statement been drawn up and published⁶?

Technical and safety conditions / Social and technical rules and standards

- Is there national legislation concerning rail transport of dangerous goods? What is the administrative capacity to enforce the rail transport of dangerous goods? Do you have specialised staff to this task?

International organisation and conventions

- To which multilateral agreements regarding international railway organisations (O.T.I.F. and O.S.Zh.D.) is your country a party?
- Do you have national translation of RID of O.T.I.F. available?

European Railway Agency

- Discussion on participation to ERA activities

Railway safety

- Who sets and enforces the safety standards? Are the rules and standards made public? Who delivers the safety certificates? Does an independent national railway safety authority exist?

Interoperability

- Is there a national implementation plan for the Technical Specification for Interoperability?

Combined transport

¹ See directive 91/440 last amended by directive 2004/51/EC, article 6.3

² See directive 2001/14, article 6.2

³ See directive 2001/14/EC, article 6

⁴ See directive 91/440 last amended by directive 2004/51/EC, article 7

⁵ See directive 2001/14/EC, articles 30 and 31

⁶ See directive 2001/14/EC, article 3

- What is the general situation of combined transport (inter-modal transport) with regard to market structure, development, role of different modes of transport, technologies, operators?
- What is the current legal situation with regard to combined transport? Are there any deviations allowed from allowable weights and dimensions of road vehicles for the first and/or last leg of combined transport?
- Are there specific (national/regional) policy objectives for these fields? Who is responsible for these issues (which Ministry/department)? Are there specific promotion efforts on inter-modality (by authorities/associations/industry)?
- Are there any bottlenecks that hinder the development of integrated and quality logistics (infrastructure, organisational, legal etc.)?
- Are there (national) statistics available on inter-modal transport?
- Which are the relevant taxes for road vehicles used for freight transport (with regard to Art. 6 of Directive 92/106)?

LAND TRANSPORT / ROAD

Market Access for Goods / Market Access for Passengers

Conditions of access to market and profession (operator licensing, Regulations 881/92, 3118/93, 12/98; Directives 96/26, 98/76)

- What are the rules governing access to the profession for operators engaged in national and/or international transport of passengers and goods? How and by whom is this legislation enforced?
- What are the rules governing market access for national and international road goods transport for resident operators? How and by whom is this legislation enforced? Under which conditions are non-resident hauliers allowed to perform domestic transport operations?
- Please describe the current administrative arrangements for operator licensing, both national and international. Which conditions do applicants have to fulfill in order to be licensed? Describe any quantitative or other restrictions limiting the number of national or international operators? Are there any restrictions on the number of vehicles that an operator may use?
- How in particular are the criteria for admission to the occupation checked? What differences apply in administering national and international candidates?
- What exemptions are currently applied or intended to be applied for operator licensing and for the requirement for a professional competence certificate criterion for admission to the occupation?
- Under what circumstances are licenses suspended or withdrawn?
- What arrangements are in place to ensure mutual recognition of proof of good repute/ financial standing/ professional competence is provided.
- What rules exist to govern the establishment of a foreign operator? How does it work in practice? How are controls made on applicants and how are the applications processed and/or approved?
- What are the rules governing market access for national and international road passenger transport for resident operators? Are authorisations required for
 - a) regular services;
 - b) special regular services;
 - c) Occasional services?
- How do companies obtain this authorisation? What is the normal validity period of these authorisations? Do companies benefit from exclusive rights? How and by whom is this legislation enforced?
- What are the rules regarding competition? How and by whom is this legislation enforced?

Prices and fiscal conditions

- Do you have an annual vehicle tax according to Directive 1999/62/EC?
- What (if any) road user charges system has been implemented in your country? On which roads are they applied and to which vehicle categories? Any differentiation on number of axles, emission classes etc.? What are the fee levels, how they are calculated and what are the modalities for collecting them? What are the weighted average tolls and

how are they calculated in relation to the costs? Do these fees also apply to third country operators? Do national vehicles and foreign vehicles pay the same amount? What is the total amount of road fees collected per year? How reliable is the collection system? What are the collected funds used for?

- What is the procedure applied to the selection of contractors for road maintenance and development of road infrastructure?
- To what extent are Intelligent Transport Systems (ITS) used in your country, both within the urban conurbations and on inter-urban routes. Is there a central authority that manages the implementation of ITS or is this left to regional or local control or indeed to the discretion of road operators?
- Are there electronic fee collection (EFC) systems in operation and if so would these be compatible with the technical provisions of Directive 2004/52, in particular regarding dedicated short-range communication (DSRC)?
- Would your country wish to participate in discussions on the establishment of the European Electronic Toll Service (EETS), which is the basis of Directive 2004/52?
- Is there co-operation between your country and neighbouring countries with regard to establishing compatible traffic management plans and information exchange on traffic flow and if so how is this communication established?
- What mechanisms are there for broadcasting traffic information?

