



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.4.2004  
COM(2004) 361 final

2003/0056 (COD)

Amended proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on intermodal loading units**

(presented by the Commission  
pursuant to Article 250 (2) of the EC Treaty)

## **EXPLANATORY MEMORANDUM**

### **Background**

On 7 April 2003 the Commission proposed a European Parliament and Council Directive on intermodal loading units (COM (2003) 155). Pursuant to Articles 251(2), 71(1) and 80(2) of the EC Treaty, the proposal was submitted to the Council and to the European Parliament (2003/0056(COD)), as well as to the European Economic and Social Committee and the Committee of the Regions.

The European Economic and Social Committee delivered its opinion on 29 October 2003. There is no opinion expected from the Committee of the Regions.

At the sitting of 10 April 2003, the President of the European Parliament announced that he had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the Committee responsible and the Committee on Industry, External Trade, Research and Energy for its opinion (C5-0167/2003).

The Committee on Industry, External Trade, Research and Energy decided on 22 May 2003 not to deliver an opinion.

The Committee on Regional Policy, Transport and Tourism appointed Ulrich Stockmann rapporteur at its meeting of 24 April 2003. The Committee considered the Commission proposal and draft report at its meetings of 4 November 2003 and 20-21 January 2004. At the last meeting it adopted the draft legislative resolution by 41 votes to 1 and the Report was tabled on 28 January 2004 (A5-0016/2004). On 12 February 2004 the plenary of the European Parliament approved the Stockmann report in first reading.

### **Purpose of the proposal**

The general objective of the proposal is to increase the competitiveness of intermodal freight transport by providing a framework for a better use of intermodal loading units, such as containers and swap bodies, throughout the road, maritime, rail and inland waterway modes.

The proposal foresees a conformity assessment, maintenance & control framework of all existing intermodal loading units, in order to improve safety of the units.

For all new intermodal loading units, it foresees a framework to improve handling efficiency of the boxes in terminals and state of the art security devices.

Finally, it proposes the development of a new type of unit: the European intermodal loading unit. This unit will combine the benefits of European land containers ("swap bodies") with maritime containers ("ISO series 1"), which are optimisation of loading space and stackability. This will provide European industry and transporters with efficiency gains, estimated as a reduction of up to 2% in logistics costs.

The proposal follows the "new approach" internal market models. All technical details and specifications will be devised by the European standardisation bodies, such as CEN.

## **Commission's opinion**

The European Parliament agrees with the main elements of the Commission's proposal.

However, the European Parliament has formulated some amendments. On the basis of these amendments, the Commission proposes to introduce some new elements to its original text.

The Commission is prepared to incorporate those European Parliament suggestions and amendments aiming at improving and clarifying the current text of its proposal. The Commission accepts the following amendments of the European Parliament: 1, 3, 4, 7, 8, 9, 10, 11, 12, 13, 15.

A series of amendments have been accepted, because they add technical clarifications (amendment 1; first change in amendment 7; amendment 10) or they improve the logic and structure of the text (amendments 3 and 4 unifying Recitals 10 and 11; amendment 8).

A series of amendments (2, 7, 9, 11, 12) have been accepted, because they add the useful clarification that containers subject to the Convention for Safe Containers (CSC) are not obliged to undergo European certification, maintenance and periodic inspection obligations. This would impair trade and transport and this reflects the intention of the Commission. In consequence, containers which comply with the requirements of the CSC can circulate freely in Europe. However, since the Directive provides for the possibility to withdraw loading units from the market when they present a risk, the wording has been softened. Regarding inspection intervals, amendment 11 is welcome, as it aligns the inspection intervals under the Directive with the ones prescribed by the CSC.

A series of amendments (5, 14, 15, 16, 17) is in line with the principle of avoidance of conflict between European and global standards. However, the wording has been softened in order not to subject European interests at any cost to current ISO standards, which may be technically sub-optimal or unsuitable. Amendment 15 clarifies the intention of the Commission that non-stackable swap bodies will still continue to be used and transhipped. Amendment 16 intends to ensure that the use of the European intermodal loading unit will not carry with it expensive adaptation of existing container ships. The Commission has redrafted the text in order not to limit the standardisation mandate to an undue extent. Amendment 17 will increase the carrying capacity of the European intermodal loading unit and is therefore acceptable in principle. However, the reference to the ISO standard is inappropriate, given that the European standardisation bodies will define this standard, and not ISO.

One amendment (13) concerned the harmonisation of penalties applicable in case of infringements of the national provisions adopted pursuant to this Directive. This amendment would avoid distortions of competition between operators resulting from varying penalties according to Member States.

One amendment (6) could not be accepted, because it restricts the possibilities of standardisation, as only the CEN was mentioned. However, other European standardisation bodies, such as CENELEC and ETSI, may also have to be mandated for measures relating to security, eg for electronic seals.

Therefore in compliance with Article 250, paragraph 2, the Commission modifies its proposal.

Amended proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on intermodal loading units**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 71 (1) and 80 (2) thereof,

Having regard to the proposal from the Commission,<sup>1</sup>

Having regard to the opinion of the Economic and Social Committee,<sup>2</sup>

Having regard to the opinion of the Committee of the Regions,<sup>3</sup>

Acting in accordance with the procedure indicated in Article 251 of the Treaty,

Whereas:

- (1) The Community has an established policy of encouraging sustainable transport, such as multimodal **and intermodal** transport operations involving road, rail, inland waterway and short sea shipping. Within the framework of the common transport policy, further measures must be adopted to ensure transport safety.
- (2) Containers frequently comply with standards adopted by the International Standardisation Organisation but do not offer optimal loading space for pallets or make optimum use of the maximum allowable dimensions in land transport.
- (3) Swap bodies are frequently used in road and rail transport but, owing to their construction, are not suitable for intermodal operations involving a waterborne mode of transport.
- (4) Intermodal loading units should offer adequate interoperability for handling operations across modes. Owing to the number and diversity of existing units, the introduction of the requirement of harmonised interoperability characteristics should be limited to new units.
- (5) The Directive defines a new unit: the European intermodal loading unit. This unit, apart from offering optimal loading space within the framework of European legislation in force, must also fulfil the harmonised interoperability characteristics required for any new intermodal loading unit.

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<sup>1</sup> OJ C [...], [...], p. [...]

<sup>2</sup> OJ C [...], [...], p. [...]

<sup>3</sup> OJ C [...], [...], p. [...]

- (6) The objectives of the proposed action are: harmonisation to the same degree of intermodal loading units, procedures for assessment and periodic inspection, and the creation of the European intermodal loading unit. Given that these objectives cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community can take measures in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of proportionality set out in the same Article, this Directive does not go beyond what is necessary to achieve these objectives.
- (7) For reasons relating to the specificity of the air freight transport market, this Directive does not cover this mode of transport.
- (8) **This Directive should not unduly restrict the use, control and maintenance of intermodal loading units subject to the International Convention for Safe Containers (CSC).**<sup>4</sup>
- (9) The internal market is an area without internal borders in which the free movement of goods is ensured. The regulations concerning this free movement without any obstacles to trade are based on the Council resolution of 7 May 1985<sup>5</sup> on a new approach to technical harmonisation and standards. This Directive draws its inspiration from these principles.
- (10) Member States must allow, in accordance with Decision 93/465,<sup>6</sup> intermodal loading units bearing the CE marking and the symbols provided for in this Directive showing that the period inspection has been carried out, to move freely on their territory, to be placed on the market, to be used for any transport operation or to be used in accordance with their intended purpose, without requiring further assessment for reasons arising from the implementation of this Directive, or, as far as the European intermodal loading unit is concerned, without requiring conformity with further technical requirements.
- (11) It is appropriate that a Member State should be able to take measures, whilst keeping the Commission informed, to limit or prohibit the placing on the market and use of intermodal loading units, in particular, in cases where they present a particular risk to the safety of persons and, where appropriate, domestic animals or property, **or when units which have the CE marking, the symbol referring to the reassessment of these units or the symbol relating to the periodic inspection do not conform**. The procedure has to be justified and transparent.
- ~~(12) (11) It is appropriate that a Member State should be able to take measures, whilst keeping the Commission informed, to limit or prohibit the placing on the market and use of intermodal loading units, when units which have the CE marking, the symbol~~

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<sup>4</sup> CSC: "International Convention for Safe Containers", adopted on 2/12/1972, entered into force on 6/9/1977 and amended in 1981, 1983, 1991 and 1993, which can be found on the International Maritime Organisation's website ([www.imo.org](http://www.imo.org)).

