

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 71 final

Brussels, 25 February 1982

Amended proposal for a

COUNCIL DIRECTIVE

on certain measures to promote the development of combined transport

(presented by the Commission to the Council
pursuant to the second paragraph of Article
149 of the EEC Treaty)

COM(82) 71 final

EXPLANATORY MEMORANDUM

On 22 December 1980 the Commission submitted to the Council a proposal for a directive on certain measures to promote the development of combined transport (1).

At its sitting of 18 September 1981, the European Parliament approved the proposal for a directive but moved an amendment asking that certain changes be made to the text.

After careful study of the changes requested by Parliament, the Commission decided to accept these changes and alter its original proposal.

The attached proposal embodies these changes.

The changes the Commission is making to its proposal chiefly concern legal references to acts already adopted by the Council on this subject, the possibility of preparing a new directive specifically for maritime transport and air transport and the possibility of including the transport trade unions on the committee which is to help the Commission work out a common policy on combined transport.

These changes to the original proposal should promote a better development of combined transport.

First recital

Since the Council has already adopted two directives on combined transport (Directives 75/130/EEC and 79/5/EEC), they should be referred to in the first recital without modifying the preamble.

Third recital (new)

Combined air and sea transport within the Community cannot be brought within the scope of this directive simply by adding to the text. Because of their specific features, these modes would have to be the subject of a special directive.

Fifth recital

In fact, it is not necessary to mention "by recognition of its particular characteristics" in connection with the aim of development measures because the technique is now widely known.

Ninth recital

Specific reference should be made to the problems caused to combined transport if Member States do not take steps to accelerate and facilitate customs clearance at frontier crossings.

Article 3 (new paragraph 3)

It may prove advisable to extend this time limit if there are not enough road vehicles used solely for road haulage to ensure proper development of the combined transport market.

Article 9 (new paragraph 2)

In fact it would be useful to circulate this report to the European Parliament in view of the economic and political importance of developing combined transport.

Article 10 (paragraph 2)

The fact of including transport trade unions on the committee should extend social, economic and political cooperation in carrying out the committee's work.

Amended proposal for a Council directive on certain measures to promote
the development of combined transport

Current proposal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the development of combined transport is a matter of public interest; whereas as large as possible an expansion of this transport on appropriate routes helps to relieve road congestion and thereby to improve road safety and the environment; whereas a combination of the advantages specific to several modes of transport is in the economic interest both of consignors and of carriers; whereas combined transport, by taking a larger share of the market, can help to place the railways on a sounder footing; whereas, finally it is important that this development be linked with energy problems and their effects on transport economics;

Whereas the various techniques of combined transport have made remarkable progress in recent years; whereas the present rates of growth in both container and road/rail traffic are already impressive; whereas this favourable trend is not confined to road/rail cooperation but also extends to inland navigation, in particular on the Rhine;

Proposed changes

Unchanged

Whereas the pioneer effect of directive 75/130/EEC (1), as amended by directive 79/5/EEC (2), did much to develop combined transport and whereas therefore other measures should also be taken to continue this development which is now in the public interest;

Remains unchanged after the second line, i.e.: "whereas as large as possible an expansion..... on transport economics;"

Unchanged

"whereas combined transport, which includes maritime transport - including car ferries - or air transport, also of increasing importance; where provisions should be laid down to promote it in a further separate directive as soon as possible;"

(1) OJ L 48 of 22.2.1975, page 31
(2) OJ L 5 of 9.1.1979, page 33

Whereas this development could be even more marked if combined transport were, on the one hand, freed from certain administrative restrictions and, on the other hand, facilitated by measures which had a stimulating effect;

Unchanged

Whereas in principle, the aim of development measures should be to free combined transport, by recognition of its particular characteristics, from the regulations applying to the carriage of goods by conventional methods; whereas the development of this transport technique must depend on the market, without the imposition of useless administrative constraints.

Whereas, in principle, the aim of development measures should be to free combined transport from the regulations applying to the carriage of goods by conventional methods; whereas the development of this transport technique must depend on the market, without the imposition of useless administrative constraints.

Whereas, since the combined transport technique leads to reduction in road congestion, it is logical to reduce taxation on the use or possession of commercial vehicles employed in combined transport operations to the extent that they are carried by the rail;

Unchanged

Whereas, in order to stimulate the transfer of goods at present carried by road over long distances to combined means of transport, exemption from these taxes for an experimental period could be considered for road vehicles which are used exclusively for road haulage as covered by this Directive;

Unchanged

Whereas pursuit of the objective of this directive requires that limitations on market access and obligations in respect of prices should be renounced; whereas, in this context, the criteria relating to carriage on own account should be relaxed;

Unchanged

Whereas efforts must be continued to facilitate frontier crossing for combined means of transport also, particularly in view of the constantly increasing difficulties on certain routes; whereas, meanwhile, the measures necessary to facilitate the customs clearance of this form of transport will be taken within the framework of Community transit regulations;

Whereas the Governments of the Member States must be vigorously requested to extend the measures facilitating frontier crossing for combined transport; whereas this form of transport loses its attraction if it takes too long to obtain customs clearance at frontier crossings; whereas measures to accelerate customs clearance in combined transport must be adopted immediately by means of further Community transit regulations.

