EUROPEISKA GEMENSKAPERNAS KOMMISSION

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MEDDELANDE

om en gemensam politik avseende organisationen av marknaden för inlandssjöfarten och åtföljande åtgärder

Förslag till
RÅDETS DIREKTIV

om systemen för befraktning och prissättning inom området för nationella och internationella transporter av varor på inre vattenvägar inom gemenskapen

Förslag till
RÅDETS FÖRORDNING (EG)

om ändring av rådets förordning (EEG) nr 1101/89 om strukturella förbättringar inom inlandssjöfarten

Förslag till
RÅDETS FÖRORDNING (EG)

om ändring av förordning (EEG) nr 1107/70 om stöd till transporter på järnväg, väg och inre vattenvägar

(framlagda av kommissionen)

COMMUNICATION

on a common policy on the organization of the inland waterway transport market and supporting measures

I. INTRODUCTION

1. When the Council adopted Regulation (EEC) No 3921/91, of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State (cabotage)[1], it requested the Commission to study the position, from the point of view of Community law, of the systems of rotation and compulsory tariffs fixed by the state which are in force in Belgium, France and the Netherlands and to submit a report to the Council on this subject. In making this analysis, the Commission took account of the judgments of the Court of Justice on 17 November 1993 on the compulsory-tariff arrangements in road haulage in Germany[2].

2. In the light of the judgments of the Court of Justice, the Commission, in its report to the Council on "the organization of the inland waterway transport market systems of chartering by rotation"[3], confirmed the incompatibility of those systems of chartering by rotation which are organized by the profession with the rules on competition. However, with regard to rotation systems regulated by Member States, national authorities may, subject to certain conditions, impose compulsory tariffs and operating conditions in the context of market regulation.

3. However, the question of rotation systems not only has to be considered from the point of view of competition law, but also from the overall point of view of the inland waterway transport market. As a first step towards the completion of the Single Market in inland waterway transport, the carriers of the European Union now have free access to the entire market (general cabotage from 01.01.1995) but with the obligation to comply with the national regulations in force, including systems of rotation. As a second step, a more complete harmonization will be necessary. Indeed, in the long term, there can be no justification for the fact that certain shippers, depending on their place of establishment, are obliged to conclude contracts according to a rotation system whilst others can benefit from a free market as regards tariffs and chartering, as is in fact the case in by the far the greatest part of the market.

4. The report referred to above recommends a global solution by introducing a common regime for the entire inland waterway transport market, with progressive liberalization of rotation systems in order to improve the operation of the market, accompanied by a parallel programme of measures aimed at reducing the structural weaknesses of the sector. Moreover, this liberalization should make inland waterway transport more

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(1) OJ No L 373, 31.12.91, p. 29.
(2) ECJ cases Ohra, Meng and Reiff.
(3) SEC(94) 921 final of 9 June 1994.

attractive in relation to other modes of transport and thus increase the volume of goods transported via water. It should be emphasised here that all Member States involved in exporting or importing through North-western Europe have an interest in this sector. Indeed, a large part of the European mainland is connected to the seaports of the Union by inland waterway, a fact which is particulary important in the market for container transport on the Rhine and other North-South axes. In this context, it contributes to reducing road congestion in the centre of Europe, which is in the interests of all. It is worth recalling that more than one-third (36%) of intra-Community transport, i.e. transport between Member States, is carried via water.

5. However, the inland waterway transport sector is currently confronted with rather serious socio-economic problems. Structural overcapacity and the consequences of the abolition of compulsory tariffs in Germany on 1 January 1994 have resulted in a fall in transport prices. Consequently, the Commission proposes in its report a common overall approach consisting of:

- progressive liberalization of that part of the inland waterway market covered by rotation systems.

- accompanying measures which aim:

  - to reduce structural overcapacity through a new Community scrapping programme, to be undertaken for three years (1996-1998), the co-financing methods of which are to be determined and the legal bases of which are established by Regulation (EEC) No1101/89 of the Council, as last amended by Council Regulation (EC) No ..... [4];

  - to encourage investment in inland waterway terminals;

6. In its resolution of 24 October 1994 the Council gave its support in general terms to the measures recommended by the Commission[5]. The Council considered that it was important to institute a substantial structural reform and requested the Commission to submit an overall proposal on inland waterway transport, in particular with regard to the future organization of the market and scrapping programmes.