<sup>5</sup> Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards – OJ C 136, 4.6.1985, p. 1-9.

<sup>6</sup> Council Decision of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives - OJ L 220, 30.8.1993, p 23-39.

~~referring to the reassessment of these units and the symbol relating to the periodic inspection do not conform. The procedure has to be justified and transparent.~~

- (13) In the context of the principles provided for in the Council resolution of 7 May 1985, essential requirements in terms of security, safety, handling, securing, strength and identification which are required for intermodal loading units and European intermodal loading units are provided for in this Directive in Annexes I and II. These requirements will be complemented by specific requirements which are essential for ensuring interoperability. The intermodal loading units must meet all these requirements.
- (14) **The requirements for intermodal loading units take into due consideration the existing standards in this area.**
- (15) In view of the objectives of this Directive and in order to make it easier to demonstrate that new units conform to the requirements, procedures for assessment and for periodic inspections should be established. These procedures should be designed in the light of the importance of the requirements inherent in intermodal loading units. An adequate procedure or a choice between several procedures of equivalent value should be provided for. The procedures adopted are in conformity with Decision 93/465
- (16) The new intermodal loading units can be placed on the market and put in service only if they conform to the requirements provided for in this Directive. This conformity is shown by the assessment procedures provided for in Decision 93/465 and included in Annex IV.
- (17) The periodic inspection is intended to check that the maintenance condition and wear condition of the intermodal loading units are compatible with safety requirements. It will be carried out in accordance with the procedure in Annex V to this Directive.
- (18) The units covered by this Directive must have a CE marking indicating that they conform to the requirements of this Directive. The symbols relating to the harmonised characteristics of the intermodal loading units should be separate from those indicating that the unit is a standardised European intermodal loading unit. Each intermodal loading unit should indicate that it has passed its previous periodic inspection, or, in the case of units that are less than five years old, that they have not yet needed to undergo such an inspection, and showing the date for the next inspection.
- (19) In order to achieve the objectives corresponding to the essential requirements provided for in this Directive in Annexes I and II, harmonised standards for intermodal loading units and for European intermodal loading units should be developed. There should also be provision for the adoption of specific requirements for interoperability for these units in accordance with the procedure indicated in Article 12.
- (20) The harmonised standards will be developed by European standardisation bodies on a mandate from the Commission. If these standards are considered to be unsatisfactory in relation to the two types of requirements provided for in the Directive, the

Commission or the Member State concerned shall refer the matter to the standing committee provided for in Directive 98/34/EC.<sup>7</sup>

- (21) Member States should designate inspection bodies entitled to carry out the conformity assessment and periodic inspection procedures. They should also ensure that such bodies are sufficiently independent, competent and impartial, able to carry out the tasks for which they have been designated and notified.
- (22) The International Convention for Safe Containers approved by the United Nations on 2 December 1972<sup>8</sup> contributes to this aim of increasing the safety of intermodal loading units and European intermodal loading units. Most Member States have already ratified this Convention, in accordance with Council Recommendation 79/487/EEC.<sup>9</sup>
- (23) There needs to be a procedure to allow the Commission to amend certain Annexes to this Directive.
- (24) There needs to be a procedure to allow the Commission to take the necessary measures if the harmonised standards do not fully meet the requirements of this Directive.
- (25) The necessary measures need to be adopted for the implementation of this Directive in conformity with Decision 99/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.<sup>10</sup>
- (26) Provision should be made for penalties for infringements of the national provisions adopted pursuant to this Directive.
- (27) Arrangements should be made for the implementation of the Directive before the publication of the specifications in the Official Journal of the European Union.
- (28) Provision should be made for transitional arrangements to enable intermodal loading units which were manufactured before the entry into force of this Directive to be placed on the market or put into service even after this date.

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1 - Purpose*

This Directive lays down essential requirements and provides for the adoption of harmonised standards and specific requirements for interoperability with a view to making the use of new intermodal loading units more efficient and safer, **and to creating a European intermodal loading unit**. It sets out obligations with regard to conformity assessment and maintenance,

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<sup>7</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations. OJ L 204, 21.07.1998, p. 37-48.

<sup>8</sup> CSC: Convention for Safe Containers, adopted on 2/12/1972, entered into force on 6/9/1977 and amended in 1981, 1983, 1991 and 1993, which can be found on the International Maritime Organisation's website ([www.imo.org](http://www.imo.org)).

<sup>9</sup> OJ L 125, 22.5.1979, p. 18

<sup>10</sup> OJ L 184, 17.7.1999, p. 23

as well as procedures for assessing the conformity, and for the periodic inspection, of loading units used in intermodal transport, **when these are not covered by the CSC**.

### *Article 2 - Scope*

1. This Directive shall apply to:
  - a) intermodal loading units ~~and European intermodal loading units~~ in existence on the date of its entry into force;
  - b) intermodal loading units **newly** manufactured, placed on the market, put into circulation and / or used, which must meet the requirements set out in Annex I, and the specific requirements for interoperability set out in Article 9;
  - c) new European intermodal loading units, which must meet the requirements set out in Annexes I and II, and the specific requirements for interoperability set out in Article 9.
2. It also applies to loading units covered in paragraph 1, used exclusively for the transport of goods between Community territory and third-country territory.
3. Air transport shall be excluded from the scope of this Directive.

### *Article 3 - Definitions*

For the purposes of this Directive:

- a) "intermodal loading unit" means either a container or a swap body;
- b) "European intermodal loading unit" means an intermodal loading unit constructed in accordance with the essential requirements set out in Annexes I and II and the requirements for interoperability;
- c) "container" means a box to carry freight, strong enough for repeated use, stackable and fitted with devices for transfer between modes;
- d) "swap body" means a freight-carrying unit, used in Europe, optimised to road vehicle dimensions and fitted with handling devices for transfer between modes, usually road/rail;
- e) "harmonised standard" means a technical specification adopted by a recognised standardisation body on the basis of a mandate given by the Commission in accordance with the procedures laid down in Directive 98/34/EC for the purpose of establishing a European requirement with which compliance is not mandatory.
- f) "indication of periodic inspection" means a symbol indicating that the intermodal loading unit has undergone a periodic inspection, or should undergo the first periodic inspection, and has been deemed to conform with the relevant requirements. This indication also specifies the date when the intermodal loading unit is scheduled to undergo the next periodic inspection provided for in Article 7;

- g) "periodic inspection" means the inspections carried out to check the maintenance and safety condition of the intermodal loading units, covered in points a), b), and c), in accordance with the procedures provided for in Annex V;
- h) conformity assessment procedures. means those procedures set out in Annex IV;
- i) notified body. means an inspection body designated by the national competent authority of a Member State in accordance with Article 10 and meeting the criteria set out in Annex III.

#### *Article 4 - Assessment of conformity of intermodal loading units*

1. Before the intermodal loading units and European intermodal loading units are placed on the market, the manufacturer or his authorised representative established within the Community must submit its manufacturing process to one of the conformity assessment procedures described in Annex IV under the conditions defined.

