

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 796 final

Brussels, 5 December 1980

Proposal for a
COUNCIL DIRECTIVE
on certain measures to promote the development of combined transport

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 1107/70 with a view to supplementing
the system for the granting of aids for transport by rail, road and
inland waterway by the addition of provisions on combined transport

(submitted to the Council by the Commission)

COM(80) 796 final

Proposal for a
COUNCIL DIRECTIVE

on certain measures
to promote the development
of combined transport

Explanatory memorandumGENERAL CONSIDERATIONS

1. The importance of the various forms of combined transport for economies in general and the transport sector in particular is universally recognized nowadays.

Combined transport, particularly in its road/rail ("piggy-back") form can provide an appropriate answer to the problems arising from saturation of the road network and the need to protect the environment.

Furthermore, it makes an effective contribution to increasing road safety, to improving working conditions of road transport workers, to making energy savings and to improving the utilization of the railways' carrying capacity.

Combined transport also makes it possible to reduce the trans-shipment costs and ensuring that carriage is reliable and regular, with high speeds over long distances which makes it interesting from a commercial point of view. This is of particular importance for the servicing of an integrated continental area, such as the Community as now constituted, and will be even more important after it has been enlarged to include other European countries.

2. So that combined transport may play its proper part and produce the expected results, its volume must be considerably increased and a substantial portion of present road traffic - and of the expected increases in it - be transferred to combined transport.

Only under such conditions will combined transport be able to have an appreciable economic impact on the organization of the transport market at Community level.

./...

3. To achieve this, a number of conditions must be fulfilled. First of all, the authorities must take effective measures, coordinated as part of an overall plan, to eliminate bureaucratic obstacles to the development of combined transport and make the use of it more attractive.

The measures to be adopted will thus have to concern every field directly or indirectly affecting the conduct of combined transport.

Secondly, action to promote combined transport must be comprehensive in the sense that it must cover national and international transport, all possible forms of cooperation between land transport modes and all techniques, including container transport, whose dramatic growth seems likely to continue.

Finally, the operators and carriers concerned will have to institute permanent and effective cooperation in a climate of mutual trust, while respecting each other's commercial interests.

4. The measures proposed by the Commission - details of which are set out in the second part of this memorandum - are intended to achieve these aims and so are based on the following principles :

- the development of combined transport must not be the result of an authoritarian decision but must match the market and its needs ;
- the development of combined transport must be based on a qualitative improvement and a reduction in the rates offered to customers so as to encourage its use by users and by carriers because of its advantages over traditional techniques ;

./...

- the market-economy principle does not, however, preclude certain interventions by the public authorities to assist combined transport, e.g. in the form of state aids, provided that these interventions are suitable to efficiently facilitate the development of combined transport without changing the competitive conditions in a way contrary to the common interest.

5. The above-mentioned need to develop combined transport by offering attractive transport rates is particularly important for the tariffs and rates of the railways in combined road/rail transport. In a market functioning according to the rules of a market economy, such action could be incompatible with the requirement to apply rates covering costs. Weighing objectively the pros and cons of the contradictory interests it appears reasonable to allow the railways to follow, during a certain initial period of combined transport, a commercial policy which will not be immediately profitable but which will, in the long run, ensure balanced accounts. As long as the railway undertakings are obliged to follow such price formation the charges resulting therefrom should be compensated. A modification of Community law will not be necessary for this compensation ; the existing rules already permit solutions of this kind.

On the other hand, the development of combined transport by means of aids presupposes an adjustment of Regulation (EEC) No. 1107/70. This will be the object of the proposed modification of the Regulation submitted together with the proposed directive. The aids must, however, be limited to subsidies designed to partly cover the investments.

6. The transport of containers by inland waterways combined with rail and road-terminal transport, is showing interesting growth, especially on the Rhine ; on the Rhône and the Seine containers have already been carried ; on other waterways comparable evolution can be expected in the future.

Combined transport with the participation of inland waterway transport offers the same advantages as combined road/rail transport and, taking into account the necessity to avoid discrimination of inland waterway transport, this latter should also be included within the scope of this directive.