II. THE PROGRESSIVE LIBERALIZATION OF THE MARKET

7. Currently, rotation systems are in operation in Belgium, France and the Netherlands and also for traffic between these countries (so-called "North-South" traffic) for the transportation for hire or reward of dry cargos by inland waterway (the transport of liquid cargo is not subject to the rotation sytem). The term "rotation system" refers to a number of regulatory measures in the market whereby compulsory freight tariffs are centrally established (generally by a public authority), and where the cargo available is

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(5) OJ No C 309, 5.11.1994, p. 5.

distributed between the interested carriers according to the principle that the carrier who has been waiting longest for a cargo must be the first to be offered cargos as they become available.

The rotation systems referred to above are described in more detail in the Commission Report to the Council of 9 June 1994, referred to in paragraph 2 above.

8. This report demonstrates the general reasons why a progressive abolition of these systems is required. Moreover, on 12 July 1994 France adopted a law which provides for the abolition of the national rotation system by the year 2000. Similarly, on 15 July 1994, the authorities of the Netherlands submitted to the Commission a draft law on the rotation system in North-South traffic, which also envisages the abolition of the system by 1 January 2000. The Netherlands draft law and the French law comprise measures which, initially, introduce greater flexibility into the rotation systems and, subsequently, prepare the carriers concerned for the demands of operating in an open market.

9. The Commission is of the opinion that the date referred to above of 1 January 2000 allows for a suitably adequate transition period to implement the process of liberalization. However, in order to improve the operation of the internal market, it is necessary for liberalization measures to be adopted on a harmonized basis and in a synchronized manner. A proposal for a Council Directive to achieve this objective is therefore appended to this communication. Having regard to the principle of subsidiarity, and in order to guarantee uniformity while taking account as much as possible of the specific national characteristics of the markets concerned, a directive would seem to be the appropriate legislative instrument.

10. In order to ensure the success of the liberalization process, those transport operations currently exempt from the obligations of rotation systems should remain so, as should those transport operations which cannot be carried out efficiently or effectively under rotation systems. With regard to traditional traffic, which will remain subject to compulsory tariffs and cargo distribution until 1 January 2000, it is advisable to seek an operating mode which meets the logistic needs of shippers.

11. In order for the liberalization process to progress sufficiently in all the Member States concerned during the transition period, it will be necessary to draw up a first assessment two years after the entry into force of the directive. From this date, it must be possible not only to charter ships for single or multiple voyages (where tariffs and conditions are laid down by the public authority) but also to conclude other forms of contract such as chartering "over time" or "by tonnage". The conditions of the latter form of contract must be freely negotiated between carriers and shippers.

12. A crisis mechanism will be necessary to ensure that, in the event of a serious disruption of the market (for example, an imbalance in the relationship between supply and demand), it will be possible to intervene. Consequently, a system of market observation is envisaged which will enable any potential problems to be detected in good time. Given that it is difficult to influence demand in the transport market, then, in the event of serious overcapacity, efforts must be concentrated on limiting the supply of carrying capacity. The measures already taken by the Council in Regulation (EEC) No 1101/89

of 27 April 1989 relating to structural improvements in inland waterway transport could then be either continued or widened (see paragraphs 13 to 22). Accompanying measures in the social field, enacted at Member State level, may also prove necessary in such cases.

III. MEASURES TO COMBAT STRUCTURAL OVERCAPACITY

13. During the past decade, the supply of carrying capacity has, on several occasions and for long periods, outstripped demand. The first interventions aimed at re-structuring were carried out on the basis of national scrapping programmes. In April 1989, the Council decided on a Community approach based on Regulation (EEC) No 1101/89 and since then efforts to combat overcapacity through national scrapping funds have taken place within a Community framework. In essence, the system works by paying a premium to owners who scrap one of their vessels. The introduction of new capacity is conditional on a given quantity of old tonnage being scrapped (no premium being paid in this case). To finance this programme, all vessel owners pay, according to the size and type of their vessels, an annual contribution to their national scrapping fund. More recently, public financial resources (coming from the national budgets of the Member States concerned) were also placed at the disposal of the scrapping funds (see paragraph 16) as a source of additional financing. Switzerland adopted similar measures in 1989 for that part of its fleet which is active in the Community market on the Rhine.

