

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 7 December 1992

Amendment to the proposal for a

COUNCIL DIRECTIVE

amending Council Directive 75/130/EEC
of 17 February 1975 on the establishment of common rules for
certain types of combined carriage of goods
between Member States

Amendment to the 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

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

**Amendment to the proposal for a Council Directive
amending Council Directive 75/130/EEC
of 17 February 1975 on the establishment of common rules for
certain types of combined carriage of goods
between Member States**

Explanatory memorandum

1. On 10 June the Commission presented to the Council a proposal for Council Directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined carriage of goods between Member States.¹

The proposal is aimed at updating current Community legislation on combined transport in the light of recent developments in the combined transport market.

2. In the course of its plenary session of 20 November Parliament approved the Commission proposal, subject to a number of amendments.
3. All the amendments seem acceptable to us, since they either clarify the wording of the proposed Directive or involve the inclusion of measures likely to foster the development of combined transport. The sole exception is amendment No 11, postponing until 1 July 1993 the entry into force of the new Directive, i.e. the complete liberalization of road haulage journeys linked with a sea journey in the course of combined transport. In view of the Commission's aim to completely liberalise road cabotage on 1 January 1993, this amendment is inappropriate. The date of entry into force of these measures specifically concerning sea/road transport should not be later than January 1993.

¹ OJ No C 282, 30.10.1992, p.8.

Amendment to the proposal for a Council Directive
amending Council Directive 75/130/EEC
of 17 February 1975 on the establishment of common rules for
certain types of combined carriage of goods
between Member States

(Presented by the Commission pursuant to Article 149(3) of the Treaty)

The Commission proposal for a Council Directive on the establishment of common rules for certain types of combined carriage of goods between Member States is amended as follows:

1. The fifth recital is amended, becoming:

"Whereas a sea transport operation continued by another mode or modes of transport should therefore come under the heading of combined transport;"

2. The sixth recital is deleted and replaced by:

"Whereas the current rules on tax exemptions or refunds applicable to road vehicles used in combined transport should be harmonized so as to make them more effective and ensure more uniform application of such rules throughout the Community;"

3. The following recital is inserted after the sixth recital and becomes the seventh recital:

"Whereas a Community policy which seeks to relaunch combined transport and an intermodal approach must seek to harmonize and make compatible the national technical regulations and standards governing combined transport;"

4. The former seventh recital now becomes the eighth; it is not amended;

5. Article 1(1) is amended as follows:

Article 1

"For the purposes of this Directive:

- 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) uses the road on one leg of the journey and rail and/or inland waterway and/or maritime services on the other leg, or uses the railways on one leg and inland waterway and/or maritime services on the other,"

6. Article 2 is amended as follows:

"Article 2

1. 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 are 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.

2. For the purposes of this Directive, the maritime section of a combined transport journey must cover a minimum distance of 125 km as the crow flies.

3. Within ten years of the entry into force of this Directive, the Member States may, in agreement with the Commission, extend the maximum distance proposed in the third indent of paragraph 1 to 200 km if the Member State concerned is able to demonstrate that such a measure is advisable within its territory in view of its railway and inland waterway capacity and there is no danger of distortion of competition."

7. The new Article 4 is amended as follows:

"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* of 27 June 1960 concerning the abolition of discrimination

* O.J. No C52, 16.8.1960, p. 1121/60

in transport rates and conditions in implementation of Article 79(3) of the Treaty establishing the European Economic Community shall also specify the rail loading and unloading stations relating to the rail leg and/or the inland waterway loading and unloading ports relating to the inland waterway leg and/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 and/or port authorities in the stations and/or inland waterway and/or sea ports concerned when that part of the journey carried out by rail or inland waterway or by sea has been completed."

8. The new Article 5 is amended as follows:

"Article 5

1. When a frontier is crossed on the road journey before the rail journey and/or before the inland waterway journey and/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 and/or by sea of the tractor unit, lorry, trailer, semi-trailer, swap body or container (of 20 feet or more).
2. Member States may authorize the inspection authorities to require the rail and/or inland waterway and/or sea transport document to be produced on completion of the rail, inland waterway or sea leg of the combined transport journey."

