

## **Positionpaper**

### **Public consultation on the Communication on a sustainable future for transport**

#### **Statement of the German Insurance Association ID-number 6437280268-55**

(This statement is based on the guidance document “Public consultation on the communication on a sustainable future for transport: How to reply”)

#### **General remarks:**

- This statement of the German Insurance Association (GDV) reflects mainly the view of the German Marine Insurers and is thus focused on the interests concerning the insurance of goods. Insurance of people and all questions relating to this are insofar not subject of this statement.
- Concerning point 4 (legislative framework), in addition to the view of the German Marine Insurers the view of the German Motor Insurers is expressed.
- The German Insurance Association (GDV), and more specifically the German Insurers Accident Research, considers the road safety issue as a very important aspect within the transport policy. However, GDV estimates that as concerns road safety, the future Road Safety Action Plan 2010-2020 will focus specifically on this core issue. The respective consultation procedure is announced for September 09. GDV will therefore emphasize the relevant road safety issues in detail within this latter consultation.

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## **(1) Infrastructure**

German Marine Insurers support the promotion of modal networks. This should be the main focus in the creation of future transport. Germany as a transit land in the centre of Europe is interested in well created multimodal facilities. Important is in our view in connection with this to turn the attention especially to the edges of the EU, e.g. Portugal, Romania etc. which have to be fully integrated in these networks.

Furthermore we recommend to continue the efforts in shifting the transport volume from the road to railway and inland water vessels in order to maintain the operational capability of road transports.

## **(2) Funding and Pricing**

EU should prioritise the measures in a way that finally will not let raise the transport prices in general. The freedom of circulation of goods and persons has to be guaranteed. Freights have in future as now and before to be affordable. Citizens and undertakings within the EU must have a real choice between the different means of transport. Therefore a legislator should not "penalise" individual transport solutions unreasonably. Basically, all the different means of transport have their own specific advantages and effects. The free choice to choose individual transport solutions is a key to maintain high productivity and an expression of freedom. Unreasonable funding and pricing can have serious impacts on the productivity in particular, and the freedom of circulation of goods and persons in general.

## **(3) Technology**

The European Commission should accept the market forces and only take indirect steps to steer this market.

Qualified for this purpose should be measures as

- tax-incentives,
- financing of research,
- subsidies for clean transport or
- relevant support programmes.

## **(4) Legislative Framework**

- (a) What can the EU do? Relevant for marine insurance are only security standards. According to this item we support the courageous dealing with selected problems. The European Com-

mission should in any way not accept compromises (like the EU programmes SETPOS and LABEL did concerning parking security).

- (b) Which sectors? Especially cargo securing- or car parking-problems.
- (c) What measures? Any affordable measures.

German Marine Insurers think it necessary to speed up law suits in most EU-Member States concerning recovery claims of insurance companies concerning cargo claims. It is necessary to increase the relevant legal certainty in most countries.

The German Motor Insurers are as well concerned by legislation in the transport sector. The main interest and request is that new rules fit into the existing well functioning and proved system of rules. The example of the proposal for a Regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport shall highlight this request:

The German insurance industry endorses the basic idea of protecting the rights of bus and coach passengers as consumers. Although, in first instance, the proposed Regulation contains rules concerning the contractual relationship between the company and the bus or coach passenger, it does not restrict the scope to such contractual relationships. In violation of the system, it covers also accident situations from which claims for damages arise for the passenger as an accident victim, already irrespective of the contractual relationship with the bus and coach operator. Precisely protection of road accident victims is already today governed comprehensively by the European Motor Insurance Directives.

If the proposed Regulation was also applicable to road accident victims, this would entail distortions within the existing system of rules. Ultimately, a group of accident victims (bus and coach passengers) would be privileged in certain situations to the detriment of other accident victims (outside buses and coaches). On the other hand, the Regulation, which would be applicable with precedence, might also entail that in other situations more favourable national rules will be replaced exclusively to the detriment of bus and coach passengers.

As far as any harmonisation with a view to an alignment of national regulations seems to be necessary within the scope of a proposed Regulation, any new complementary rule has to fit into the existing systems of rules. The example above shows that there is no need for a regulation that tries to solve a problem that may not verifiably exist

but definitely creates a new one. The European Commission should try to focus on the main topic – in that case consumer protection - and not questions of liability in connection with road traffic accident victims. There is a – not to be underestimated – risk that a well-intentioned project implements “collateral damages”.

#### **(5) Behaviour**

The European Commission should not impact sound planning and change of habits of market participants. The market actors do well know their responsibility for the environment and are aware of it and behave accordingly. One example for this is the market trend of “green logistics”. The European Commission should only build the framework for the functioning of the green logistics.

Moreover the European Commission should adjust the basic conditions for the different modes of transport concerning pricing, accuracy, reliability and accessibility.

#### **(6) Coordinated Action**

In our view the future transport policy needs a mutual legal framework and mutual basic conditions. Local authorities and regional distinctions should be respected and strengthened.

The European Commission should act as a know-how-centre and transfer this know-how to the local authorities.

#### **(7) External Dimension**

As already pointed out the European Commission should only build the framework to enable the local authorities and the market participants to take the necessary steps.

The role of the European Commission should be to convince and to link the parties but not to solo attempt the issues. In this respect the European Commission should care to avoid that EU-legislation is hindering the EU economy in the global competition.

Berlin, 30 September 2009