14. During the period between 1 January 1990 and 1 July 1994, 1 457 667 tonnes of capacity were scrapped through this method. 486 911 tonnes of new capacity were brought into use, with the result that the total loading capacity of the fleet has fallen from 13 188 343 tonnes to 12 217 587 tonnes, i.e. a reduction of 8%. The Commission, which is charged with managing and coordinating the programme referred to above, draws up a report every six months which is intended for the Member States concerned and for the international professional organizations. Further details on the scrapping programme can be found in this report, and also in the SEC report (92) 1284 from the Commission to the Council and the European Parliament concerning "the effects of the structural reform measures in inland waterway transport", of 15 July 1992. The latter report notes that the total amount of goods transported by the inland waterway fleet remained essentially constant during the period 1990-1995 (approximately 420 million tonnes per year). This clearly illustrates an improvement in productivity, since the demand for transport is being met by a constantly decreasing number of vessels.

15. It can be expected that the trend referred to above will continue for some time. Indeed, increases in economies of scale and improvements in productivity are taking place throughout the inland waterway sector. Specialized new vessels are needed to cope effectively with new trade patterns, such as, for example, container and chemicals transport. In the traditional bulk cargo sector (coal, steel, agricultural products, sand, gravels, petroleum products), however, there is no question of structural growth. The constant improvement of productivity in a stagnant market, therefore, must be offset by the removal from service of a large number of older vessels, generally those of lower tonnage. The liberalization of the market will also accelerate this process.

16. The Community programme of restructuring provided for by Council Regulation (EEC) No 1101/89 was based on the principle of self-financing by the profession, with interest-free advance financing provided by the Member States concerned (ECU 105 million), which was to be completely refunded by the profession. Commission Regulation (EEC) No 3690/92 of 21 December 1992[6] allowed for new scrapping actions. The extent to which these can be carried out is dependent on the available finance: this finance comes from special contributions which have been paid to the national scrapping funds since 1 January 1993 ("old for new"). By 1994, mostly as a result of the recession of the 1990's, substantial overcapacity had reappeared. Consequently, a waiting list of applications for scrapping premiums grew up - consisting of several hundred vessels - without the scrapping funds having the necessary financial resources to meet the demand. The sector itself was no longer able to provide sufficient means, particularly since the original 1990 loan had not yet been repaid. In the second half of 1994, therefore, the Member States concerned informed the Commission that they were prepared to provide sufficient funds from their national budgets to finance all the scrapping requests (approximately 350) which were on the waiting list on 30 June 1994.

The procedures for implementing this action were adopted by the Commission in Regulation (EC) No 3039/94 of 14 December 1994 (OJ No L 322, p. 11, of 15 December 1994). The total budget amounts to ECU 26 716 000. The action began on 1 January 1995 and will be completed before the end of the year.

17. However, notwithstanding these actions, the restructuring process is not finished, and even after 30 June 1994, requests to the scrapping funds for scrapping premiums have continued. In the second half of 1994, 156 requests for scrapping were thus recorded, including 136 for dry cargo vessels and 20 for tankers. The sum of the scrapping premiums involved for these vessels amounts to approximately ECU 15 million.

18. In this general context, at the initiative of the European Parliament, an amount of ECU 5 million has been set aside in the 1995 budget for structural improvements in inland waterway transport. However, during the budget discussions - as in its report to the Council on 9 June 1994, mentioned above - the Commission continually stressed the need for a substantial multiannual structural improvement programme, including in particular measures to accompany the ongoing liberalization process. In its Resolution of 24 October 1994, the Council supported this position.

19. The Commission recently forwarded to the Council a draft amendment of Regulation (EEC) No 1101/89, which aims primarily to create a clear legal basis for spending the ECU 5 million referred to above. This proposal also opens up, in principal, the possibility of a multiannual contribution by the Community to co-finance a scrapping programme covering the period 1996-1998. In the view of the Commission, this co-financing goes together with the proposed liberalization of the market. For this reason, a separate proposal based on this principle is attached to the present report.

