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REPORT

drawn up on behalf of the committee on transport

on the proposal from the Commission of the European Communities to the Council (Doc. C 2-51/85 - COM(85) 211 final) for a directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined transport of goods between Member States

Rapporteur: Mr J. KLINKENBORG



By letter of 19 June 1985 the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined transport of goods between Member States.

On 8 July 1985 the President of the European Parliament referred this proposal to the Committee on Transport.

At its meeting of 27 November 1985 the committee appointed Mr KLINKENBORG rapporteur and considered the draft report.

At its meeting of 19 December 1985 the committee decided by fourteen votes to none with three abstentions to recommend that Parliament approve the Commission's proposal, subject to the following amendments.

The committee then adopted the motion for a resolution as a whole by sixteen votes to none with four abstentions.

The following took part in the vote which was conducted by Mr ANASTASSOPOULOS: Mr KLINKENBORG (vice-chairman and rapporteur); Mrs BRAUN-MOSER, Mr CAROSSINO, Mr CLINTON (deputizing for Mr Baudis), Mr CORNELISSEN (deputizing for Mr Starita), Mr EBEL, Mrs FAITH, Mr FATOUS, Mr K.-H. HOFFMANN, Mr LALOR (deputizing for Mr Roux), Mr MARSHALL, Mr NEWTON DUNN, Mr REMACLE, Mr ROSSETTI, Mr STEVENSON, Mr STEWART (deputizing for Mr Cryer), Mr TOPMANN, Mr VISSER, Mr Van der WAAL and Mr WIJSENBEK.

The report was tabled on 20 December 1985.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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The Committee on Transport hereby submits to the European Parliament the following amendments to the Commission proposal, and motion for a resolution with explanatory statement:

Proposal for a Council directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined transport of goods between Member States

Text proposed by the Commission

Amendments tabled by the Committee  
on Transport

Preamble

unchanged

Article 1(1)

Amendment No. 1

Directive 75/130/EEC is hereby amended as follows:

1. The third indent of Article 1(1) is replaced by the following:

'- combined transport by inland waterway means the transport of lorries, trailers, semi-trailers with or without tractor, swap bodies and containers of 20 feet or more by inland waterway between Member States, including initial and terminal sections of road transport runs within a radius of up to 150 km as the crow flies from the inland-waterway port of shipment or unloading.'

Directive 75/130/EEC is hereby amended as follows:

1. The third indent of Article 1(1) is replaced by the following:

'- combined transport by inland waterway means the transport of lorries, trailers, semi-trailers with or without tractor, swap bodies and containers of 20 feet or more by inland waterway between Member States, including initial and terminal sections of road transport runs within a radius of up to 75 km as the crow flies from the inland-waterway port of shipment or unloading.'

Article 1(2) and (3)

unchanged

Article 1(4)

The following Articles 11 and 12 are inserted:

'Article 11 (unchanged)

Text proposed by the Commission

Amendments tabled by the Committee  
on Transport

Amendment No. 2

Article 12

Initial or terminal road haulage in the context of combined road/rail transport or combined transport on inland waterways shall be exempt from general prohibitions on road movement laid down by non-local authorities in respect of certain days or during certain periods.

Initial or terminal road haulage in the context of combined road/rail transport or combined transport on inland waterways shall be exempt from general prohibitions on road movement laid down by non-local authorities in respect of certain day or during certain periods. This exemption shall not extend to prohibitions on traffic movements on Sundays and public holidays'.

Article 1(5)

unchanged

Articles 2 and 3

unchanged

## MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined transport of goods between Member States

The European Parliament,

- having regard to the proposal from the Commission to the Council<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. C 2-51/85),
  - having regard to its resolution of 18 September 1981<sup>2</sup> on the basis of the GABERT report on measures to promote the development of combined transport (Doc. 1-395/81),
  - having regard to the report of the Committee on Transport (Doc. A 2-193/85),
- A. whereas it is in the interests of the common transport policy to promote combined transport,
  - B. whereas combined road/rail and road/inland waterway transport should as far as possible be given equal treatment,
  - C. whereas, in order to avoid upheavals in the freight markets, liberalization and harmonization measures should be coordinated,
  - D. whereas combined roll on/roll off transport should also be made possible in inland waterway transport,
  - E. whereas own-account transport operators should be able to enjoy the benefits of combined transport;
  - F. whereas, given the reasons underlying prohibitions on traffic movements on Sundays and holidays, an exemption in respect of combined transport cannot be justified,
1. Welcomes the Commission's proposals, subject to the amendments, justified in the above recitals, as positive steps to promote combined transport and towards a common transport policy;
  2. Believes that further measures are required at Community level to promote combined transport, and in particular points out the need to improve still further the infrastructures required for combined transport;

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<sup>1</sup>OJ No. C 139, 7.6.1985

<sup>2</sup>OJ No. C 260, 12.10.1981, p. 120 et seq.