Social conditions / Social legislation (Regulations 561/2006 and 3821/85 and Directives 2002/15 and 2006/22)

- What is the current state of play of implementation of Regulations (EC) 561/2006, (EEC) 3821/85 and Directives 2002/15/EC and 2006/22/EC?
- What are the rules applicable to driving time and working time in domestic and international transport (driving and rest times, daily and weekly driving limits, daily and weekly rest periods, working time rules etc.)? How and by whom is this legislation enforced?
- Is there national legislation concerning the installation of tachographs in trucks and busses? When will the digital tachograph be mandatory? How and by whom is this legislation enforced? What is the minimum number of controls carried out at the roadside and at the premises companies? What are the penalties?
- Please describe current and future administrative arrangements for checking and enforcing these rules. How many administrative bodies are involved for checks on the road (is the police required?) and on the premises (Ministry of Labour involvement)? Who takes the lead role in driving times? Who takes the leading role in working time? Which body acts as the lead coordinator and will they obtain all the statistics of checks carried out?
- What training has been given to enforcement bodies - enforcement officers/ police?
- How do you plan to strengthen the administrative capacity to enforce legislation concerning social rules?

Digital tachographs

- What are the timeframe and the organisational plans for the issuing of cards and have tachonet tests started?

- What plans does Croatia have for enforcement (data download management, powers of controlling officers, necessary equipment)?
- What is the current (legal and practical) situation concerning workshops dealing with analogue tachographs and will new legislation be passed for the approval of workshops for digital tachographs?
- What is the situation concerning data protection and will changes be required for the implementation of Regulations (EC) n° 2135/98 and 1360/2002,
- Have you developed training programmes for enforcement officers, and how will they be equipped?

Technical conditions

- What are the national limits of maximum weights and dimensions for road vehicles (including maximum axle weights)? What would be the timeframe to make the entire road network accessible to vehicles in compliance with Directive 96/53/EC?
- What is the legislation concerning the installation of speed limiting devices on these vehicles? How and by whom is this legislation enforced? What is the minimum number of controls carried out at the roadside and at the premises companies? What are the penalties?
- What is the national legislation on vehicle registration documents? What data do these documents contain?
- What is the national legislation on technical vehicle inspection and control? How and by whom is this legislation enforced? What are the scope and frequency of these controls? Are technical inspections of vehicles also conducted at the roadside? If yes, how often on average per year?

Safety conditions

- What is the national legislation on vehicle registration documents? What data do these documents contain?
- What is there national legislation on the setting up of a data bank on road accidents? Are the data collected in line with the content of the European road accidents database CARE?
- What are the modalities concerning the attribution of driving licences? What is the minimum age for drivers? What are the driving licence categories? Please provide information on the driving licence model and on the theoretical and practical driving exams. Which institution is in charge of the organisation and supervision of driving exams? Is possession of the appropriate national driving licence sufficient for entry into the profession of commercial vehicle driver? If no, is complementary initial training, sanctioned by a certificate of professional proficiency (CCP) or an equivalent document required? How and by whom is this legislation enforced? Which authority issues permits for the establishment of driving schools and according to what procedure are they issued?
- Is there national legislation concerning road transport of dangerous goods? What is the administrative capacity to enforce the road transport of dangerous goods? Do you have specialised staff to this task? What is the minimum number of controls carried out at the roadside and at the premises of companies? What are the penalties?
- What is the current reporting system used to collect data on transport of dangerous goods?

Other technical specifications – transport of dangerous goods (relevant for road, rail and inland waterways transport)

Horizontal questions for all land transport modes on transport of dangerous goods

- What is the administrative capacity to designate and monitor dangerous goods safety advisers according to ADR/RID/ADN? How their training and examinations have been organised? How do you control that companies involved in dangerous goods transport have a safety adviser?
- Is there national legislation concerning transportable pressure equipment, its manufacturing and inspections? How the accreditation and certification of inspection bodies and certification of equipment has been organised? How the inspection bodies are monitored? How the market surveillance has been organised?

International organisations and conventions

- On which date did your country sign or intends to sign the United Nations ADR agreement?
- Do you have a national translation of ADR available? If yes, which year's version?

AIR TRANSPORT

Administrative capacity

What is the situation in terms of administrative capacity of the regulatory body, the civil aviation authority and the slot allocator (number of personnel, reporting lines, organigrams, key data,...)

