

TRANSPORT NEWSLETTER APRIL 2011

The Spanish Government will pass a new National Plan on Civil Aviation Operational Safety

Act 1/2011 of 4 March, referring to a National Plan on Operational Safety in the civil aviation area, was published last 5 March in the Spanish Official Gazette (BOE), amending Act 21/2003 of 7 July, the Air Safety Act. Said Act provides that the Spanish Government will pass a National Plan aimed at strengthening safety levels and preventing eventual accidents and incidents by implementing a safety-management system. The Act will also determine which public administrations and other public and private entities will be subject to the National Plan as well as the extent of their obligations. The Law ensures protection of the information supplied in the National Plan context and also reforms the Commission of Accidents and Incidents Research in the area of Civil Aviation. The purpose of this Act is to improve the abilities and supervision activities of the Air Safety National Agency and to reinforce protection of air transport users by increasing the control over airlines' compliance with the obligations established by the EC regulations.

Sustainable Economy Act 2/2011 of 4 March

Within the scope of transportation and sustainable mobility, the recently passed Sustainable Economy Act (SEA) aims at increasing economic and environmental efficiency as well as competitiveness. Its various targets include a periodical classification of transportation markets; defining the concept of public interest transport service and awarding of subsidies; decreasing the length of concession terms of long-distance passenger transport and enabling the incorporation of other operators into the area.

The SEA promotes the implementation of sustainable mobility plans in the regional and municipal spheres; in its pursuit of more sustainable ways of travelling, it seeks to encourage the use of collective transport systems by reducing individual transport. In this regard, the Administration will encourage the development of transport plans in companies; a Sustainable Mobility Committee will coordinate the activities of the Public Administrations, will assess the actions that have been implemented and will provide information on regulations that might have affect mobility; the use of electronic cars will be encouraged, the network of railway freight transport will be adapted in order to allow the circulation of at least 750 metre-long freight trains and the daily railway connections in public interest ports; a body regulating the area of transport will integrate the duties of the Railway Regulation Committee and the regulation of other methods of transport.

The Council of Ministers authorises the incorporation of Aena Aeropuertos, S. A.

Last 25 February, the Council of Ministers subscribed an agreement authorising the incorporation of Aena Aeropuertos, S.A., a state-owned corporation which will now assume the duties and obligations derived from the management and operation of airport services that were being performed up to now by the public company Aena.

Establishment of measures for regulating freight road transport in 2011

A decision from the Spanish General Traffic Division last 29 December 2010 and published at the Spanish Official Gazette on 11 January 2011 establishes special traffic regulation measures addressed to improving road safety, mobility and traffic flow in those periods of the year when heavy traffic is expected and also regarding the high risks involved in connection with the freight transported by certain vehicles. Additionally, the Catalan Traffic Service, through its decision IRP/4155/2010 of 21 December, published in the Spanish Official Gazette last 27 January 2011, has laid down some measures for regulation of traffic and transportation in the Catalonia area; likewise, the Basque Traffic Division has passed a decision dated 22 December 2010, published in the Spanish Official Gazette on 5 January 2011 and amended in the Official Gazette dated 20 January 2011.

General guidelines of the 2011 General Plan for Tax Control

Through its decision dated 2 February 2011, the Management Board of the Tax Administration National Agency has approved the main guidelines of the 2011 General Plan for Tax Control.

Actions aimed at exercising control on foreign trade and special taxation will be focused on the assessment of the goods seized in Customs, the proceedings related to the safety of the whole logistics chain and the application of Tax exemption or credit, particularly with regards to the Excise Tax for Mineral Oils or the Excise Tax for Certain Modes of Transportation.