For the purpose of affixing the CE marking on the intermodal loading units, this conformity is established by:

- either internal manufacturing check, using module A, where the harmonised standards referred to in Article 9(3) are complied with;
- or internal manufacturing checks, using module Aa;
- or the unit verification procedure (module G);
- or the full quality assurance procedure (module H).

2. **Paragraph 1 shall not apply to intermodal loading units fulfilling the conditions of Annex II of the CSC, unless the manufacturer or his authorised representative established within the Community apply for such an assessment.**

#### *Article 5 - Free circulation, restrictions and safeguard clauses*

1. Member States may not, on grounds arising from the implementation of this Directive, prohibit, restrict or impede the placing on the market or putting into service on their territory (including transport, storing, handling and reloading) of intermodal loading units which conform to this Directive and / or, where appropriate, the relevant harmonised standards published in the Official Journal of the European Union pursuant to this Directive and which bear the CE conformity marking, as well as the indication of periodic inspection in accordance with Article 8.
2. Member States presume that intermodal loading units bearing the CE marking and with the EC declaration of conformity provided for in Annex VII are in conformity with the provisions of this Directive.
3. Where a Member State finds that a unit referred to in Article 2, which is correctly maintained and used for its intended purpose, is liable to endanger the health and/or safety of persons and, where appropriate, domestic animals or property, during

transport and/or use, notwithstanding the fact that it bears a CE marking and an indication of periodic inspection, it may restrict the placing on the market or use of this unit or have it withdrawn from the market or from circulation. It shall forthwith inform the Commission of this measure and indicate the reasons for its decision.

4. The Commission shall consult the parties concerned as soon as possible. Where it finds, after this consultation, that the measure is warranted, it shall immediately inform all the Member States. If the measure proves to be unwarranted, the Commission shall immediately inform the Member State that referred the matter as well as the manufacturer or his authorised representative established within the Community, the owner or his authorised representative established within the Community or the holder.
5. Where a unit referred to in Article 2 proves not to be in conformity, the competent Member State shall take appropriate measures, **which may include withdrawing authorisation to carry out procedures described in Annexes IV and V**, against the State which affixed the CE marking or the indication of periodic inspection and shall inform the Commission and the other Member States as soon as possible.
6. The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.
7. Where a Member State establishes that the CE marking or the indication of periodic inspection has been affixed unduly, the owner or his authorised representative established within the Community, the manufacturer or his authorised representative established within the Community, or the holder shall be obliged to end the infringement under the conditions imposed by the Member State. Should non-conformity persist, the Member State shall take all appropriate measures to restrict or prohibit the placing on the market, transport or use of the units in question or to ensure that it is withdrawn from the market or from circulation.
8. Any decision taken by a Member State pursuant to this Directive which has the effect of restricting the placing on the market, transport or use of intermodal loading units or requires their withdrawal from the market or from circulation shall state the exact grounds on which it is based. Such a decision shall be notified forthwith to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in the Member State concerned and of the time limits to which such remedies are subject.

#### *Article 6 - Monitoring relating to intermodal loading units*

1. The Member States shall take all possible measures to ensure that the intermodal units referred to in Article 3(a) and 3(b) cannot be placed on the market or put into service if they compromise the safety and security of persons and, where appropriate, domestic animals or property when they are properly installed and maintained and used as intended.
2. The provisions of this Directive do not affect the ability of the Member States to lay down, in compliance with the provisions of the Treaty, the requirements that they consider necessary to ensure the protection of persons, particularly when handling

the units, provided that this does not involve changes being made to these units in relation to the Directive.

3. At trade fairs, exhibitions, demonstrations, etc., Member States shall not prevent the showing of intermodal loading units as defined in Article 1 which do not conform to the provisions of this Directive, provided that a visible sign clearly indicates that they do not conform and that they are not for sale until they have been brought into conformity by the manufacturer or his authorised representative established within the Community. During demonstrations, adequate safety measures shall be taken, in accordance with the requirements laid down by the competent authority of the Member State concerned, to ensure the protection of persons.

#### *Article 7 - Maintenance and periodic inspection*

1. Before the end of the fifth year after the date of manufacture of an intermodal loading unit or a European intermodal loading unit, the manufacturer or his authorised representative established within the Community, the owner or his authorised representative established within the Community or the holder must submit it for the first inspection referred to in Article 3(e) in accordance with one of the procedures referred to in Annex V.

For existing units, the first inspection should take place before 1 July 2007 or before the end of the fifth year after their manufacture.

Existing or new intermodal loading units circulating in the Community or used for the transport of goods between Community territory and third-country territory are subject to periodic inspections at intervals not exceeding **30 months**.

2. The owner, his authorised representative established within the Community or the holder of the intermodal loading unit shall be responsible for maintaining it in a safe condition.
3. The deadline (month and year) for the next periodic inspection of the intermodal loading unit shall be clearly marked on the unit in a legible and indelible manner.
4. The intermodal loading units may be subjected to periodic inspection in any Member State in accordance with the procedures set out in Annex V to this Directive.
5. **Paragraphs 1, 3 and 4 shall not apply to intermodal loading units covered by the CSC.**

#### *Article 8 - CE marking and indication of periodic inspection*

1. The CE marking shall consist of the initials "CE" taking the form of the specimen given in Annex VI.
2. The CE marking must be accompanied by the identification number of the notified body involved in the production control stage.
3. The CE marking must be affixed in a visible, legible and indelible manner on each intermodal loading unit.

4. The affixing of markings on intermodal loading units and European intermodal loading units which are likely to deceive third parties as to the meaning and form of the CE marking shall be prohibited. Any other marking may be affixed to the intermodal loading units, provided the visibility and legibility of the CE marking is not thereby reduced.
5. Next to the CE marking, a symbol must be affixed taking the form of the specimen given in Annex VII. This is different for intermodal loading units and for European intermodal loading units.
6. The indication of periodic inspection shall mention the date of manufacture, the date of the last inspection and the deadline for the next inspection. This indication shall be affixed by the inspection body and take the form of the specimen given in Annex VII.
7. Unduly affixed CE marking
  - a) where a Member State establishes that the CE marking and/or the indication of periodic inspection has been affixed unduly, the manufacturer or his authorised representative established within the Community, the owner or his authorised representative established within the Community or the holder, shall be obliged to make the product conform to the provisions concerning the CE marking and to end the infringement under the conditions imposed by the Member State;
  - b) should non-conformity persist, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market in accordance with the procedures laid down in Article 5.

*Article 9 - Requirements, harmonised standards and formal objections*

1. The intermodal loading units and the European intermodal loading units referred to in Article 1 must meet, respectively, the essential requirements set out in Annexes I and II and the specific requirements for interoperability. The latter shall be adopted and, where necessary, revised in accordance with the procedure provided for in Article 12(2).

The Commission shall publish the decisions relating to the specific requirements for interoperability to be applied in the *Official Journal of the European Union*.
2. Member States shall presume that intermodal loading units and European intermodal loading units bearing the CE marking provided for in Article 8 and with the EC declaration of conformity provided for in Annex VII are in conformity with all the relevant provisions of this Directive.
3. The intermodal loading units and the European intermodal loading units which conform to the harmonised standards for which references have been published in the Official Journal of the European Union are presumed to be in conformity with the essential requirements and the specific requirements for interoperability.
4. Where a Member State or the Commission considers that the harmonised standards referred to in paragraph 3 are not in conformity with the essential requirements

referred to in Annexes I and II and/or to the specific requirements for interoperability, this Member State or the Commission shall refer the matter to the standing committee provided for in Directive 98/34/EC.

In the light of the Committee's opinion, the Commission shall inform the Member States whether or not it is necessary to withdraw the standards concerned from the publications referred to in paragraph 3.