Economic regulations

- To what extent has the framework legislation for the internal air transport market (EC Regulations 2407/92, 2408/92 and 2409/92) been implemented?
- Are public services contracts for passenger services existing or being developed? / Any cross-subsidisation between different market actors such as the national airline, the ATS provider, the airports etc.?
- What is the legal basis for having a national air carrier? What was the procedure applied for selecting the national air carrier?
- What is the financial relation between the national airline and public authorities? What are the conditions, if any, for granting subsidies?
- What are the rules for air fares? How and by whom are these enforced?
- What are the rules for Computerised Reservation Systems? How and by whom are these enforced?
- How can air carriers obtain authorisation to operate specific routes, whether they are domestic or international? Do certain air transport undertakings hold exclusive rights on specific air routes?
- What are the conditions for licensing and certification of airlines? (operating license and/or AOC)
- Are there any minimum requirements for aviation insurance? If yes, what risks do they cover and what are the respective amounts?
- Which bilateral agreements with EU Member States and with third countries are in force? How are they implemented in practice? What type of regime (liberal/restrictive) is established under these agreements?

Airports / general

- How and by whom are airports operated?
- How and by whom are airport charges set?
- Is there a consultation mechanism?
- Is airport management separate from airport ownership?
- Are airport service charges the same for Domestic Air Carriers and Foreign Air Carriers?
- Do you have regulations enabling to carry out
- safety inspections of airport facilities and services,
- licensing and certification of airports (ref.: Manual on Certification of Aerodromes, ICAO Doc 9774)?

- In establishing the airport Safety Management System (mandated by ICAO Annex 14 from November 2005), do you refer, or plan to refer, to EUROCONTROL Safety Regulatory Requirements (ESARR) 3 and/or 4?
- What are the rules and procedures applicable to the development of airports? Are there different rules for international/domestic and main/regional airports?
- What is the project cycle? How are local and/or regional authorities associated with transport infrastructure projects?
- How is legislation on environmental impact assessment implemented?
- How is legislation on public procurement implemented?
- Are there measures to monitor and limit noise levels around airports (i.e. noise zoning, land-use rules) and measures to contain or reduce air pollution resulting from air transport activities? Is there a progressive phase-out programme for Chapter 2 aircraft?
- Are airport authorities responsible for control/guidance of aircraft on the parking area?
- Are airport authorities/operators involved in the medium term capacity planning in the frame of the process to develop the “Local Convergence and Implementation Plan” (LCIP)?
- Are airport authorities able to select the provider of Control Tower service among the service providers certified in the frame of the “Single European Sky”?

Groundhandling

- Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports applies to airports whose annual traffic is over 1 million passenger movements (Article 7 on self-handling) and 2 million passenger movements (Article 6 on third party handling) respectively.
- Do the airports in your country meet these thresholds?
- To ensure competition, Directive 96/67/EC requires a minimum number of service providers for specified categories of groundhandling services, which are basically the services provided at the airside (baggage and ramp handling, fuel and oil handling, and freight and mail handling). Access to the supply of the other groundhandling services should be completely open. For individual Member States, the possibility exist that they allow full competition - either at the categories of airports covered by the Directive or at all airports - and that they do not impose any limitation on the number of groundhandling suppliers.
- What is the present situation in your country?
- When a Member State restricts the number of service suppliers to two, at least one of them should fully independent from the airport operator or the dominant air carrier at the airport.
- Article 9 provides the possibility for a Member State to decide on the application of exemptions on the main principles of market opening.
- Even if at present no such exemptions apply in the Member States any more, would your country see the need to decide to limit the number of suppliers because of specific constraints of available space or capacity?

- What would your country consider the most difficult or 'problematic' aspects of the Directive to comply with in your country? (These aspects can range from law making aspects, to enforcement or the required restructuring of the groundhandling industry at your airports.)

Slot allocation

- Council Regulation (EEC) 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports has been amended by Regulation (EC) 793/2004 of 21 April 2004.
- Does your country at present have coordinated airports or schedules facilitated airports within the meaning of Regulation (EC) 793/2004?
- If a schedules facilitator or coordinator has been appointed in your country, what legal structure has been chosen and does this structure ensure sufficient independence for the coordinator?
- Do new entrants get sufficient opportunities to get access to commercially interesting slots at certain airports in your country, also at those airports where the slot Regulations do not apply?