On the other hand the proposed directive does not cover combined transport between maritime navigation and one mode of inland transport only. Intra-Community transport links certainly exist for which combinations between maritime and one mode of inland transport could produce the same advantages to the collectivity as combined transport between two modes of inland transport. But in this field the Commission holds the view that this question should be subject to further examination in order to be able to determine whether and to what extent this transport should be encouraged by political actions.

7. The Commission is aware that these aims cannot be achieved solely with ad hoc measures and that it will be necessary to make constant adjustments as required by the changing situation and needs of the market.

The Commission therefore attaches particular importance to the setting up of an advisory body which will help it to get a better grasp of these requirements and assist in drawing up such proposals as may prove necessary in the future in the light of the results achieved and of experience.

./...

PARTICULAR CONSIDERATIONS

Article 1 : Scope of application

The aim of the Article is to show that the directive and the measures necessary for its implementation are not limited to traffic between the Member States but are also intended to foster the development of national combined transport.

Certainly, the geographical and structural conditions for the development of combined transport within a national context vary from one country to another ; but they are not of a character to justify limiting the directive to international combined transport. The interest which combined transport has for the collectivity is the same both for national and international traffic.

Moreover, a limitation of the action to international traffic would hardly be possible because combined national and international transport cannot be practically and technically separated from one another.

Article 2 : Definitions

Some of the concepts used more than once in the enacting terms need to be defined in order to avoid cumbersome repetitions.

In view of the approach of the directive and the wide scope of application it is not possible to adopt the definition already enshrined in Community law by Directives 75/130 and 79/5.

The inclusion of inland waterways with combined transport in the directive, and consequently in the definitions, is justified by its public interest and the need to avoid discrimination in relation to road/rail combined transport.

./...

It is likewise useful for practical and drafting reasons to define feeder and final delivery road transport operations to or from railheads or inland ports, called "road haulage" throughout.

Article 3 : Tax exemptions

The reduction in road vehicle taxation proportional to the distance covered by rail for the use or possession of road vehicles used in combined transport, as provided for in Paragraph 1, is the logical consequence to the character of these taxes as a contribution to covering infrastructure costs.

Paragraph 2 provides Member States with the possibility of exempting from taxation the vehicles used exclusively by road haulage within the context of combined transport. This possibility, envisaged for a running-in period, should have an encouraging effect on the transfer of long distance road haulage towards various forms of combined transport. The advantages which could be obtained from such a measure would largely compensate for the technical inconveniences possibly linked to this tax exemption.

Article 4 : Access to the market

This provision is based on the idea that combined transport has its own characteristics and is a transport technique in its own right. The organization of the market applicable to this type of transport must take account of these specific features. Application of the regulations for conventional goods transport would hinder a normal development of combined transport. This is particularly true of limitation of access to the road freight market. If combined road/rail transport is to be given a decisive stimulus, these limitations must be done away with, since they limit, with no apparent justification, the normal development of these markets. This is the aim of the regulation referred to in paragraph 1, which has already proved its worth in transport between the Member States.

./...

At national level own-account carriage is subject to certain provisions which form the legal basis for separating it from carriage for hire and reward. However, at the same time these conditions form obstacles to the participation of own-account carriage in combined road/rail transport. These obstacles should be eliminated but only in such a way as to encourage participation in road/rail transport without affecting the legal distinction between own-account and hire and reward transport.

The proposal set out in paragraph 2 likewise derives from the objective to promote the use of combined transport in permitting initial and terminal road transports of a combined transport at days or during periods long-distance traffic is not allowed.

Article 5 : Rate formation

For the same fundamental reason already mentioned in Article 4, it is necessary to exempt combined transport from the tariff obligations still in force in some Member States in respect of road and inland-waterway transport. Past experience shows that it is inadvisable to impose compulsory prices on these forms of transport. Abandoning these regulations should have no adverse effect. Market-oriented rates will provide better criteria for the development of combined transport than imposed tariffs. Should the business interests concerned attach importance to the publication of reference tariffs, i.e. non-compulsory price recommendations, for these markets, national authorities should establish the necessary regulations and to make sure such measures are compatible with competition law. The date of 1 January 1984 is chosen to permit national authorities to establish reference tariffs for national combined transports.

Article 6 : Frontier crossing

Frontier crossing difficulties encountered in the international transport of goods by rail are - unfortunately - tending to increase and have recently begun to affect combined transport. The Member States and the Commission will

./...

have to take energetic steps to stop and reverse this trend. As mainly administrative measures are involved, the directive cannot for the time being go beyond confirming this objective.

