

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 345 final

Brussels, 20 July 1978

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

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(submitted to the Council by the Commission)

COM(78) 345 final



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JUSTIFICATION

1. In its directive of 17 February 1975<sup>1</sup>, the Council established common rules for certain types of combined road/rail carriage of goods between Member States, which provided for the lifting of all quantity restrictions (quotas) on this carriage and the abolition of various administrative restraints (authorizations).

Paragraph 2 of Article 7 of the directive limits the validity of these rules to 31 December 1978 and provides that the Council, acting on a proposal from the Commission, will decide before that date on the arrangements to be applied.

2. In the report it submitted to the Council on 19 December 1977<sup>2</sup> on the application of this directive, the Commission has already expressed its intention of maintaining the system established by this directive on a permanent basis, after making some amendments in the light of experience gained during the trial period.
3. At its meeting of 12 June 1978, the Council took note of this report and of the Commission's intentions. This proposal sets out these intentions.
4. The basic amendment proposed by the Commission is to extend the rules of the directive to cover combined road/rail container carriage. In the Commission's opinion, this is justified by the fact that this system could be used for an increasing number of containers transported internationally by road. Furthermore, the present distinction between swap bodies to which this directive applies and containers which are not so covered is artificial and does not take account of the fact that in practice these two kinds of container are used to fulfil the same purpose. All the reasoning behind the directive therefore militates in favour of a solution which includes the container in the liberalization of combined road/rail transport, thus making this technique more attractive for the sector concerned.
5. The other main change is to extend the liberalization from all quotas and authorizations to both international and national traffic irrespective of the road transport firm responsible for carriage in the initial and final stages.

<sup>1</sup> OJ of the EEC No L 48/31 of 22 February 1975

<sup>2</sup> Annex to Document R/3338/77 (TRANS 222).

6. The proposed amendments are only designed therefore to improve the application of the system in the directive by enlarging its scope in order to make use of this method of carriage easier.
  
7. As soon as the Council has reached a decision on this proposal, the Commission will ask the Council authorities to renew discussions on the Commission's proposal of 30 April 1975 on the opening of negotiations for an agreement between the EEC and non-member countries on arrangements for certain types of international combined road/rail carriage of goods<sup>1</sup>. These discussions were adjourned at the meeting of the Working Party on Transport Questions of 10 September 1975<sup>2</sup>.
  
8. Furthermore, the Commission will in due course and in accordance with the invitation given by the Council at its meeting of 12 June 1978 submit other measures to stimulate more interest by carriers in the combined road/rail carriage of goods and thus encourage more intensive use of the road/rail system.

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<sup>1</sup> R/1213/75 (Trans 38)

<sup>2</sup> R/2230/75 (Trans 71); see also R/2279/75 (Trans 73)

COUNCIL DIRECTIVE

amending Directive 75/130/EEC on the establishment of common rules for certain types of combined road/rail carriage of goods between Member States.

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 the pioneering effect of Council Directive 75/130/EEC of 17 February 1975<sup>1</sup> must be considered to have been of positive value during its period of application and whereas it should be maintained on a permanent basis ;

Whereas the system should be extended to all types of combined road/rail carriage including container carriage for which the political and economic reasons underlying the said Directive are also valid ;

Whereas account should nevertheless be taken of experience gained during the trial period by amending certain provisions in order to offset the difficulties encountered as regards the liberalization of road transport at the beginning and the end of the combined transport journey ,

HAS ADOPTED THIS DIRECTIVE

ARTICLE 1

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

Article 1 shall read:

"1. For the purposes of this Directive :

- "combined road/rail carriage" shall mean road transport of goods between Member States where the lorry, trailer, semi-trailer (with or without tractor unit), swap body and the container 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 ;

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- "swop body" shall mean the part of a road vehicle, with or without supports, which is intended to bear the load and which may be detached from the vehicle and re-incorporated therein.

2. The following shall be considered to be parts of combined road/rail carriage:

- carriage to a loading station and from an unloading station involving the crossing of a frontier or entirely on the territory of one Member State ;
- the above carriage , even where carried out by a road haulage undertaking other than that responsible for the international part of the journey.

3. Transport using the railway principally to overcome a natural obstacle shall not be considered as combined road/rail carriage for the purposes of this Directive."

2. Article 2 shall read:

"Each of the Member States shall liberalize the combined road/rail carriage referred to in Article 1 from all international and national quota systems and systems of authorization."

3. Article 5 is deleted.

4. Article 6 becomes Article 5 and shall read: "This Directive shall not affect the conditions in force in each Member State governing admission to the occupation of road transport operator."

5. Article 7 becomes Article 6 ; it shall read:

"The Commission will report to the Council every two years on the implementation of this Directive with a view to developing this system to benefit all combined road/rail carriage within the Community."

6. Article 8 becomes Article 7.

## ARTICLE 2

Member States shall take all necessary steps to comply with this Directive before 1 July 1979. They shall inform the Commission thereof.

## ARTICLE 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council