Air traffic management (including Single sky) / Institutional

- Which department has the regulatory responsibility for ATM? Is this department separated from the ANSP? Do you plan to establish or nominate a National Supervisory Authority?
- Have you already taken any steps in order to adopt Commission Regulation (EC) 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services?
- Do you envisage to establish a certification scheme compliant with the Single Sky regulations and to certify national Air Navigation Service Providers?
- Who has the responsibility for certification of ATM-personnel and equipment?
- Are you licensing your training unit/institutes? If yes, which department has the responsibility for licensing of training institutes and training units (OJT)?

Regulation

- How far is your country with implementing ESARR 2, 3, 4, 5 (version 2.0) and 6?
- What are your actions with regard to the Single European Sky initiative and the four main regulations EC 549/2004, 550/2004, 551/2004 and 552/2004 which came into force on 20 April 2004?

ATM operational systems

- Which department is responsible for classification and design of civil and military airspace?
- Do you already have plans to participate to a Functional Airspace Block? Have you already taken steps in order to adopt Commission Regulation (EC) 730/2006 of 11 May

2006 on airspace classification and access of flights operated under visual flight rules above flight level 195?

- Do you follow the European Convergence and Implementation Plan (ECIP) for the simplification of European airspace?
- To which extent do you apply the flexible use of airspace (FUA)? Have you already taken steps in order to adopt Commission Regulation (EC) 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace?
- Does your country have a permanent joint civil-military airspace policy organisation?
- How is day-to-day civil-military coordination organized?
- Do your civil and military ATC use the same operational systems?
- Who is responsible for separating civil and military aircraft in civil airspace?

Human resources

- How many ATC units are manned by your ANSP(s)?
- Have you determined minimum and maximum operating working hours for ATCOs?
- Have you determined a maximum age for ATCOs?
- Do you issue licenses to ATCOs according to ICAO Annex 1 or EUROCONTROL ESARR
- Have you already taken steps in order to adopt Directive 2006/23/EC of the European Parliament and of the Council of 5 April 2006 on a Community air traffic controller licence? And who is responsible for this?
- Has the provider delegated responsibility for rating and endorsement of Air Traffic Controllers?
- Do you issue licences, certifications or attestation to Air Traffic Safety Electronic Personnel according to ESARR 5?
- Do you have a system to validate ATCOs performance regularly?

Air safety

- Do you have an independent ATM Safety Department?
- How is your formal reporting system for ATC occurrences organized?
- In the frame of a total transport organisation, or in the frame of a total aviation system vision, or in isolation for ATM?
- Do you have an anonymous reporting system for ATM personnel?
- Does your criminal law limit voluntary reporting?
- How are aviation safety requirements in the field of design, operation and maintenance of aircraft and persons and organisations involved implemented and applied (i.e. licensing of pilots and crew, flight time limitation scheme and training requirements of pilots and cabin crew)? Which institution is responsible for controlling the implementation of aviation safety requirements?

- Is there legislation on accident investigation and mandatory incident reporting? Are statistical data available on air misses (almost collisions) which have occurred during the last ten years? Is there a specialised administration that coordinates investigation procedures and monitors reports, data and statistics?

National Civil Aviation Security Programme

- Has your country a National Civil Aviation Security Programme (NASP)?
- What is its legal status? How are the standards and norms which are set by the NASP applied legally and in practice?
- Does the NASP contain all the security measures described in the Annex to Regulation 2320/2002?
- Is it clear from the NASP which entity is responsible for the implementation of these security measures?

National Quality Control Programme

- Has your country a National Quality Control Programme (NQCP) in place (it might be part of the NASP)?
- What is its legal status? How is compliance monitoring implemented legally and in practice?

Airport security

- Are airside, landside, security restricted areas and critical parts of security restricted areas established at airports?
- How is the access of staff and of vehicles to these areas controlled? Are all staff issued with identification cards and all vehicles with passes?
- Is all staff screened before entering security restricted areas?
- Are aircraft searched when taken into a security restricted area? How are they protected after search and before departure?

Passengers and baggage

- Are all passengers and their cabin baggage screened? Are arriving and screened departing passengers separated? If not, what measures are taken? How are passengers transferring from flights originating in third countries to other flights handled?
- Is all hold baggage, originating and transfer, screened and protected? Is baggage reconciliation implemented?

Cargo and other aspects

- How has your country implemented the cargo and mail security regime?
- How is the security of air carriers' mail, materials, catering and- cleaning implemented?
- How are security and other airport staff recruited and trained (national security training programme)?

Environmental conditions / Protection of passengers

- Are there measures to monitor and limit noise levels around airports (i.e. noise zoning, land-use rules) and measures to contain or reduce air pollution resulting from air transport activities? Is there a progressive phase-out programme for Chapter 2 aircraft?
- If there any existing action plan to cover protection of passengers?