Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States

COUNCIL DIRECTIVE 92/106/EEC

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on the establishment of common rules for certain types of combined transport of goods between Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 75 and 84 (2) thereof,

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

Having regard to the opinion of the European Parliament[(2)],

Having regard to the opinion of the Economic and Social Committee[(3)],

Whereas Council Directive 75/130/EEC of 17 February 1975 on the establishment of common rules for certain types of combined road/rail carriage of goods between Member States[(4)]has been amended several times; whereas on the occasion of further amendments the Directive should be recast in the interests of clarity;

Whereas the internal market is leading to an increase in traffic; whereas the Community must do what is necessary to ensure optimum management of its transport resources in the interest of all citizens, which means using combined transport;

Whereas the increasing problems relating to road congestion, the environment and road safety call, in the public interest, for the further development of combined transport as an alternative to road transport;

Whereas measures must be taken to make possible the development and further improvement of transport methods based on the intermodality of forms of transport and on the specific means and requirements of transport operators and users; whereas such measures must cover combined forms of transport bringing together road and other modes of transport, such as rail, inland waterway and sea transport;

Whereas greater recourse to combined transport will be encouraged by freedom from all quantitative restrictions and by the elimination of various administrative constraints which still exist in the field of road transport;

Whereas for combined transport methods to result in a real reduction in road congestion, such liberalization should relate to road journeys of limited distance;

Whereas the liberalization of the initial and final sections of a combined transport operation should be extended to combined transport operations using sea routes provided that the sea journey represents an important part of the combined transport operation;

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Whereas the Commission should submit a report every two years, starting before 1 July 1995, on the application of this Directive;

Whereas the development of combined transport would also be facilitated by stimulation measures and whereas it is therefore appropriate to reduce taxation on the use or possession of commercial vehicles to the exent that they are carried by rail and to exempt initial and final road haulage legs from compulsory tariff regulations;

Whereas access by own-account transport to combined transport should be facilitated;

Whereas this Directive must not affect Member States' obligations regarding the time-limits for the transportation into national law and implementation of the Directives which make up the recast version,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1 This Directive shall apply to combined transport operations, without prejudice to Regulation (EEC) No 881/92[(5)].

For the purposes of this Directive, ‘combined transport’ means the transport of goods between Member States where the lorry, trailer, semi-trailer, with or without tractor unit, swap body or container of 20 feet or more uses the road on the initial or final leg of the journey and, on the other leg, rail or inland waterway or maritime services where this section exceeds 100 km as the crow flies and make the initial or final road transport leg of the journey;

— between the point where the goods are loaded and the nearest suitable rail loading station for the initial leg, and between the nearest suitable rail unloading station and the point where the goods are unloaded for the final leg, or

— within a radius not exceeding 150 km as the crow flies from the inland waterway port or seaport of loading or unloading.

Article 2

Each of the Member States shall, by 1 July 1993, liberalize the combined transport operations referred to in Article 1 from all quota systems and systems of authorization.

Article 3

In the case of combined transport for hire or reward, a transport document which fulfils at least the requirements laid down in Article 6 of Council Regulation No 11 of 27 June 1960 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 (3) of the Treaty establishing the European Economic Community[(6)], shall also specify the rail loading and unloading stations relating to the rail leg, or the inland waterway loading and unloading ports relating to the inland waterway leg, or the maritime loading and unloading ports relating to the maritime section of the journey. These details shall be recorded before the transport operation is carried out and shall be confirmed by means of a stamp affixed by the rail or port authorities in the railway stations or inland waterway or sea ports concerned when that part of the journey carried out by rail or inland waterway or by sea has been completed.

Article 4

All hauliers established in a Member State who meet the conditions of access to the occupation and access to the market for transport of goods between Member States shall have the right to carry out, in the context of a combined transport operation between Member States, initial and/or final road haulage legs which form an integral part of the combined transport operation and which may or may not include the crossing of a frontier.

Article 5

1 Every two years and in the first instance by 1 July 1995 the Commission shall draw up a report to the Council on:

— the economic development of combined transport,

— the application of Community law in this area,

— the definition, where necessary, of further measures to promote combined transport operations.

2 When drawing up the report referred to in paragraph 1, the Commission shall be assisted by representatives of the Member State to collect the information necessary for this purpose.

The report shall analyze the information and statistics relating in particular to:

— transport links used in combined transport operation,

— the number of vehicles (a road train counting as a single vehicle), swap bodies and containers transported over the various transport links,

— transported tonnages,

— services carried out, in terms of tonnes/kilometres.

The report shall, where appropriate, propose solutions for the subsequent improvement of such information and the situation in the combined transport sector.

Article 6

1 Member States shall take the measures necessary to ensure that the taxes listed in paragraph 3 which are applicable to road vehicles (lorries, tractors, trailers or semi-trailers) when routed in combined transport are reduced or reimbursed either by a standard amount, or in proportion to the journeys that such vehicles undertake by rail, within limits and in accordance with conditions and rules they fix after consultation with the Commission.

The reductions of reimbursements referred to in the first paragraph shall be granted by the State in which the vehicles are registered, on the basis of the rail journeys effected within that State.

Member States may, however, grant these reductions or reimbursements on the basis of the rail journeys which take place partially or wholly outside the Member State in which the vehicles are registered.

2 Without prejudice to the provisions resulting from a possible reorganization of national taxation systems for commercial vehicles at Community level, vehicles used exclusively for road haulage in feeder or final delivery carriage by combined transport may be exempted, if they are taxed separately, from the taxes listed in paragraph 3.

3 The taxes referred to in paragraphs 1 and 2 are the following:

— Belgium:

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taxe de circulation sur les véhicules automobiles/*verkeersbelasting op de autovoertuigen*;

— **[**[F1]Bulgaria:

данък върху превозните средства;**]**

— **[**[F2]Czech Republic:

silniční daň;**]**

— Denmark:

vægtafgift af motorkøretøjer mv.;

— Germany:

Kraftfahrzeugsteuer;

— **[**[F2]Estonia:

raskeveokimaks;**]**

— France:

taxe spéciale sur certains véhicules routiers;

— **[**[F3]Croatia:

godišnja naknada za uporabu javnih cesta koja se plaća pri registraciji motornih i priključnih vozila;**]**

— Greece:

τέλη κυκλοφορίας αυτοκινήτων;

— Spain:

(a) *impuesto sobre actividades económicas*,

(b) *impuesto sobre vehículos de tracción mecánica*;

— Ireland:

vehicle excise duties;

— Italy:

(a) *tassa automobilistica*,

(b) *addizionale del 5 % sulla tassa automobilistica*;

— **[**[F2]Cyprus:

τέλη κυκλοφορίας οχημάτων;

— Latvia:

transportlīdzekļa ikgadējā nodeva;

— Lithuania:

transporto priemonių savininkų ar valdytojų naudotojo mokestis;**]**

— Luxembourg:

taxe sur les véhicules automoteurs;

— **[**[F2]Hungary:

gépjárműadó;