9. The new Article 9(1) is amended, becoming:

"Article 9

1. By 1 July 1993 the Commission shall submit proposals for rules common to all the Member States to ensure that the taxes listed in paragraph 3 applicable to road vehicles (lorries, tractors, trailers or semi-trailers), when used for combined transport, are reduced or refunded either by a standard amount or in proportion to the journeys undertaken by rail, inland waterway or sea.

The Member States shall refund all indirect or equivalent taxes applied to the vehicle if it has, within a twelve-month period, undertaken more than 120 journeys of which part of the total route was effected by rail, inland waterway or sea in inter-Community combined transport. Member States may require the operator to prove by means of the document referred to in Article 4 that he has used combined transport.

Where the above number of journeys has not been undertaken, the following reductions shall apply:

between 91 and 120 journeys: 75% of the reduction in the indirect taxes levied;

between 61 and 90 journeys: 50% of the reduction in the indirect taxes levied;
between 31 and 60 journeys: 25% of the reduction in the indirect taxes levied.

Where the distance covered by rail, inland waterway or sea exceeds 400 km, the journey shall count double. If the distance exceeds 800 km, the journey shall count triple."

10. The new Article 10 is amended as follows:

"Article 10

Where a trailer or semi-trailer belonging to an undertaking engaged in own-account combined transport is hauled on a final section 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 or to be covered by rail and/or by inland waterway and/or by sea".

11. A new Article is inserted:

"Article 14

The Commission shall present to the Council and Parliament as soon as possible and not later than 1 July 1993 a report, accompanied by proposals, on the harmonization of regulations, technical specifications and standards governing combined transport, and in particular the compatibility and standardization of load units and vehicles used in combined transport."

12. The present Article 14 becomes Article 15.



Amendments to the 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

Explanatory memorandum

1. On 10 June the Commission presented to the Council a proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road or inland waterway.¹
2. In the course of its plenary session of 20 November Parliament approved the Commission proposal, subject to a number of amendments.
3. All the amendments seem acceptable to us, since they clarify the wording of the proposed Directive. The sole exception is the amendment extending the Regulation's period of application until 31 December 2000.

¹ OJ No C 282, 30.10.1992, p.10.

Amendments to the proposal for a Council Regulation (EEC)
amending Regulation (EEC) No 1107/70 on the granting of aids
for transport by rail, road or inland waterway.

(Presented by the Commission pursuant to Article 149(3) of the Treaty)

The Commission proposal for a Council Regulation amending Council Regulation (EEC) No 1107/70 is amended as follows:

1. The new third recital is worded as follows:

"Whereas investment in transshipment terminals, which form the interfaces of the various modes of transport, is crucial to the development of combined transport;"

2. The third recital is amended and becomes the new recital 7a:

"Whereas the possibility of granting such aid for the operating costs of combined transport services crossing the territory of non-member countries is warranted in the case of all transit countries and, in particular, Austria, Switzerland, Slovenia and the other States of the former Yugoslavia;"

3. The seventh recital is amended, becoming:

"Whereas the present aid arrangements should be maintained until 31 December 1995 and the Council should decide, under the conditions laid down in the Treaty, on the arrangements to be applied subsequently or, if necessary, on the conditions for terminating such aid;"

4. A new recital 8a is added:

"Whereas sea transport is a key component of a Community policy favouring intermodal transport and the Commission should present, as soon as possible, proposals on the granting of such aids for transport by sea, and particularly for port terminals,"



5. Article 3(1)(e) is amended as follows:

"(e) until 31 December 1995, where the aids are granted as a temporary measure and designed to facilitate the development of combined transport, such aids have to relate to:

- investment in infrastructure, and notably in transshipment terminals, or
- investment in fixed and moveable facilities necessary for transshipment, or
- investment in transport facilities specifically designed for combined transport and used exclusively in combined transport, or
- other costs incurred in running combined transport services in transit across Austria, Switzerland, Slovenia and the States of the former Yugoslavia.

The Commission shall present a progress report on those measures to the Council every two years giving details of where the aids went to, their amount and their impact on combined transport. Member States shall supply the Commission with the information needed to compile the report. By 31 December 1995, and on a proposal from the Commission, the Council shall decide on the arrangements to be applied subsequently and, if necessary, on the conditions for terminating them."

6. Article 3(1) is amended by the insertion of a new letter (f):

"(f) by 30 June 1993 the Commission shall submit to the Council and to the European Parliament a report with proposals on the granting of aids for transport by sea and particularly for port terminals."

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DOCUMENTS

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