#### *Article 10 - Notified bodies*

1. The Member States shall notify the Commission and the other Member States of the list of notified bodies established within the Community which they have designated to carry out the procedures referred to in Annexes IV and V and the specific tasks for which these bodies have been designated and the identification numbers assigned to them beforehand by the Commission.

The Commission shall publish in the *Official Journal of the European Union* the list of the notified bodies, together with their identification numbers and the tasks for which they have been notified. The Commission shall ensure that this list is kept up to date.

2. Member States shall apply the criteria set out in Annex III for the designation of notified bodies.
3. A Member State which has notified a body shall withdraw such notification if it finds that the body no longer meets the criteria referred to in paragraph 2.

It shall forthwith inform the Commission and the other Member States of any such withdrawal of notification.

#### *Article 11 - Adaptation of Annexes*

The amendments necessary for adapting Annexes I and II to this Directive shall be adopted in accordance with the procedure laid down in Article 12.

#### *Article 12 - Committee*

1. The Commission shall be assisted by a regulatory committee composed of representatives of the Member States and chaired by the representative of the Commission.
2. Where reference is made to this Article, Articles 5 and 7 of Decision 99/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its own rules of procedure. The Committee may consider any question relating to the implementation or practical application of this Directive which is referred to it by its chairman either on his own initiative or at the request of the representative of a Member State.

### *Article 13 - Penalties*

The Member States shall determine the penalties applicable in case of infringements of the national provisions adopted pursuant to this Directive, **shall work towards full harmonisation of these penalties**, and shall adopt any measure necessary to ensure the implementation of such penalties. Penalties must be effective, proportionate and dissuasive.

The Member States shall notify the Commission of these provisions not later than one year after the entry into force of this Directive and shall inform it of any subsequent changes to these provisions as soon as possible.

### *Article 14 - Implementation*

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2005 at the latest. They shall forthwith inform the Commission thereof.
2. When the Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such a reference is to be made.
3. Article 4 shall not apply to intermodal loading units which were manufactured before the date indicated in paragraph 1 and put into circulation up until six months after that date.

### *Article 15*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

### *Article 16*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX 1

### *Essential requirements for intermodal loading units*

To facilitate the handling of intermodal loading units between two modes of transport and intermodality in general, they have to comply, by class and category, with the requirements listed in this Annex. These requirements ensure maximum interoperability of intermodal loading units between road, rail, inland waterways and shipping **and take into due account the existing relevant ISO standards.**

Safety and security:	Comply with the relevant provisions of the International Convention for Safe Containers concluded in Geneva on 2 December 1972.  Minimise risk of damage in and between modes of transport.  Equip all new intermodal loading units with anti-intrusion alarm devices, for example a state-of-the-art electronic seal.
Handling:	Enable efficient manipulation, <del>inter alia by means of handling equipment adapted to ISO containers</del> <b><u>of containers (ISO series 1) and stackable swap bodies, taking into account trans-shipment efficiency.</u></b>
Securing:	Make securing devices compatible with the four modes of transport.
Strength:	ILUs must not break or open if they are accidentally dropped.  ILUs must be able to withstand everyday knocks during handling without causing any damage which might lead to the indication of periodic inspection not being affixed.
Coding and identification of units:	Use state-of-the-art electronic coding and identification.

Intermodal loading units which are used in road transport must comply with the requirements of Directive 96/53/EC.

## **ANNEX II**

### ***Essential requirements for the European intermodal loading unit***

The European intermodal loading unit is the optimum loading unit for transporting general-purpose dry cargo by road, rail, inland waterways and short sea shipping.

In addition to the requirements referred to in Annex I, which apply to all new intermodal loading units, EILUs must meet the additional requirements below:

Weight and dimensions:	Comply with the provisions of Directive 96/53. <sup>11</sup>
Type:	General-purpose dry cargo box.
Internal length:	It should allow: <ul style="list-style-type: none"><li>• 11 units of 1200 mm, for the long version</li><li>• 6 units of 1200 mm, for the short version</li></ul> to be placed lengthways, with the necessary margins for manoeuvre.
Internal width:	It should allow two europallets (1 200 x 800 mm) or two UK pallets (1 200 x 1 000 mm) to be placed lengthways (i.e. 2 x 1200 mm) or three europallets to be placed widthways (i.e. 3 x 800 mm) side by side, allowing sufficient margins for manoeuvre.
External height:	<b><u>2900 mm</u></b>
<b><u>External width:</u></b>	<b><u>Allow safe stowage inside and on deck of existing cellular container ships in accordance with applicable ISO standards</u></b>
Strength of construction:	The reference document for the strength values is the ISO 1496 series of standards, where applicable. <ul style="list-style-type: none"><li>- Stackability up to four loaded long units in sea conditions.</li><li>- Stackability corresponding to ISO 20' containers for loaded short units.</li><li>- Sufficient racking strength for carriage in the above height of stacks by inland waterway and short sea shipping.</li><li>- Top lifting capability.</li></ul>

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<sup>11</sup> OJ L 235, 17.9.1996, p. 59.

### **ANNEX III**

#### ***Minimum criteria to be met for the designation of the notified bodies referred to in Article 10***

- 1 The body, its director and the staff responsible for carrying out assessments and verifications must not be the designer, manufacturer, supplier, installer or user of the intermodal loading units which that body inspects, nor the authorised representative of any of these parties. They must not be able to intervene directly in the design, construction, marketing or maintenance of these units, nor represent the parties engaged in these activities. This does not preclude the possibility of exchanges of technical information between the manufacturer of units and the notified body.
- 2 The body and its staff must carry out the assessments and verifications with the highest degree of professional integrity and technical competence and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their work, especially from persons or groups of persons with an interest in the results of verification.
- 3 The body must have at its disposal the necessary staff and possess the necessary means to enable it to perform properly the administrative and technical tasks relating to the inspections or monitoring. It should also have access to the equipment needed for exceptional checks.
- 4 The staff responsible for inspection must have:
  - sound technical and professional training;
  - satisfactory knowledge of the requirements of the tests they carry out and adequate experience of such tests;
  - the ability required to draw up the certificates, records and reports required to authenticate the performance of the tests.
- 5 The impartiality of inspection staff shall be guaranteed. Their remuneration must not depend on the number of tests carried out or on the results of such tests.
- 6 The body must take out civil liability insurance unless its liability is assumed by the State in accordance with national law or the Member State itself is directly responsible for the inspections.
- 7 The staff of the body must be bound by professional secrecy (except vis-à-vis the competent administrative authorities of the State in which its activities are carried out) with regard to all information it acquires in carrying out its tasks under this Directive or any provision of national law giving effect to it.

## **ANNEX IV**

### ***Conformity assessment procedures***

An intermodal loading unit must be subject, at the choice of the manufacturer, or his authorised representative established within the Community, to one of the conformity assessment procedures provided for in Article 6 and laid down in this Annex:

- either internal manufacturing checks, using module A, where the harmonised standards referred to in Article 9(3) are complied with;
- or internal manufacturing checks, using module Aa;
- or the unit verification procedure (module G);
- or the full quality assurance procedure (module H).

#### **Module A** (internal production control)

- 1 This module describes the procedure whereby the manufacturer, or his authorised representative established within the Community who fulfils the obligations laid down in Part II, ensures and declares that the intermodal loading units satisfy the requirements of the Directive which apply to them. The manufacturer, or his authorised representative established within the Community, must affix the relevant mark to all intermodal loading units and draw up a written declaration of conformity.
- 2 The manufacturer must draw up the technical documentation described in point 3, and either the manufacturer or his authorised representative established within the Community must keep it at the disposal of the relevant national authorities for inspection purposes for a period of 10 years after the last of the intermodal loading units has been manufactured. Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who places the intermodal loading units on the Community market.
- 3 The technical documentation must enable an assessment to be made of the conformity of the intermodal loading units with the relevant requirements of the Directive. It must, as far as is relevant for this assessment, cover the design, manufacture and operation of the intermodal loading units and contain:
  - a general description of the intermodal loading units,
  - the conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
  - the descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the intermodal loading units,
  - a description of the solutions adopted to meet the requirements of the Directive,
  - results of the design calculations, examinations carried out, etc.,

- test reports.
- 4 The manufacturer, or his authorised representative established within the Community, must keep a copy of the declaration of conformity with the technical documentation.
  - 5 The manufacturer must take all measures necessary to ensure that the manufacturing process requires the manufactured intermodal loading units to comply with the requirements of the technical documentation referred to in Part II and with the requirements of the Directive which apply to them.