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(6) OJ No L 374, 22.12.1992, p. 22.

20. The professional organizations of inland waterway carriers at the Community level currently estimate structural overcapacity in the dry cargo sector to be 15%. It can be assumed that economic recovery will lead to an increase in demand in this sector in the coming years. However, this will be absorbed - at least in part - by the constant increase in productivity, itself accentuated by the liberalization process. The abolition of the rotation system will also lead to those vessels which are incapable of competing in a free market being excluded from this sector.

In the liquid cargo sector, the professional organizations estimated overcapacity to be approximately 20%. However this figure appears too high. Indeed, even if the level of freight charges remained very low at the beginning of 1995, it is nonetheless true that the utilization rate of the tanker fleet was rather high. But, insofar as the tanker fleet will not be affected by liberalization measures (the tanker fleet already operates in a completely free market, outside rotation sytems), there is no reason to suppose that the need for scrapping in this sector should be proportionally higher than in the dry cargo sector.

In summary, one can say that, in both sectors, overcapacity will probably remain at a level of approximately 15% if no restructuring measures are applied. Since the fleet includes approximately 10 million tonnes of dry cargo vessels and 2 million tonnes of tanker ships, the need for scrapping would amount respectively to 1.5 and 0.3 million tonnes.

21. On this basis, it is possible to calculate the necessary financing for the 1996-1998 programme. In addition, one must bear in mind that the scrapping premiums, since they were fixed in 1989, require some corrections (on average an increase of approximately 15%), in particular because of monetary depreciation and the devaluation of the ECU in relation to the currencies of those countries with a significant inland waterway transport sector. In 1990, a sum of ECU 66.04 million was paid for the scrapping of 8% of the dry cargo fleet and ECU 38.36 million for scrapping 13% of the tanker fleet. Scrapping 15% of the fleet during 1996-1998 would therefore require ECU 142 million and ECU 50 million respectively, i.e. a total of ECU 192 million.

22. Given the levels and importance of the finance required, a joint effort of all the parties concerned (inland waterway transport operators, Member States and the Community) is necessary.

With regard to financing the restructuring actions in inland waterway transport, the Council, in its Regulation No 1101/89, followed the principle that responsibility for this financing rested initially with the operators of the sector under consideration. The Commission considers that it is important to maintain this principle as far as possible. The annual contributions of the Community to the 1996-1998 programme must therefore be in relation to the financial contributions of the profession.

The annual contributions paid by the profession (Switzerland not included) up to 31 December 1994 amounted to approximately ECU 13 370 000. For the years to come, these contributions will be of the order of ECU 14 million a year, i.e. ECU 42 million for the period 1996-1998. However, approximately ECU 12 million must be deducted from this amount, since this must be used to repay the amount of advance finance provided by the Member States for the 1990 action. Consequently, there remains ECU 30 million available for the new action. If the Community and the Member States concerned can each place at the disposal of the scrapping funds half of the remaining amount, i.e. ECU 81 million each, to be spread out over 3 years (ECU 27 million a year), the financing of the programme will be assured.

Taking account of the budgetary funds currently available, the Community is already in a position to be able to contribute up to ECU 40 million over three years (ECU 20 million in1996 and ECU 10 million in 1997 and 1998). The remaining part of the finance needed for the scrapping scheme - at least ECU 81 million (half the total contribution of the Community and the Member States) and at most ECU 122 million - would be raised from the budgets of the Member States concerned, the amount of each contribution being based on respective fleet sizes.

Whatever the case, the annual contribution paid by the Community will not be more than double that of the industry.

23. The scrapping action of 1996 to 1998 will have to be evaluated annually by the Commission, in order for it to carry out any modifications necessitated by market trends and the liberalization measures which will be implemented. The Commission will determine, at the beginning of each year and according to the available funds, the practical means by which the scrapping action of the current year will be carried out.

IV. THE PROMOTION OF INLAND WATERWAY TRANSPORT

24. Inland waterway transport offers several advantages to society as a whole: it is environmentally-friendly, it is particularly safe, it is energy-efficient and it contributes to reducing congestion on the overloaded road network of North-western Europe. But these general advantages do not play a major role in influencing a shipper's choice of transport mode. In fact, it is above all considerations of an economic and financial nature which influence the decisions of transport users.