Unchanged

Whereas efforts must likewise be made to improve statistics, in which there are still gaps, particularly with an eye to the measures to be taken in the future in the combined transport sector;

Whereas, the harmonization of technical standards for rolling stock represents an important task in view of the number of problems to be solved in the future;

Unchanged

Whereas, in light of the experience gained, a network for combined transport which is of Community interest and which meets the needs of the market has to be developed;

Unchanged

Whereas, in order to facilitate the attainment of the objectives of the common policy in this sector, it is advisable to set up a committee consisting of experts active in the various combined transport sectors to advise the Commission on problems in the field of combined transport,

Unchanged

HAS ADOPTED THIS DIRECTIVE:

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Article 1
(Scope)

Article 1

This directive shall apply to:

Unchanged

- combined transport between Member States, including such transport when it is transit through the territory of another Member State or of a third country;
- combined transport within a Member State.

Article 2
(Definitions)

Article 2

For the purposes of this directive:

1. "Combined transport" means:

Unchanged

- transport of goods where the lorry, trailer, semitrailer (with or without tractor unit) or their swap body and container of 20 feet or more are transported by rail between the nearest suitable rail loading station to the point of loading and the nearest suitable rail unloading station to the point of unloading;
- the carriage of containers of 20 feet or more by inland waterway, including feeder and final delivery carriage by rail or road to and from the nearest suitable port of loading and unloading respectively;

2. "Road haulage" means:

haulage by road of a trailer, semi-trailer, swap body or of a container of 20 feet or more on the feeder or final delivery section of a combined transport operation.

Article 3

(Tax exemptions)

1. Member States shall take the measures necessary to ensure that, with effect from 1 January 1982, taxation on the use or possession of commercial vehicles applicable to road vehicles used in combined transport shall be reduced in proportion to the distance which such vehicles are carried by rail. In respect of combined transport between Member States, this reduction shall relate to the whole distance covered by rail.
2. With effect from the same date and until 31 December 1986, road vehicles used solely for road haulage may be exempted from these taxes.

Article 3

Unchanged

Unchanged

3. In good time before 31 December 1986 the Commission shall examine the situation as regards combined transport and shall, if necessary, submit to the Council proposal to extend this time limit.

Article 4

(Access to the market)

1. Member States shall take the measures necessary to ensure that, with effect from 1 January 1982,
 - carriage by road performed as part of a combined transport operation in a Member State shall not be subject to any quota system or other quantitative restriction affecting access to the market;
 - for carriage by road on own account in a combined transport operation, road vehicles used for road haulage need not necessarily belong to the undertaking which carries out transport operations on its own account, be bought on credit by the latter or be driven by employees of that undertaking.
2. Member States shall take the measures necessary to ensure that, with effect from 1 January 1982, journeys falling under the heading of road haulage shall be exempt from general prohibitions on road movement laid down by non-local authorities in respect of certain days or during certain periods.

Article 4

Unchanged

Article 5

(Price formation)

Member States shall take the measures necessary to ensure that, with effect from 1 January 1984, carriage by road or inland waterway performed as part of combined transport operations in a Member State shall be exempted from any compulsory system of charges. If necessary, reference charges can be introduced for these transport operations.

Article 5

Unchanged

Article 6
(Frontier crossing)

Article 6
Unchanged

The Member States, in collaboration with the Commission, shall take the measures necessary to simplify the administrative and technical procedures applied to combined transport between Member States as regards frontier crossings. In particular, these measures must facilitate increased cooperation between the railway undertakings in this sector.

Article 7
(Statistics)

Article 7

1. The Member States, in collaboration with the Commission, shall improve their transport statistics in order to produce specific and detailed information on combined transport, with particular regard to:

Unchanged

- traffic links;
- number of consignments;
- distances covered;
- tonnages carried;
- services performed in terms of tonne-kilometres.

2. Before 1 January 1986, and on a proposal from the Commission, the Council will adopt the measures necessary to develop and harmonize statistics on combined transport at Community level.

Article 8

Article 8

(Infrastructure and technical harmonization)

Before 1 January 1983, on a proposal from the Commission, the Council will adopt the necessary measures with a view to:

Unchanged

- defining a network of Community interest covering the railway lines and trans-shipment centres needed for the development of combined transport;
- harmonizing the national provisions concerning rolling stock and equipment used in trans-shipment centres for combined transport in order to eliminate incompatibilities at the technical level which impede the carrying out of these transport operations;
- promoting the development of rolling stock with common technical characteristics for combined transport.

Article 9

(Report)

Every two years, and in the first instance by 1 January 1983, the Commission shall draw up a report to the Council on the development of combined transport as well as on the application of Community law in this field.

Article 10

(Consultative committee)

1. A committee is hereby set up in order to:

- assist the Commission in developing the common transport policy in respect of combined transport;
- facilitate at Community level the resolution of practical problems hindering the development of combined transport;
- assist the Commission in drawing up the report referred to in Article 9;
- formulate opinions on questions in the field of combined transport referred to it by the Commission.

2. The committee shall consist of two experts from each of the following sectors:

- rail;
- road haulage;
- inland waterways;
- commercial organizations specializing in combined transport;
- ports;
- transport agents; and
- users;

The Commission may invite other experts to participate in the committee's work on specific questions.

3. The committee shall have as chairman a representative of the Commission which shall also provide secretarial services.

Article 9

Unchanged

2. The report shall be notified to the European Parliament

Article 10

Unchanged

2. The committee shall consist of two experts from each of the following sectors:

- rail;
- road haulage;
- inland waterways;
- commercial organizations specializing in combined transport;
- ports;
- transport agents;
- users;
- transport trade unions.

Unchanged

Article 11

(Implementing measures)

The Member States shall, not later than six months before the dates when the various provisions of the directive are to apply, communicate to the Commission for consultation, the laws, regulations and administrative provisions needed for the implementation of this directive.

Article 12

This directive is addressed to the Member States

Article 11

Unchanged

Article 12

Unchanged