3. Calls upon the Council to adopt without delay the Commission's proposals as amended by Parliament;
4. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.



EXPLANATORY STATEMENT

Essentially, the Commission's proposal of 20 May 1985 amending Directive 75/130/EEC is intended to make the following changes in respect of combined transport:

I. Combined transport by inland waterway

1. Combined transport by inland waterway is at present exempt from all quotas and authorizations only:

- for containers of 20 feet or more and
- where feeder and final delivery transport by road does not exceed a radius of 50 km as the crow flies from the inland waterway port of shipment or unloading<sup>1</sup>.

2. The Commission is now proposing that:

- liberalized combined transport by inland waterway shall also include roll-on/roll-off transport and
- the zone of liberalized feeder and final delivery transport should be extended to a radius of 150 km.

3. In its resolution of 18 September 1981<sup>2</sup> the European Parliament called for completely equal treatment for combined transport, whether road/rail or road/inland waterway.

4. On the basis of the principles adopted by the European Parliament, the inclusion of roll-on/roll-off transport in the arrangements for combined road/inland waterway transport is to be welcomed. However, it is difficult to treat combined road/rail and road/inland waterway transport completely equally in respect of the initial and terminal sections of road transport. In respect of combined road/rail carriage, transport from the point of loading to the nearest suitable rail loading station and from the nearest suitable rail unloading station to the point of unloading have been liberalized. In respect of combined road/inland waterway transport, the widely-spaced waterway network and the limited number of suitable trans-shipment ports make it necessary to limit the zone within which feeder and final delivery transport is liberalized.

5. How this limit is to be set does of course depend on the view taken of liberalization and harmonization in the transport industry. For those in favour of complete liberalization any limit (at least in respect of authorizations) is superfluous. For those who favour a gradual process of harmonization hand in hand with liberalization, the zone within which feeder and final delivery transport is liberalized should not be too suddenly

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<sup>1</sup>Article 1(1) third indent, Directive 75/130/EEC as last amended by Directive 82/603/EEC of 28 July 1982 (OJ No. L 247, 23.8.1982, p. 6)

<sup>2</sup>OJ No. C 260, 12.10.1981, p. 120 et seq., on the basis of the GABERT report (Doc. 1-395/81)

enlarged, and the effects carefully noted. If the market trends are favourable and further progress is made on harmonization, further action could be considered at a later date. As a first step it would seem appropriate to extend the radius for initial and terminal sections to 75 km as the crow flies from the port of shipment or unloading.

## II. Own-account combined transport

6. Own-account transport within the Community is of course free of any quotas. At present however, undertakings engaged in own-account road haulage do find it difficult to exploit the possibilities of combined transport, as the vehicle used in own-account haulage must belong to the undertaking in question or be hired by it. Combined transport is however often economic only if the initial and terminal haulage is carried out using tractors not belonging to the same undertaking, but, for example, to the shipper and consignee. At present this does not legally constitute own-account transport, with the result that undertakings are tending to keep their traffic on the roads.

7. The Commission is therefore proposing that liberalization for own-account transport be extended to combined road/rail or road/inland waterway transport operations if the road journey's are carried out by a tractor which

- either belongs to the same economic entity or
- belongs to the undertaking which is the recipient or sender of the goods transported.

8. By resolution of 18 September 1981<sup>1</sup> the European Parliament has already approved a fundamentally similar proposal. The Council failed to comply with the European Parliament's wishes on this point, and on 14 June 1985 the President of the European Parliament wrote to the Council asking for its reasons. The Council has yet to reply.

9. There are no objections to this proposal. On the one hand, own-account combined transport cannot be accused of taking traffic from the railways; on the other, it is most desirable from a transport policy point of view for certain long distance freight operations to be transferred from road to rail or inland waterway as combined transport.

10. In accordance with the European Parliament's present policy of promoting combined transport, this aspect of the proposal should be approved.

## III. Lifting certain restrictions on initial and terminal road journeys

13. Nearly all Member States have certain restrictions on road haulage at certain periods, e.g. at weekends, holidays and the beginning and end of holiday periods.

14. The Commission is therefore proposing that initial and terminal road transport sections of combined transport operations be exempted from such restrictions. It assumes that this will increase the attraction of combined transport to industry.

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<sup>1</sup>OJ No. C 260, 12.10.1981, p. 120 et seq.

15. In its resolution of 18 September 1981<sup>1</sup> the European Parliament approved a Commission proposal to the same effect.

16. In its opinion of 30 October 1985<sup>2</sup> the Economic and Social Committee rejected the proposal on this point in particular because:

- given the reasons for the bans, there was no justification for any distinction between the combined transport operations and other road-haulage journeys, and
- the costs of operators could rise and there might be unforeseen social consequences;

17. Parliament should therefore revise its attitude to this aspect of the proposal.

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<sup>1</sup>OJ No. C 260, 12.10.1981, p. 120 et seq.  
on the basis of the GABERT report (Doc. 1-395/81)

<sup>2</sup>CES 927/85