The measures to be taken at Customs level will be the subject of other Commission proposals within the framework of rules for Community transit. Article 6 therefore only aims at measures outside the scope of this Customs regime.

Article 7 : Statistics

From all the relevant points of view, the need to improve the statistics on combined transport is indisputable. A great deal remains to be done in this field. The directive specifies, as from now, certain indispensable statistical information to be provided by Member States. Provisions for developing and harmonising statistical information will be proposed later.

Article 8 : Infrastructure, technical harmonisation

The formation of a comprehensive and coherent plan of the infrastructure for combined transport in the Community is another task to be tackled over the next few years.

Technical harmonization - mainly of the rolling stock used in combined road/rail transport - is a priority task in the development of more rational and less expensive combined transport techniques. In this sector there is much catching up to be done and an impressive range of unsolved questions. The proposals which the Commission will make as soon as possible will cover an initial series of problems.

Article 9 : Report

In view of the rapid evolution of combined transport it is opportune, every second year, to draw up a report on the development of this traffic as well as on the repercussions of the application of Community law in this field.

Article 10 : Consultative Committee

In view of the rapid development of combined transport and the consequent need for the political authorities to keep a close watch on this development and stay in close and regular contact with the facts, it is desirable to set up a Committee of Experts to assist the Commission. Unlike other committees of this kind, this committee should be made up of representatives of the business circles concerned. It will be for the Community institutions to draw the political conclusions - pursuant to the institutional rules in force - from the work of the afore-mentioned experts.

Articles 11 and 12

The timetable for implementing measures and the consultations preceding them will have to be tailored to the dates set out in the various articles for implementation of the obligations laid upon governments.

PROPOSAL FOR A

COUNCIL DIRECTIVE

on certain measures to
promote the development
of combined transport

(81/..../EEC)

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 (1),

Having regard to the opinion of the Economic and Social Committee (2),

(1)

(2)

Whereas the development of combined transport is a matter of public interest; whereas as large as possible an expansion of this transport on appropriate routes helps to relieve road congestion and thereby to improve road safety and the environment ; whereas a combination of the advantages specific to several modes of transport is in the economic interest both of consignors and of carriers ; whereas combined transport, by taking a larger share of the market, can help to place the railways on a sounder footing ; whereas, finally, it is important that this development be linked with energy problems and their effects on transport economics ;

Whereas the various techniques of combined transport have made remarkable progress in recent years; whereas the present rates of growth in both container and road/rail traffic are already impressive ; whereas this favourable trend is not confined to road/rail cooperation but also extends to inland navigation, in particular on the Rhine ;

Whereas this development could be even more marked if combined transport were, on the one hand, freed from certain administrative restrictions and, on the other hand, facilitated by measures which had a stimulating effect ;

Whereas, in principle, the aim of development measures should be to free combined transport, by recognition of its particular characteristics, from the regulations applying to the carriage of goods by conventional methods ; whereas the development of this transport technique must depend on the market, without the imposition of useless administrative constraints ;

Whereas, since the combined transport technique leads to a reduction in road congestion, it is logical to reduce taxation on the use or possession of commercial vehicles employed in combined transport operations to the extent that that they are carried by rail;

Whereas, in order to stimulate the transfer of goods at present carried by road over long distances to combined means of transport, exemption from these taxes for an experimental period could be considered for road vehicles which are used exclusively for road haulage as covered by this Directive;

Whereas pursuit of the objective of this Directive requires that limitations on market access and obligations in respect of prices should be renounced ; whereas, in this context, the criteria relating to carriage on own account should be relaxed ;

Whereas efforts must be continued to facilitate frontier crossing for combined means of transport also, particularly in view of the constantly increasing difficulties on certain routes ; whereas, meanwhile, the measures necessary to facilitate the customs clearance of this form of transport will be taken within the framework of Community transit regulations ;

Whereas efforts must likewise be made to improve statistics, in which there are still gaps, particularly with an eye to the measures to be taken in the future in the combined transport sector ;

Whereas, the harmonization of technical standards for rolling stock represents an important task in view of the number of problems to be solved in the future ;

Whereas, in the light of the experience gained, a network for combined transport which is of Community interest and which meets the needs of the market has to be developed ;

Whereas, in order to facilitate the attainment of the objectives of the common policy in this sector, it is advisable to set up a committee consisting of experts active in the various combined transport sectors to advise the Commission on problems in the field of combined transport,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Scope

This Directive shall apply to :

- combined transport between Member States, including such transport when in transit through the territory of another Member State or of a third country ;
- combined transport within a Member State.

