

Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council applying rules of competition to transport by rail, road and inland waterway

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(2007/C 161/25)

On Tuesday 12 December 2006 the Council decided to consult the European Economic and Social Committee, under Article 171 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 21 February 2007. The rapporteur was Mr Simons.

At its 434th plenary session, held on 14 and 15 March 2007 (meeting of 15 March), the European Economic and Social Committee adopted the following opinion by 81 votes with one abstention:

1. Introduction

1.1 In the context of a people's Europe, it is of great importance to simplify and clarify Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him or her new opportunities and the chance to make use of the specific rights it gives him or her. This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules. For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

1.2 The purpose of this proposal is to undertake a codification of Council Regulation (EEC) No 1017/68 of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway. The new Regulation will supersede the various acts incorporated in it; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

2. Comments

2.1 Although the proposal is fully in line with the requirement set out in paragraph 2, the EESC nevertheless raises the urgent question as to whether Article 5(2), as it now reads, is not obsolete. The period referred to, 'within six months from the date of accession' of the countries mentioned (Austria,

Finland, Sweden and the ten Member States that later acceded 'en bloc'), has already long passed. Only if the agreements, decisions and concerted practices referred to were still under investigation or discussion at a European institution, which should first be verified, would Article 5(2) still serve any purpose.

2.2 In any case the verbatim text of Article 81(1) of the Treaty should be used, because not all agreements, but only agreements 'between undertakings', and not all decisions but only decisions by 'associations of undertakings' can fall under Article 81(1).

2.3 The EESC once again takes the opportunity to reiterate for the benefit of the European institutions that great misunderstandings regarding policy-making can arise from combining maritime and inland waterway transport under the heading 'waterborne transport', as in the Mid-term review of the Transport White Paper for 2001-2010, the European Commission's Legislative and Work Programme 2007, the German EU Presidency Programme, including the 18-month Programme of the German, Portuguese and Slovenian Presidencies or the current European Parliament discussion on the proposal of the EU Commission concerning liability in the event of accidents in passenger transport. Inland waterways and inland waterway vessels have a completely different legal framework from that of long-distance or short sea shipping. The present proposal indicates the correct policy framework, which has proved effective in the past, namely that of inland transport, which can be taken to cover rail, road and inland waterway transport and combinations of these.

Brussels, 15 March 2007.

The President
of the European Economic and Social Committee
Dimitris DIMITRIADIS