



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.04.1996

COM(96) 182 final

95/0121 (SYN)

95/0122 (SYN)

95/0123 (SYN)

95/0121 (SYN)

**Amended proposal for a
Council Directive
on the systems of chartering and pricing in national and international inland waterway
transport in the Community**

95/0122 (SYN)

**Amended proposal for a
Council Regulation (EC)
amending Council Regulation (EEC) No 1101/89 on structural improvements in inland
waterway transport**

95/0123 (SYN)

**Amended proposal for a
Council Regulation (EC)
amending Council Regulation (EEC) No 1107/70 on the granting of aids for transport by
rail, road and inland waterway**

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

**Amended proposals relating to the common policy on the organization of
the inland waterway transport market and supporting measures**

EXPLANATORY MEMORANDUM

At its plenary part-session of 13 February 1996 the European Parliament approved, subject to several amendments, the following proposals⁽¹⁾ presented by the Commission in the framework of a Communication on a common policy on the organization of the inland waterway transport market and supporting measures:

- I.** Council Directive on the systems of chartering and pricing in national and international inland waterway transport in the Community;
- II.** Council Regulation (EC) amending Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport;
- III.** Council Regulation (EC) amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road and inland waterway.

- With regard to proposal I the Commission has accepted the amendments concerning recital 4a (new) and the first subparagraph of Article 10(1), since they reinforce and update the original text.

- With regard to proposal II the Commission has accepted the amendments concerning recital 2, recital 4, Article 1 and Article 2, which provide for the possibility of a scrapping operation after 1995 for an additional period of four years until 1999 inclusive, and which create a legal basis for a contribution from the Community budget to the restructuring operation for a further year compared with the Commission proposal. The Commission recognizes that the large-scale scrapping scheme could run until 1999, the eve of full liberalization of the market, while maintaining its objective to reduce overcapacity by scrapping 15% of the total loading tonnage. In this context, the contribution from the Community budget to co-finance the scheme could be extended by one year until 1999. In addition, in order to avoid any budgetary problems at the end of 1996, it would indeed be preferable if the Regulation entered into force on the actual day of its publication.

⁽¹⁾ OJ C 318, 29.11.1995, p. 8.

- With regard to proposal III the Commission has accepted the amendments concerning the third and fifth paragraph of Article 1, as they are in line with the philosophy of these aids and extend by six months the period for the Commission proposal to be presented to the Council on expiry of the arrangements.

The Commission therefore amends its proposals as follows:

I.

Amended proposal for a 95/0121 (SYN)
Council Directive
on the systems of chartering and pricing in national and international inland waterway transport in the Community

Original proposal

Amended proposal

Recital 4a (new)

Whereas the Member States adopt accompanying social measures to assist carriers who close down their businesses;

Article 10(1)

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1996. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their publication. The procedure for such references shall be adopted by the Member States.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their publication. The procedure for such references shall be adopted by the Member States.

II. **Amended proposal for a
Council Regulation (EC)
amending Council Regulation (EEC) No 1101/89 on structural improvements in inland
waterway transport**

Recital 2

Whereas Council Regulation (EEC) No 1101/89 provides for the possibility of Community financing for 1995 to 1998; whereas the procedure for 1996, 1997 and 1998 has still to be determined;

Whereas Council Regulation (EEC) No 1101/89 provides for the possibility of Community financing for 1995, and whereas Community financing should also be possible in the years immediately following that year up to and including 1999;

Recital 4

Whereas public contributions must be granted annually, in line with the contributions made by the trade; whereas measures are scheduled for a period of three years from 1996 to 1998; whereas they must be assessed annually;

Whereas public contributions must be granted annually, in line with the contributions made by the trade; whereas measures are scheduled for a period of four years from 1996 to 1999; whereas they must be assessed annually;

Article 1

Article 4a(1) of Regulation (EEC) No 1101/89, as amended on 5 December 1995, reads as follows:

"For the years 1995, 1996, 1997, 1998 and 1999 the funds referred to in Article 3 may be resourced by means of financial contributions from the Community."

The following paragraphs are added to Article 4(a) of Regulation (EEC) No 1101/89:

The following paragraphs are added to Article 4(a) of Regulation (EEC) No 1101/89:

"4. Financial contributions from the Community for 1996, 1997 and 1998 shall not be more than double the contributions from the trade.

5. The Member States in question shall jointly make available from their funds similar amounts to those from the Community for the years mentioned in paragraph 4. The proportionate share of each Member State concerned shall be calculated against the size of its active fleet as compared with the Member States. These amounts shall be determined by the Commission in conjunction with the authorities of the various scrapping funds.

6. At the beginning of each year during the scrapping operations for 1996 to 1998, the Commission shall lay down, as part of this Regulation, the procedures for scrapping for the year in progress as a function of available finances, market developments and liberalization measures taken."

"3. The annual amount of financial contributions from the Community for 1996, 1997, 1998 and 1999 shall not be more than double the contributions from the trade.

4. The Member States in question shall, for the period mentioned in paragraph 3, make available from their funds amounts that are sufficient when used together with those from the Community to achieve the structural reorganization envisaged. The proportionate share of each Member State concerned shall be calculated against the size of its active fleet as compared with the Member States. These amounts shall be determined by the Commission in conjunction with the authorities of the various scrapping funds.

5. At the beginning of each year during the scrapping operations for the period referred to in paragraph 3 the Commission shall lay down, as part of this Regulation, the procedures for scrapping for the year in progress as a function of available finances, market developments and liberalization measures taken."

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

III. **Amended proposal for a
Council Regulation (EC)
amending Council Regulation (EEC) No 1107/70 on the granting of aids for transport by
rail, road and inland waterway**

Article 1

(No change to the first two paragraphs)

The beneficiaries of this aid shall undertake to provide new or additional transport tonnage on the inland waterway, to be determined with the competent authorities of the Member States, for a period of five years. In the event of failure to honour this undertaking the aid shall be recovered by the competent authority.

No later than 31 July 1999 the Council shall decide, on a proposal from the Commission and under the conditions set out in the Treaty, on subsequent arrangements or, where appropriate, on the conditions for terminating those arrangements.

The beneficiaries of this aid shall undertake to provide new or additional transport tonnage on the inland waterway, to be determined with the competent authorities of the Member States, for a period of five years. In the event of failure to honour this undertaking, all or part of the aid may be recovered by the competent authority.

No later than 31 December 1999 the Council shall decide, on a proposal from the Commission and under the conditions set out in the Treaty, on subsequent arrangements or, where appropriate, on the conditions for terminating those arrangements.

ISSN 0254-1475

COM(96) 182 final

DOCUMENTS

EN

07

Catalogue number : CB-CO-96-190-EN-C

ISBN 92-78-03098-8

Office for Official Publications of the European Communities

L-2985 Luxembourg