

II

(Preparatory Acts)

COMMISSION

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

(92/C 282/03)

COM(92) 230 final

(Submitted by the Commission on 2 July 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 and Article 84 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas the application of Council Directive 75/130/EEC ⁽¹⁾, as last amended by Directive 91/224/EEC ⁽²⁾, has produced positive results;

Whereas the increasing problems relating to road congestion, the environment and road safety call, in the public interest, for the further development of combined transport as an alternative to road transport;

Whereas the volume of traffic will swell in the aftermath of the completion of the internal market; whereas the Community must do what is necessary to ensure optimum management of its transport resources in the interest of all citizens;

Whereas sea transport is a key asset for any Community-wide inter-modal transport policy in that it has a role to play in achieving the Community's objectives in the field of combined transport;

Whereas this measure should not entail any discrimination or different treatment as compared with other modes; whereas the limit on the road transport leg of a combined road/sea journey should therefore be akin to that already applying to the road transport leg of a combined road/inland waterway journey;

Whereas Directive 75/130/EEC should therefore be amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. Article 1 is replaced by the following:

Article 1

— “combined transport” means the transport of goods between Member States where the tractor unit, lorry, trailer, semi-trailer with or without tractor, swap body or container (of 20 feet or more), use the road on one leg of the journey and rail or inland waterway or maritime services on the other leg, or use the railways on one leg and inland waterway or maritime services on the other,

— “swap body” means an enclosed load-bearing container that can be transported by road or rail and lifted from below.’;

⁽¹⁾ OJ No L 48, 22. 2. 1975, p. 31.

⁽²⁾ OJ No L 103, 23. 4. 1991, p. 1.

2. Article 2 becomes Article 3;
3. the following new Article 2 is inserted:

Article 2

This Directive shall apply to the types of combined transport defined in Article 1 where the initial or final road haulage leg of the journey takes place:

- between the point where the goods loaded and the nearest suitable rail loading station for the initial leg, and between the point where the goods are unloaded and the nearest suitable rail unloading station for the final leg, or
 - within a radius not exceeding 150 km, as the crow flies, from the inland waterway port of loading or unloading, or
 - within a radius not exceeding 150 km, as the crow flies, from the sea port of loading or unloading.;
4. Article 3 becomes Article 4 and is replaced by the following:

Article 4

In the case of combined transport for hire or reward, a transport document which fulfils at least the requirements laid down in Article 6 of Council Regulation No 11⁽¹⁾ shall also specify the rail loading and unloading stations relating to the rail leg, or the inland waterway loading and unloading ports relating to the inland waterway leg, or the maritime loading and unloading ports relating to the maritime section of the journey. These details shall be recorded before the transport operation is carried out and shall be confirmed by means of a stamp affixed by the rail or port authorities in the stations or inland waterway or sea ports concerned when that part of the journey carried out by rail or inland waterway or by sea has been completed.

⁽¹⁾ OJ No 52, 16. 8. 1960, p. 1121/60.;

5. Article 4 becomes Article 5 and is replaced by the following:

Article 5

1. When a frontier is crossed on the road journey before the rail journey or before the inland waterway journey or before the sea journey, Member States may require the operator to furnish an appropriate document proving that a reservation has been made for the transport by rail of the tractor unit, lorry, trailer, semi-trailer, swap body or container (of 20 feet or more) and for the transport by inland waterway or by sea of the tractor unit, lorry, trailer, semi-trailer or container (of 20 feet or more).

2. Member States may authorize the inspection authorities to require the rail, inland waterway or sea transport document to be produced on completion of the rail, inland waterway or sea leg of the combined transport journey.;

6. Article 5 becomes Article 6;

7. Article 6 becomes Article 7;

8. Article 7 (1) becomes Article 8 (1);

9. Article 7 (2) becomes Article 8 (2) and is replaced by the following:

‘2. In drawing up the report referred to in the first paragraph, the Commission shall be assisted by Member States’ representatives in gathering the data required for that purpose.

The report shall analyse information and data relating in particular to:

- trade effected by combined transport,
- the number of vehicles, swap bodies and containers transported along the different routes,
- the tonnages transported,
- the services provided in tonnes per kilometre.

Where appropriate this report shall propose solutions which will help to improve this information and enhance the situation of combined transport.;

10. Article 8 becomes Article 9;

11. The following indent is added to the new Article 9 (3):

‘— Spain — [licencia fiscal]

— Impuesto vehículos — tracción mecánica’;

12. Article 9 becomes Article 10 and is replaced by the following:

'Article 10

Where a trailer or semi-trailer belonging to an undertaking engaged in own-account combined transport is hauled on a final leg by a tractor belonging to an undertaking engaged in transport for hire or reward, the transport operation so effected shall be exempt from presentation of the document provided for in Article 4, but another document shall be provided giving evidence of the journey covered by rail or by inland waterway or by sea.'

13. The former Article 10 is deleted.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1993. They shall immediately inform the Commission thereof.

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

2. Member States shall communicate to the Commission the main provisions of domestic law which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

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

(92/C 282/04)

COM(92) 230 final

(Submitted by the Commission on 2 July 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas Council Regulation (EEC) No 1107/70⁽¹⁾, as last amended by Regulation (EEC) No 1100/89⁽²⁾, provides that Member States may promote the development of combined transport by granting aid relating to investment in infrastructure and in the fixed and

moveable facilities necessary for transshipment or to the running costs of an intra-Community combined transport service in transit across the territory of non-member countries;

Whereas the evolution of combined transport shows that for the Community as a whole the starting-up phase of this technology has not been completed yet, and whereas the aid arrangements should therefore be maintained for a further period;

Whereas the possibility of granting such aid for the operating costs of combined transport services crossing the territory of a non-member country is only warranted in the case of Austria, the Republics of the former Yugoslavia, and Switzerland;

Whereas the need to achieve economic and social cohesion in the Community rapidly entails putting the emphasis on investment in rail and road facilities specific to combined transport, in particular where they present an alternative to infrastructure work that cannot be completed in the short term;

⁽¹⁾ OJ No L 130, 15. 6. 1970, p. 1.

⁽²⁾ OJ No L 116, 28. 4. 1989, p. 24.