**Module Aa** (internal manufacturing checks with monitoring of the final assessment)

In addition to the requirements of module A, the following provisions apply:

Final assessment must be subject to monitoring in the form of unannounced visits by a notified body chosen by the manufacturer.

During such visits, the notified body must:

- ensure that the manufacturer actually performs the final assessment,
- take samples of intermodal loading units at the manufacturing or storage premises in order to conduct checks. The notified body assesses the number of intermodal loading units to sample and whether it is necessary to perform, or have performed, all or part of the final assessment of the unit samples.

Should one or more of the intermodal loading units not conform, the notified body must take appropriate measures.

Under the responsibility of the notified body, the manufacturer must affix that body's identification number to each intermodal loading unit.

**Module G** (EC unit verification)

- 1 This module describes the procedure whereby the manufacturer ensures and declares that the intermodal loading unit, which has been issued with the certificate referred to in point 4.1, satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within the Community, must affix the relevant marking to the unit and draw up a declaration of conformity.
- 2 The manufacturer must apply to a notified body of his choice for unit verification. The application must contain:
  - the name and address of the manufacturer and the location of the intermodal loading unit,
  - a written declaration that the same application has not been lodged with any other notified body,
  - technical documentation.

- 3 The technical documentation must enable the conformity of the intermodal loading unit with the requirements of the Directive which apply to it to be assessed and the design, manufacture and operation of the intermodal loading unit to be understood. The technical documentation must contain:
- a general description of the unit in question,
  - conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
  - the descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the intermodal loading units,
  - results of the design calculations made, examinations carried out, etc.,
  - test reports,
  - appropriate details relating to the approval of the manufacturing and test procedures and of the qualifications or approvals of the staff concerned.
- 4 The notified body must examine the design and construction of each intermodal loading unit and during manufacture perform appropriate tests to ensure its conformity with the requirements of the Directive which apply to it.
- 4.1 The notified body must affix its identification number or have it affixed to each intermodal loading unit and draw up a certificate of conformity for the tests carried out. This certificate must be kept for a period of 10 years.
- 4.2 The manufacturer, or his authorised representative established within the Community, must ensure that the declaration of conformity and certificate of conformity issued by the notified body can be made available on request.

In particular, the notified body must:

- examine the technical documentation with respect to the design and the manufacturing procedures,
- assess the materials used where these are not in conformity with the relevant provisions of the Directive and check the certificate issued by the materials manufacturer,
- approve the procedures for the permanent joining of loading unit parts,
- verify the qualifications or approvals required,
- perform the final inspection, perform the proof test or have it performed and examine the safety devices if applicable.

#### **Module H (full quality assurance)**

- 1 This module describes the procedure whereby the manufacturer who satisfies the obligations in point 2 must ensure and declare that the products concerned meet the requirements of the Directive which apply to them. The manufacturer, or his

authorised representative established within the Community, must affix the CE marking to each product and draw up a written declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for the surveillance referred to in point 4.

- 2 The manufacturer must operate an approved quality system for design, manufacture and final product inspection and testing as specified in point 3 and shall be subject to the surveillance referred to in point 4.

- 3 Quality system

- 3.1 The manufacturer must lodge an application for assessment of his quality system with a notified body.

The application shall include:

- all relevant information for the category of product envisaged;
- the documentation relating to the quality system.

- 3.2 The quality system must ensure compliance of the products with the requirements of the Directive which apply to them.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality;
- the technical design specifications, including the standards that will be applied and, where the standards referred to in Article 5 are not applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the products will be met;
- the design control and design verification techniques, processes and systematic actions that will be used when designing the products pertaining to the category of products covered;
- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.;

- the means to monitor the achievement of the required design and product quality and the effective operation of the quality assurance system.

3.3 The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume compliance with these requirements in respect of quality systems that implement the relevant harmonised standard.

The technical documentation must enable an assessment to be made of the conformity of the intermodal loading units with the relevant requirements of the Directive. It must, as far as is relevant for this assessment, cover the design, manufacture and operation of the intermodal loading units and contain:

- a general description of the intermodal loading units,
- the conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- the descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the intermodal loading units,
- a description of the solutions adopted to meet the requirements of the Directive,
- results of the design calculations, examinations carried out, etc.,
- test reports.

The auditing team must have at least one member experienced as an assessor in the product technology concerned. The evaluation procedure shall include an assessment visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4 The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorised representative must keep the notified body which has approved the quality system informed of any intended updating of the quality system.

The notified body must assess the proposed changes and decide whether the amended quality system will still satisfy the requirements referred to in 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

4 EC surveillance under the responsibility of the notified body

4.1 The purpose of surveillance is to ensure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

- 4.2 The manufacturer must allow the notified body entrance for inspection purposes to the places of design, manufacture, inspection and testing, and storage, and shall provide it with all necessary information, in particular:
- the documentation relating to the quality system;
  - the quality records as provided for by the design part of the quality system, such as results of analyses, calculations, tests, etc.;
  - the quality records as provided for by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.
- 4.3 The notified body must carry out audits every year to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.
- 4.4 In addition, the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check whether the proper functioning of the quality system where necessary. The notified body shall provide the manufacturer with a visit report and, if a test has taken place, with a test report.
- 5 The manufacturer must, for a period ending ten years after the last component has been manufactured, keep at the disposal of the national authorities:
- the documentation referred to in the second indent of the second paragraph of 3.1,
  - the adjustments referred to in the second paragraph of 3.4,
  - the decisions and reports from the notified body which are referred to in the last paragraph of point 3.4, and in points 4.3 and 4.4.
- 6 Each notified body shall forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

## **ANNEX V**

### ***Procedures for periodic inspection***

The periodic inspection must follow one of the two procedures below:

#### **Module 1** (periodic inspection of products)

- 1 This module describes the procedure whereby the owner, his authorised representative established within the Community or the holder ensures that the intermodal loading unit continues to meet the requirements of this Directive.
- 2 To meet the requirements referred to in point 1, the owner, his authorised representative established within the Community or the holder must take all measures necessary to make sure that the conditions of use and of maintenance ensure the continued conformity of the intermodal loading unit with the requirements of this Directive, in particular that:

- the intermodal loading unit is used as intended,
- where appropriate, any maintenance work or repairs are carried out,
- the periodic inspections necessary are also carried out.

The measures carried out must be recorded in documents and kept at the disposal of the national authorities by the owner, his authorised representative established within the Community or the holder.

- 3 The inspection body must perform the appropriate examinations and tests in order to check the conformity of the intermodal loading unit with the relevant requirements of the Directive.
  - 3.1 All intermodal loading units must be examined individually and appropriate tests, as set out in the European specifications, must be carried out in order to check that the units meet the requirements of this Directive.
  - 3.2 The inspection body must affix its identification number or have it affixed to each product which is subject to a periodic inspection, immediately after the date of the inspection and draw up a written periodic inspection certificate. This certificate may cover a number of individual units.
  - 3.3 The owner, his authorised representative established within the Community or the holder must keep the periodic inspection certificate required under point 3.2, and the documents required under point 2 at least until the next periodic inspection.