Definitions

For the purposes of this Directive :

(1) "Combined transport" means :

- transport of goods where the lorry, trailer, semi-trailer (with or without tractor unit) or their swap body and container of 20 feet or more are transported by rail between the nearest suitable rail loading station to the point of loading and the nearest suitable rail unloading station to the point of unloading ;
- the carriage of containers of 20 feet or more by inland waterway, including feeder and final delivery carriage by rail or road to and from the nearest suitable port of loading and unloading respectively;

(2) "Road haulage" means :

haulage by road of a trailer, semi-trailer, swap body or of a container of 20 feet or more on the feeder or final delivery section of a combined transport operation.

14

Article 3.

Tax exemptions

- (1) Member States shall take the measures necessary to ensure that, with effect from 1 January 1982, taxation on the use or possession of commercial vehicles applicable to road vehicles used in combined transport shall be reduced in proportion to the distance which such vehicles are carried by rail. In respect of combined transport between Member States, this reduction shall relate to the whole distance covered by rail.

- (2) With effect from the same date and until 31 December 1986, road vehicles used solely for road haulage may be exempted from these taxes.

11

Article 4

Access to the market

(1) Member States shall take the measures necessary to ensure that, with effect from 1 January 1982,

- carriage by road performed as part of a combined transport operation in a Member State shall not be subject to any quota system or other quantitative restriction affecting access to the market ;

- for carriage by road on own account in a combined transport operation, road vehicles used for road haulage need not necessarily belong to the undertaking which carries out transport operations on its own account, be bought on credit by the latter or be driven by employees of that undertaking.

(2) Member States shall take the measures necessary to ensure that, with effect from 1 January 1982, journeys falling under the heading of road haulage shall be exempt from general prohibitions on road movement laid down by non-local authorities in respect of certain days or during certain periods.

Article 5Price formation

Member States shall take the measures necessary to ensure that, with effect from 1 January 1984, carriage by road or inland waterway performed as part of combined transport operations in a Member State shall be exempted from any compulsory system of charges. If necessary, reference charges can be introduced for these transport operations.

19

Article 6

Frontier crossing

The Member States, in collaboration with the Commission, shall take the measures necessary to simplify the administrative and technical procedures applied to combined transport between Member States as regards frontier crossings. In particular, these measures must facilitate increased co-operation between the railway undertakings in this sector.

20

Article 7

Statistics

(1) The Member States, in collaboration with the Commission, shall improve their transport statistics in order to produce specific and detailed information on combined transport, with particular regard to :

- traffic links ;
- number of consignments ;
- distances covered ;
- tonnages carried ;
- services performed in terms of tonne-kilometres.

(1) Before 1 January 1986, and on a proposal from the Commission, the Council will adopt the measures necessary to develop and harmonize statistics on combined transport at Community level.

Article 8

Infrastructure and technical harmonization

Before 1 January 1983, on a proposal from the Commission, the Council will adopt the necessary measures with a view to

- defining a network of Community interest covering the railway lines and trans-shipment centres needed for the development of combined transport ;
- harmonizing the national provisions concerning rolling stock and equipment used in trans-shipment centres for combined transport in order to eliminate incompatibilities at the technical level which impede the carrying out of these transport operations ;
- promoting the development of rolling stock with common technical characteristics for combined transport.

22

Article 9

Report

Every two years, and in the first instance by 1 January 1983, the Commission shall draw up a report to the Council on the development of combined transport as well as on the application of Community law in this field.

Article 10

Consultative committee

- (1) A committee is hereby set up in order to
 - assist the Commission in developing the common transport policy in respect of combined transport ;
 - facilitate at Community level the resolution of practical problems hindering the development of combined transport;
 - assist the Commission in drawing up the report referred to in Article 9 ;
 - formulate opinions on questions in the field of combined transport referred to it by the Commission.