Maximum compensation for air and maritime shipping to or from the Canary Islands increases up to 70%

The Government has complied with its commitment to increase subsidies directed to air and maritime shipping, to or from the Canary Islands, gradually up to 70% in the 2010-2012 period. Royal Decree 349/2011 of 11 March, enforced last 26 March 2011, stipulates that maximum compensation for maritime and air shipping to and from the Canary Islands will be increased up to 70%, for goods included in Annex I of the Treaty establishing the European Community, approved by means of Royal Decree 170/2009 of 13 February. Royal Decree 350/2011 of 11 of March, also to be taken into account, allows for an increase of up to 70% in the maximum compensation for air and maritime shipping to and from the Canary Islands, for goods not included in Annex I of the Treaty establishing the European Community, approved by means of Royal Decree 36/2009 of 20 March.

Aragón Autonomous Region has been transferred responsibility in the management of airports, aerodromes and heliports.

Royal Decree 171/2011 of 11 February, published in the Spanish Official Gazette last 16 February, has approved the transfer of services and duties concerning the management of airports, aerodromes and heliports, other than leisure airports and aerodromes or those rated as public interest ones, to the Aragón Autonomous Region. Traditionally said services were handled by the Spanish National Administration,

EU's proposal on passenger data

The European Commission has submitted a draft for a Regulation aimed at fighting crime and terrorism. Said Regulation will oblige airline companies to provide UE's member countries with data corresponding to passengers entering or leaving the EU.

2050 Transport Road Map

Through the 2050 Transport Road Map, the European Commission has adopted a series of measures that have been designed to create a European single space for competitive transportation that interconnects the EU ground, air, sea, fluvial and railway transport networks and also contributes to reduce transport-related carbon emissions up to 60%.

With regards to interurban transport, these initiatives seek to transfer 50% of passenger middle-distance or ground freight transport to railway and fluvial transport. In long-distance journeys and intercontinental shipping, air and maritime shipping will prevail. The Road Map also pursues the goal of creating a European Single Sky and the implementation of smart systems for air and water transport management. In the field of urban transport, the main target is to reduce progressively the use of vehicles running with conventional fuels.

Spain to appear before the EU Court of Justice on account of the EU regulations on Travel Agency VAT

Travel Agencies are allowed to subscribe to a margin-based taxation system when selling package trips to individual travellers; however, this system will not apply to travel agencies selling package holiday trips to other companies, particularly if these are travel agencies that purchase the trips for re-sale purposes. Spain is allowing the margin-based taxation system to be wrongly applied to sales performed between travel agents, this behaviour leading to distortion of competition.

BARCELONA

Beethoven 13, 7º
08021 Barcelona
Tel:3493 241 30 20
Fax: 34 93 414 38 85 / 11 57
bcn@pintoruizelvalle.com
www.pintoruizelvalle.com

MADRID

Velázquez 146, 1º Dcha
28002 Madrid
Tel: 34 91 563 86 78
Fax:34 91 563 32 29
ma@pintoruizelvalle.com
www.pintoruizelvalle.com

PALMA

Sindicato, 69-7º
Edificio Banco Santander
07002 Palma de Mallorca
Tel:34971 71 60 29
Fax: 34 971 71 90 75
palma@pintoruizelvalle.com

ALICANTE

César Elguezábal 39, pp 1 dcha
03001 Alicante
Tel:34 96 514 39 28
Fax 34 96 514 53 53
ali@pintoruizelvalle.com
www.pintoruizelvalle.com

Member of PANNONE LAW GROUP / A.E.I.E.

Alicante, Andorra, Beijing, Barcelona, Berlin, Brussels, Buenos Aires, Dili (Democratic Republic of Timor -Leste), Düsseldorf, Frankfurt am Main, Genève, Lisboa, London, Lyon, Madrid, Manchester, Milano, Montevideo, Montreal, München, Nicosia, Palma de Mallorca, Paris, Québec, Roma, Rotterdam, San José de Costa Rica, Santiago de Chile, Sao Paulo, Shanghai, Tel-Aviv, Trois Rivières, Warsaw and Vienna.

© April 2011 Pintó Ruiz & Del Valle