#### **Module 2** (periodic inspection through quality assurance)

- 1 This module describes the procedure whereby the owner, his authorised representative established within the Community or the holder, who satisfies the obligations referred to in point 2, ensures and declares that the intermodal loading unit continues to meet the requirements of the Directive. The owner, his authorised representative established within the Community or the holder must affix the date of the periodic inspection to all intermodal loading units and draw up a written

declaration of conformity. The date of the periodic inspection must be accompanied by the identification number of the notified body responsible for surveillance as specified in point 4;

- 2 The owner, his authorised representative established within the Community or the holder must take all steps necessary to make sure that the conditions of use and of maintenance ensure the continued conformity of the intermodal loading unit with the requirements of this Directive, and in particular that:
- the intermodal loading unit is used as intended,
  - where appropriate, any maintenance work or repairs are carried out,
  - the periodic inspections necessary are also carried out.

The measures carried out must be recorded in documents and kept at the disposal of the national authorities by the owner, his authorised representative established within the Community or the holder.

The owner, his authorised representative established within the Community or the holder must ensure that the qualified staff and necessary facilities within the meaning of points 3 to 7 of Annex III are available for the purpose of the periodic inspections.

The owner, his authorised representative established within the Community or the holder must operate an approved quality system for the periodic inspection and tests of the units as specified in point 3, and be subject to surveillance as specified in point 4.

3 Quality system

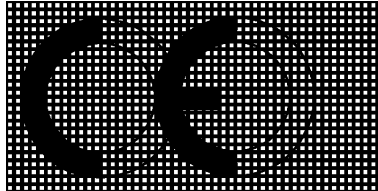
The provisions described in Annex IV, module H, of this Directive can also be applied, *mutatis mutandis*, to the periodic inspections.

## ANNEX VI

### *CE marking and other symbols*

#### 1 CE marking

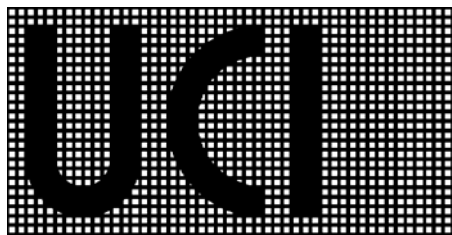
The CE marking shall consist of the initials "CE" taking the form of the following specimen:



#### 2 Distinctive symbols

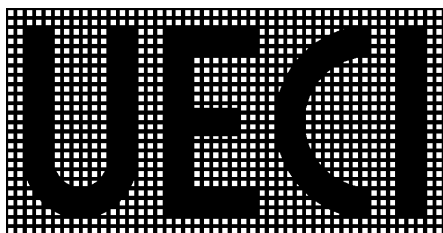
##### 2.1 ILUs

On ILUs which conform to the requirements of this Directive, immediately below the CE marking, the UCI symbol is affixed. This symbol shall consist of the initials "UCI" taking the form of the following specimen:



##### 2.2 EILUs

On EILUs which conform to the requirements of this Directive, immediately below the CE marking, the UECI symbol is affixed. This symbol shall consist of the initials "UECI" taking the form of the following specimen:



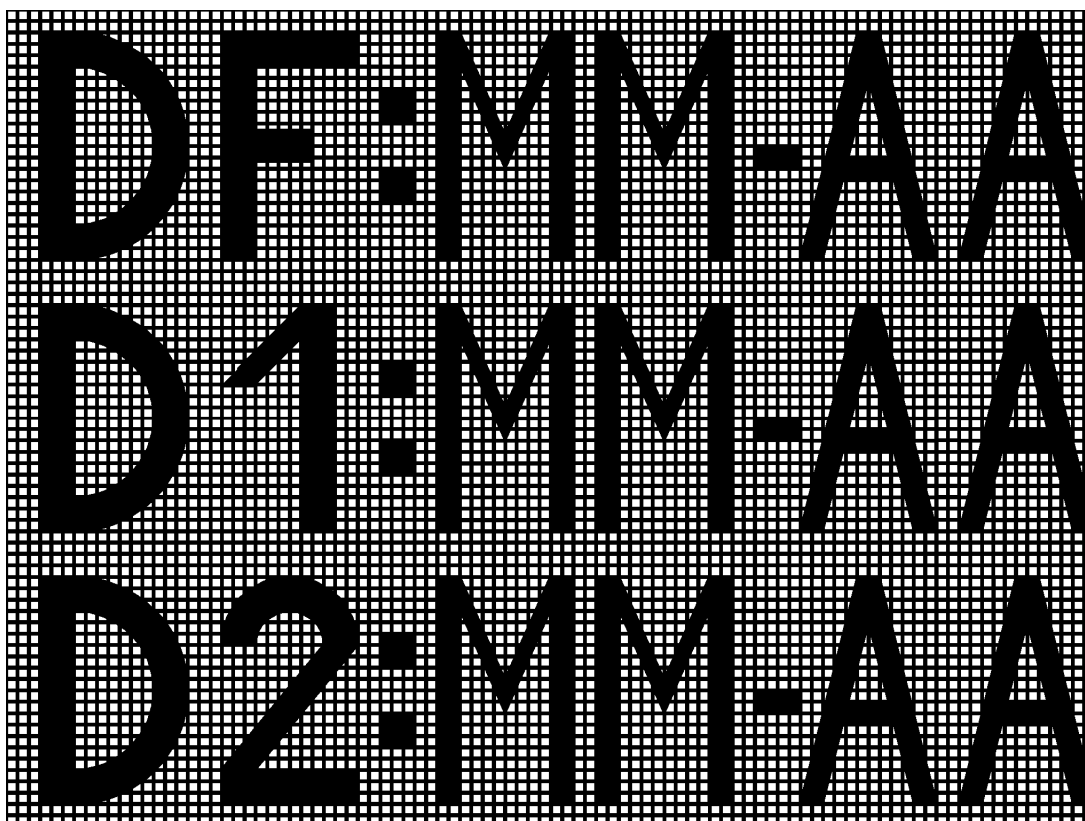
#### 3 Indication of periodic inspection

Any ILU used on Community territory shall bear the indication:

- of its date of manufacture, consisting of the initials "DF" followed by four figures: two for the month and two for the year.
- of the date of the last inspection, consisting of the symbol "D1" followed by four figures: two for the month and two for the year.

- of the deadline for the next inspection, consisting of the symbol "D2" followed by four figures: two for the month and two for the year.

This symbol shall be affixed taking the form of the following specimen:



#### 4 Common provisions

If the CE marking is reduced or enlarged, the proportions given in the above drawing must be respected.

The various components of the CE marking and of the symbols must have substantially the same vertical dimension, which may not be less than 5 cm

However, the figures used may be freely changed provided that they are Arabic numerals of the same height as the other components of the symbol.

## **ANNEX VII**

### DECLARATION OF CONFORMITY

The EC declaration of conformity must contain the following information:

- the name and address of the manufacturer, or of his authorised representative established within the Community;
- the description of the intermodal loading unit concerned (or of the series);
- the conformity assessment procedure followed;
- where appropriate, the name and address of the notified body which carried out the inspection;
- where appropriate, a reference to the EC type-examination certificate, the EC design examination certificate or the EC certificate of conformity;
- where appropriate, the name and address of the notified body monitoring the manufacturer's quality system;
- where appropriate, reference to the harmonised standards applied;
- where appropriate, the other technical specifications which were used;
- where appropriate, the references to other Community directives applied;
- particulars of the signatory authorised to sign the legally binding declaration for the manufacturer or his authorised representative established within the Community.