- (2) The committee shall consist of two experts from each of the following sectors :
 - rail ;
 - road haulage ;
 - inland waterways ;
 - commercial organizations specializing in combined transport ;
 - ports ;
 - transport agents and
 - users.

The Commission may invite other experts to participate in the committee's work on specific questions.

- (3) The committee shall have as chairman a representative of the Commission, which shall also provide secretarial services.

Article 11Implementing measures

The Member States shall, not later than six months before the dates when the various provisions of the directive are to apply, communicate to the Commission for consultation, the laws, regulations and administrative provisions needed for the implementation of this Directive.

Article 12

This Directive is addressed to the Member States.

Done at _____, the

For the Council

The President

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 1107/70 with a view to supplementing
the system for the granting of aids for transport by rail, road
and inland waterway by the addition of provisions on combined
transport

Explanatory memorandum

1. Combined transport as defined in Council Directive No of brings together the specific advantages of different modes of surface transport. Combined transport is also of considerable value to society in general, in particular as a contribution to relieving the pressure on certain axes and as a source of significant energy savings. In the long term it is capable, furthermore, of contributing towards restabilizing the economic position of the railways.
2. Present trends in combined transport show that both transport operators and users have understood its potential.
3. However, the current infrastructure and equipment are proving to be inadequate to cope with present and, above all, future demand. It is thus necessary to provide some support by building up adequate infrastructure and equipment. Since, however, the necessary investment is likely to exceed the financial resources of the undertakings involved, government aid will be needed.
4. Present regulations on state aids, especially for research and development into new transport technologies, limit support by the Member States to the experimental stage; combined transport technology can be considered to have advanced enough to have progressed beyond this; hence the need to adjust the current regulations by adding a new provision dealing specifically with combined transport.

28

5. In order to encourage undertakings to invest rapidly in this sector and to facilitate the decongestion of the present infrastructure system and future expansion of the transport system, the maximum total of aid allowed will be tailed off and limited to a ten-year period. By 1990 the sector ought to have the infrastructure and equipment required.

Proposal for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 1107/70 with a view to supplementing the system for the granting of aids for transport by rail, road and inland waterway by the addition of provisions on combined transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1107/70 of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway¹, and in particular Article 3, paragraph 3 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament²;

Having regard to the opinion of the Economic and Social Committee³;

Whereas Council Regulation 1107/70 provides for the granting of aids by Member States in order to facilitate the development of more economic transport modes and techniques for society as a whole;

Whereas the various forms of and technologies for combining different modes of surface transport bring benefits for society in general, inter alia in decongesting particular roads, conserving energy and allowing better use to be made of railway capacity;

Whereas expanding combined transport rapidly and to a significant extent will also meet the needs of both transport operators and users;

Whereas such an expansion implies that capacity for combined transport operations should be able to satisfy present and future demand and should, for this reason, be supported by adequate infrastructure in the form of terminals, handling and rolling stock;

¹ OJ No L 130, 15.6.1970, p. 1.

²

³

Whereas the investment required to this end in many cases exceeds the financial resources of the undertakings concerned, whereas, therefore, it is essential that aid granted by a Member State or through State resources can be made available to such undertakings;

Whereas current regulations on aids to transport modes and technologies that are economically more advantageous to society limit such support to the experimental phase and whereas, in expanding combined transport, account should be taken of an initial operating phase which is long enough for transport of this kind to secure a substantial share of that goods traffic in relation to which it offers a genuine alternative by comparison with traditional technologies;

Whereas, therefore, it is necessary to amend Community provisions relating to aids;

HAS ADOPTED THIS REGULATION :

Article 1

The following subparagraph is hereby added to Article 3(1) of Regulation (EEC) No 1107/70 :

e) until 31 December 1990, when aids to facilitate the development of combined transport as defined in "Council Directive No of on certain measures to promote the development of combined transport" are given, they shall relate to investment in the following fields in particular:

- infrastructure, including transshipment terminals

- installations and handling equipment for transshipment
- rolling stock such as railway waggons and road vehicles, and inland waterway vessels especially intended and adapted for combined transport.

Until 31 December 1985, such aid shall not exceed 50 % of the total sum invested; thereafter this percentage shall be reduced to 30 % until 31 December 1988 and 15 % until 31 December 1990."

Article 2

This Regulation shall enter into force on 1 July 1981.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council

