

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 576 final  
Brussels, 19 October 1981

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(81) 576 final



EXPLANATORY MEMORANDUM

1. In the Directive 75/130/EEC of 17 February 1975<sup>1</sup> the Council laid down common rules, to remain in force until 31 December 1978, for certain types of combined road/rail carriage of goods between Member States. In particular, the rules provided for this form of transport to be freed from all quantitative restrictions (quotas) and for the elimination of various administrative restraints (authorizations).
2. With the Directive 79/5/EEC of 19 December 1978<sup>2</sup> the Council retained on a permanent basis almost all the common rules introduced by the Directive 75/130/EEC, and at the same time amended some of the provisions to reflect the lessons learned during the experimental period. The Council's amendments include Article 8 which provides that "in the case of containers of 20 feet or more and swap bodies which have no supports, this Directive shall be valid until 31 December 1981".
3. In the report on the implementation of Directive 75/130/EEC which the Commission will be submitting to the Council on <sup>3</sup>, the Commission states its intention of also rendering permanent the provisions concerning containers of 20 feet or more and swap bodies which have no supports because experience gained in the meantime has demonstrated the desirability of such liberalization.
4. The annexed proposal formulates this intention.
5. The main change the Commission is considering is a permanent extension of the Directives' rules to cover the combined road/rail carriage of containers of 20 feet and over and swap bodies without supports. The Commission feels that this extension is justifiable because more and more of these containers and swap bodies used in international transport are being used in the road/rail technique.

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<sup>1</sup> OJ No L 48 of 22 February 1975, p. 31.

<sup>2</sup> OJ No L 5 of 9 January 1979, p. 33.

<sup>3</sup> Annex Doc.

The effect of liberalizing combined transport has been to facilitate the transfer of road haulage business to international container services. Furthermore, the present distinction between swap bodies and containers does not reflect current practice, as the road haulage industry uses both forms of container to meet the needs of the economy. It would therefore be pointless to liberalize only one form of container. All the factors on which the conception of the Directive are based militate in favour of a solution which includes containers of 20 feet and over and swap bodies without supports in a complete liberalization of combined road/rail transport.

6. The whole aim of the proposed changes is therefore to retain the present degree of liberalization by finally extending its scope to combined road/rail transport operations using containers of 20 feet and over and swap bodies without supports so that potential users have the freedom of choice between techniques and will be encouraged to change over.

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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 Directive 75/130/EEC<sup>1</sup>, as amended by Directive  
79/5/EEC, applies on an experimental basis until  
31 December 1981 to combined transport in the case of containers of 20 feet and  
more and swap bodies which have no supports;

Whereas the inaugural effect of Directive 75/130/EEC as far as these  
transports are concerned during the period which has elapsed must be  
considered to have been positive;

Whereas Directive 75/130/EEC should therefore be rendered permanent with  
regard to these transports and should accordingly be amended by the  
deletion of the final date laid down,

HAS ADOPTED THIS DIRECTIVE:

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<sup>1</sup> OJ No L 48 of 22.2.1975, p.31.

<sup>2</sup> OJ No L 5 of 9.1.1979, p. 33.

Article 1

Article 8 of Directive 75/130/EEC is hereby deleted.

Article 2

The Member States shall take the additional measures/ <sup>necessary</sup> in order to comply with this Directive before 1 July 1982. They shall inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council  
The President