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COUNCIL DIRECTIVE 96/75/EC

of 19 November 1996

on the systems of chartering and pricing in national and international inland waterway transport in the Community

(OJ L 304, 27.11.1996, p. 12)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003	L 284	1	31.10.2003

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COUNCIL DIRECTIVE 96/75/EC

of 19 November 1996

on the systems of chartering and pricing in national and international inland waterway transport in the Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ([1]),

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

Acting in accordance with the procedure laid down in Article 189c of the Treaty ([3]),

Whereas the growing problems of road and rail saturation, transport safety, environment, energy saving and quality of life of the citizen call, in the public interest, for greater development and better use of the transport potential offered by inland waterway, in particular by improving its competitiveness;

Whereas the difference in national laws on the systems for the commercial operation of inland waterway transport, does not make for the smooth functioning of the internal market in this sector; whereas, therefore, common provisions should be introduced at Community level for the whole of the inland waterways market, in accordance with the Council Resolution of 24 October 1994 on structural improvements in inland waterway transport ([4]);

Whereas the smooth functioning of the internal market calls for an adjustment in inland waterways transport to the organization of chartering by rotation, so as to move towards greater commercial flexibility and a system of freedom of chartering and pricing;

Whereas, to this end provision should be made for a transitional period, the scope of the rotation system being gradually limited for carriers to adapt to the conditions of a free market and, where appropriate, to set up trade groupings better suited to the logistical needs of shippers;

Whereas, in accordance with the principle of subsidiarity, it is both necessary and adequate to set a uniform timetable at Community level for the gradual liberalization of the market, while leaving with the Member States the responsibility for putting such liberalization into effect;

Whereas provisions must be adopted to allow action to be taken on the transport market in question in the event of a serious disturbance; whereas, to this end, the Commission should be given the power to take appropriate measures, in accordance with the procedure of an advisory committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive:

(a) ‘system of chartering by rotation’ shall mean a system which consists of allocating in a charter exchange requests for transport operations, at previously fixed prices and under conditions made

([1]) OJ No C 318, 29. 11. 1995, p. 8.
([2]) OJ No C 39, 12. 2. 1996, p. 96.
([3]) Opinion of the European Parliament of 13 February 1996 (OJ No C 65, 4. 3. 1996, p. 32) common position of the Council of 27 June 1996 (OJ No C 264, 11. 9. 1996) and Decision of the European Parliament of 17 September 1996 (OJ No C 320, 28. 6. 1996).
([4]) OJ No C 309, 5. 11. 1994, p. 5.