## LEGISLATIVE FINANCIAL STATEMENT

**Policy area(s):** Energy and Transport

**Activit(y/ies):** Inland, Air and Maritime Transport Policy

**Title of action:** Directive of the European Parliament and of the Council on intermodal loading units

### 1. BUDGET LINE(S) + HEADING(S)

A07031 – Obligatory Committees

### 2. OVERALL FIGURES

#### 2.1. Total allocation for action (Part B): € million for commitment

906.000 €

#### 2.2. Period of application:

Three years as of adoption of the Directive

#### 2.3. Overall multiannual estimate of expenditure:

- (a) Schedule of commitment appropriations/payment appropriations (financial intervention) *(see point 6.1.1)*

€ million *(to three decimal places)*

	Year [n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5 and subs. Years ]	Total
Commitments							
Payments							

- (b) Technical and administrative assistance and support expenditure *(see point 6.1.2)*

Commitments							
Payments							
Subtotal a+b							
Commitments							
Payments							

- (c) Overall financial impact of human resources and other administrative expenditure  
(see points 7.2 and 7.3)

Commitments/ payments	302.000 €	302.000 €	302.000 €				
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TOTAL a+b+c							
Commitments	302.000 €	302.000 €	302.000 €				
Payments	302.000 €	302.000 €	302.000 €				

#### 2.4. Compatibility with financial programming and financial perspective

[X] Proposal is compatible with existing financial programming.

Proposal will entail reprogramming of the relevant heading in the financial perspective.

Proposal may require application of the provisions of the Interinstitutional Agreement.

#### 2.5. Financial impact on revenue:

[X] Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

OR

Proposal has financial impact – the effect on revenue is as follows:

***(NB All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.)***

(€ million to one decimal place)

		Prior to action [Year n-1]	Situation following action					
Budget line	Revenue		[Year n]	[n+1]	[n+2]	[n+3 ]	[n+4]	[n+5]
	a) Revenue in absolute terms							
	b) Change in revenue	$\Delta$						

***(Please specify each budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)***

### 3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
	Diff/ Non-diff	YES	YES	YES	N° [3]

### 4. LEGAL BASIS

Art. 71 and 80 of the Treaty.

### 5. DESCRIPTION AND GROUNDS

#### 5.1. Need for Community intervention

##### 5.1.1. Objectives pursued

To propose an optimal intermodal loading unit combining the advantages of swap bodies (capacity) with those of containers (strength) with a view to reducing the congestion of infrastructures.

To standardise the handling and securing interfaces of new intermodal loading units in order to reduce the average handling time.

To make it compulsory to equip any new intermodal loading unit with effective security and safety devices in order to combat the risk of stowaways entering the units or undeclared materials being added.

To make it an obligation for all intermodal loading units, including existing ones, to undergo periodic inspections in order to make a satisfactory level of maintenance compulsory.

##### 5.1.2. Measures taken in connection with ex ante evaluation

*Not applicable*

##### 5.1.3. Measures taken following ex post evaluation

*Not applicable*

#### 5.2. Action envisaged and budget intervention arrangements

*Not applicable*

#### 5.3. Methods of implementation

### 6. FINANCIAL IMPACT

Not applicable

6.1. Total financial impact on Part B - (over the entire programming period)

(The method of calculating the total amounts set out in the table below must be explained by the breakdown in Table 6.2. )

6.1.1. Financial intervention

Commitments (in € million to three decimal places)

Breakdown	[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5 and subs. Years]	Total
Action 1							
Action 2							
etc.							
<b>TOTAL</b>							

6.1.2. Technical and administrative assistance, support expenditure and IT expenditure (commitment appropriations)

	[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5 and subs. years]	Total
1) Technical and administrative assistance							
a) Technical assistance offices							
b) Other technical and administrative assistance: - intra muros: - extra muros: <i>of which for construction and maintenance of computerised management systems</i>							
Subtotal 1							
2) Support expenditure							
a) Studies							
b) Meetings of experts							

c) Information and publications							
Subtotal 2							
<b>TOTAL</b>							

## 6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)

*(Where there is more than one action, give sufficient detail of the specific measures to be taken for each one to allow the volume and costs of the outputs to be estimated.)*

Commitments (in € million to three decimal places)

Breakdown	Type of outputs (projects, files )	Number of outputs (total for years 1...n)	Average unit cost	Total cost (total for years 1...n)
	1	2	3	4=(2X3)
<u>Action 1</u>				
- Measure 1				
- Measure 2				
<u>Action 2</u>				
- Measure 1				
- Measure 2				
- Measure 3				
etc.				
TOTAL COST				

*If necessary explain the method of calculation*

## 7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

### 7.1. Impact on human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
		Number of permanent posts	Number of temporary posts		
Officials or temporary staff	A	1	1	2	<i>If necessary, a fuller description of the tasks may be annexed.</i>
	B				
	C				
Other human resources					
Total		1	1	2	

## 7.2. Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation *
Officials	108.000 €	
Temporary staff	108.000 €	
Other human resources (specify budget line)		
Total	216.000 €	

The amounts are total expenditure for twelve months.

## 7.3. Other administrative expenditure deriving from the action

Budget line (number and heading)	Amount €	Method of calculation
<b>Overall allocation (Title A7)</b>		
A0701 – Missions		
A07030 – Meetings		
<b>A07031 – Compulsory committees <sup>1</sup></b>	86.000 €	700 € x 15 x 4 = 42.000 € 1.100 € x 10 x 4 = 44.000 €
A07032 – Non-compulsory committees <sup>1</sup>		
A07040 – Conferences		
A0705 – Studies and consultations		
Other expenditure (specify)		
<b>Information systems (A-5001/A-4300)</b>		
<b>Other expenditure - Part A (specify)</b>		
Total	86.000 €	

The amounts are total expenditure for twelve months.

<sup>1</sup> Specify the type of committee and the group to which it belongs.

I.	Annual total (7.2 + 7.3)	302.000 €
II.	Duration of action	3 years
III.	Total cost of action (I x II)	906.000 €

**8. FOLLOW-UP AND EVALUATION**

Not applicable

**8.1. Follow-up arrangements**

**8.2. Arrangements and schedule for the planned evaluation**

**9. ANTI-FRAUD MEASURES**

**IMPACT ASSESSMENT FORM**  
**THE IMPACT OF THE PROPOSAL ON BUSINESS WITH SPECIAL REFERENCE**  
**TO SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)**

**TITLE OF PROPOSAL**

Proposal for Directive 2002/.../EC of the European Parliament and of the Council on intermodal loading units.

**DOCUMENT REFERENCE NUMBER**

COM(...).final.

**THE PROPOSAL**

1. Taking account of the principle of subsidiarity, why is Community legislation necessary in this area and what are its main aims?

Under Articles 3(1)(f) and (l) of the Treaty, the activities of the Community include a common policy in the sphere of transport and a policy in the sphere of the environment. Further, under Article 14, the Community's obligations include the free movement of goods, and, under Article 71(1), the Community's transport policy includes measures to improve transport safety, an area where it shares jurisdiction with the Member States. Article 80(2) is the legal basis needed to include the maritime sector in the proposal.

This problem has a Community dimension:

- The creation of the single market requires better movement of goods, and congestion caused by road freight is a problem facing all Member States to varying degrees. About 20% of road freight transport is international. This segment presents the highest growth rates. Member States on their own cannot resolve, in an optimal way, the problems related to the constant increase in international road freight.
- The European Parliament, the Council and the Commission have identified the lack of harmonisation and standardisation of ILUs as an area that hinders the development of intermodality. Currently the handling characteristics of ILUs vary considerably: there are standardised containers, swap bodies and various types of purpose-built ILUs on the market. Considerable effort is required to identify, on a case-by-case basis, the handling characteristics of any single ILU. Also the handling equipment often has to be adjusted or even changed for certain configurations. This complicates and delays handling operations and adds unnecessary costs to intermodality. Community action is necessary to rectify this situation.
- Most Member States have ratified the 'Convention for Safe Containers' adopted at international level. This Convention provides for the approval of containers and their periodic inspection. However, these procedures are not harmonised at

Community level. Community action is therefore necessary to rectify this situation.

- Wear and tear in the use of ILUs can result in safety hazards that have to be eliminated by the maintenance and periodic inspection of these ILUs. These inspections need to be carried out uniformly throughout the Community and ILUs must be able to undergo periodic inspection in any Member State. This requires Community action in order to harmonise inspection procedures.
- The purpose of the proposal is to improve the sustainability and safety of transport, reduce the congestion of infrastructures, particularly roads, and create a more favourable framework for intermodal transport operations by ensuring a high degree of interoperability of ILUs between modes. Community action is the only way to achieve such harmonisation, since Member States acting independently or through international agreements cannot establish the same degree of harmonisation of ILUs or of assessment, reassessment, maintenance or inspection procedures.
- Recognition of the approval certificates issued by the inspection bodies designated by the Member States' competent authorities would contribute towards removing obstacles to the freedom to provide transport services. Such an objective cannot be achieved satisfactorily at another level.
- Community means are needed to harmonise certain characteristics of ILUs. Such harmonisation could not be achieved by national means alone. Interoperability is required for the handling of ILUs wherever they are circulating in the Community. Such interoperability can be achieved only by Community measures. Further, the free movement of goods and services requires that periodic inspections can be carried out in any place in the Community in accordance with the same criteria. There are various national solutions with regard to ILUs, but there is no EILU at European level in practice or as a satisfactory standard. Community action is needed to standardise such an EILU in order to benefit those working in the European industry.

The proposal also has the aim of reducing road congestion by improving the preconditions for intermodal transport operations. If no action is taken, road freight transport will continue to increase, leading to more congestion, accidents and environmental damage. The yearly increase of additional external costs of road transport is estimated at EUR 3 billion. Lack of harmonisation creates continuous costs in Europe by delaying and complicating handling operations. The optimal dimensions of the EILU will accommodate more pallets in one unit than a 40' container. Therefore, fewer ILUs - and lorries - are needed to carry the same amount of goods. EILUs also have an advantage over swap bodies: they have a stacking capability of several layers, which reduces the storage space required, particularly in combined transport freight villages, and enables transportation of several layers where the gauge of the infrastructures used allows this.

The objective of the planned measure is to contribute, directly and immediately, in the market for intermodal freight transport and logistics services, to simplifying intermediate handling operations, reducing the congestion of infrastructures, particularly roads, and improving safety and the environmental performance of

intermodal freight transport. The means proposed (harmonisation, standardisation and recognition) are proportionate to these objectives.

A European Parliament and Council Directive is the appropriate legal instrument to enhance harmonisation and to provide a framework for the standardisation, maintenance and periodic inspections of ILUs.

## **THE IMPACT ON BUSINESS**

### **2. Who will be affected by the proposal?**

- which sectors of business?
- which sizes of business (proportion of small and medium-sized firms)?
- are there particular geographical areas of the Community where these businesses are found?

The business sectors that will be affected by harmonisation are the manufacturers, owners, holders and operators of ILUs, terminal operators and transporters.

The proposal will affect large as well as small and medium-sized companies. In fact, whilst rail and sea carriers are usually large companies, this is not the case for road and inland waterways transport, nor for terminal operators. It should be pointed out, however, that the use of EILUs is still optional.

The number of TEU transported in combined transport in all surface modes has been estimated at about 37 million in 1999. Of this total, 25 million TEU were transported in short sea shipping.

The proposal does not distinguish between geographical areas in the Community. The harmonisation of the characteristics of ILUs and the requirement for maintenance and periodic inspection will therefore affect all companies - regardless of their nationality or place of establishment - which manufacture ILUs, put them into circulation or service, or own, hold and/or operate them within the Community.

The provisions which apply to the EILU will affect only those companies that wish to benefit from using such an optimal unit.

### **3. What will business have to do to comply with the proposal?**

Manufacturing companies will have to make adjustments to their processes in order to comply with the requirement for harmonised characteristics. Companies which own, hold and/or operate ILUs will have to ensure that their new units fulfil the relevant requirements and bear the mark of conformity and the marking to show that they have been regularly inspected. They will also have to arrange for all their ILUs to be maintained in good shape and to undergo periodic inspections.

The introduction of EILUs will not require any measures in addition to those mentioned in the previous paragraph.

4. What economic effects is the proposal likely to have:
- on employment?
  - on investment and the creation of new businesses?
  - on the competitiveness of businesses?

The proposal is not likely to have an effect on employment.

ILUs would be replaced only when existing equipment comes to the end of its life provided that the ILUs with harmonised interoperability characteristics would not be more expensive than the others. More uniformity in handling operations will facilitate investments in interconnection points.

The new EILU will increase the capacity of units and help slow down the growth of road haulage. Assessment and reassessment of conformity and periodic inspections of ILUs will no doubt promote the adoption of the more solid EILU amongst businesses.

Competitiveness of business in Europe will increase because certain costs relating to handling can be eliminated. The possibility of using the transport system more efficiently will also have similar effects.

5. Does the proposal contain measures to take account of the specific situation of small and medium-sized enterprises (reduced or different requirements etc)?

Large companies can benefit more from economies of scale, in particular, in production processes and in procedures for the assessment or reassessment of conformity and periodic inspection procedures. However, the difference is not such that it would require the adoption of special measures for small and medium-sized enterprises, which will also benefit from the simplification of handling operations. The standardisation should facilitate the creation of new businesses, possibly SMEs, because investment decisions will be easier. The measures will also have an impact in the long term because there is no requirement to replace existing equipment. The safety considerations remain the same for all sizes of company.

Consequently, no specific measures are foreseen to take account of the specific situation of small and medium-sized enterprises.

## CONSULTATION

6. List the organisations which have been consulted about the proposal and outline their main views.

On 17 April 2002, the Commission invited the professional associations concerned (at European level) to give their opinion on a consultation document. The organisations consulted were:

<b>Abbreviation</b>	<b>Organisation</b>
ACEA	Association des Constructeurs européens d'Automobiles
CCFE	Communauté des Chemins de fer européens
CEFIC	European Chemical Industry Council
CEN	Comité européen de Normalisation
CLECAT	Liaison Committee of European Freight Forwarders
EBU	European Barge Union
ECASBA	EC Association of Ship Brokers & Agents
ECG	European Car - Transport Group of Interest
ECSA	EC Shipowners' Association
EFIP	European Federation of Inland Ports
EFLLC	European Freight & Logistics Leaders Club
EIA	European Intermodal Association
EIM	European Infrastructure Managers
ERFCP	European Rail Freight Customers Platform
ESC	European Shippers Council
ESN	European Short Sea Network
ESPO	European Sea Ports Organisation
FEPOR	Federation of European Private Port Operators
FFE	Freight Forward Europe
GETC	Groupeement européen pour le TC
INE	Inland Navigation Europe
IRU	International Road Union
ISO	International Standardisation Organisation

<b>Abbreviation</b>	<b>Organisation</b>
MIF	Maritime Industries Forum
O.E.B./E.S.O	Organisation européenne de bateliers
UIC-GTC	Union Internationale des Chemins de Fer - Groupe Transport Combiné
UIRR	Union Internationale des sociétés de transport combiné Rail-Route
UNICE	Union of Industrial and Employer's Confederations of Europe

As well as the written contributions, representatives from these organisations had the opportunity to express their views in a consultation meeting on 22 May 2002.

The general tone of the contributions can be summarised in three points:

- a general consensus on the usefulness of standardising and harmonising certain characteristics of ILUs, without however banning the use of other units;
- disagreement on common dimensions, with people defending the dimensions already used in "their" mode of transport;
- an urgent demand from road hauliers and shipowners to increase the weights and dimensions authorised in road transport to take account of the reality of extra-Community trade, particularly containers which are more than 13.6 m long.