25. In recent years, organizations for promoting inland waterway transport have emerged in several Member States. These aim to inform both shippers and the general public of the opportunities and advantages offered by waterway transport. They have met with a certain success, but it has proved difficult to persuade transport users to convert to waterways, especially when they have no experience of using this mode. Certainly, the tonne/km cost of transport by inland waterway is lower, but this advantage is likely to be outweighed by higher transshipment costs. Moreover, the often considerable amount of investment needed in infrastructure and equipment by the loading company (quays, loading and unloading equipment) constitutes an obstacle.

26. In order to ensure that investments which are desirable from a social point of view are made in the development of the inland waterway transport system, it would seem necessary to introduce a temporary support scheme for investment in inland waterway ports. Such a scheme is contained in the proposal for a Regulation appended. It has a clear parallel with the aid scheme for investment in combined transport terminals, introduced earlier by the Council (see Article 3, paragraph 1. of Council Regulation (EEC) No 1107/70 relating to the granting of aids in the field of transport, as last amended by Regulation (EEC) No 3578/92 of 7 December 1992).

27. The proposed scheme takes a comprehensive approach and is aimed at both public and private waterway terminals. In all cases, a request for investment aid must be accompanied by an assessment of the volume of cargo that the waterway will handle following investment. In order to encourage responsible investment, if the new or additional tonnage envisaged on the waterway is not achieved, then recipients will have to repay the aid. For the same reason, the amount of aid can under no circumstances exceed 50% of total investment. Priority has therefore to be given to those investments which will attract the highest possible tonnages onto the waterway.

Member States will be required to report periodically to the Commission on the application and impact of this arrangement in order that new initiatives can be developed accordingly.

V. SUBSIDIARITY

28. The Community action under consideration in the proposal for a Directive on chartering systems and fixed prices in the field of national and international transport of goods by inland waterway in the Community can be analysed in terms of subsidiarity by answering five fundamental questions:

(a) What are the objectives of the proposed action in relation to the obligations of the Community?

This action is being proposed as a result of the disparities which exist between Member States' legislation concerning the commercial use of inland waterway transport, disparities which hinder the proper functioning of the single market in this sector. It is therefore appropriate to include in the Community proposal common provisions for the inland waterway transport market as a whole, so that the companies concerned may enjoy the full benefit of the internal market. The completion of the single market, whereby the free movement of goods, persons, services and capital is guaranteed, requires that, where the transport of goods by inland waterway is concerned, the organization of the systems of chartering by rotation should be adapted to allow greater commercial flexibility, in order to establish a regime which allows completely free transactions by 1 January 2000.

(b) Does the proposal for a Directive fall within the exclusive competence of the Community or is competence shared with the Member States?

The proposal is submitted on the basis of Article 75 of the Treaty and therefore falls within the exclusive competence of the Community.

(c) What is the Community dimension of the problem?

The Member States directly concerned with the liberalization of the market are: France, Belgium and the Netherlands. Other countries with an inland waterway transport sector have established open markets.

(d) What methods of action are at the disposal of the Community?

The Commission is proposing to liberalize that part of the inland waterway transport market which is still regulated, by means of a legislative proposal.

(e) Is a uniform regulation necessary or would a directive be sufficient?

The adoption of a single and non-discriminatory arrangement requires that measures are taken to guarantee a harmonized approach in all the Member States. However, a directive, which establishes the general framework and the various stages needed to arrive at a completely free market, whilst leaving to the Member States the choice of the means, would appear to be the most suitable instrument for achieving the desired objective.

Förslag till

RÅDETS DIREKTIV 95/0121 (SYN)

om systemen för befraktning och prissättning inom området för nationella och internationella transporter av varor på inre vattenvägar inom gemenskapen

EUROPEISKA UNIONENS RÅD HAR ANTAGIT DETTA DIREKTIV

med beaktande av Fördraget om upprättandet av Europeiska gemenskapen, särskilt artikel 75 i detta,

med beaktande av kommissionens förslag[1],

i samarbete med Europaparlamentet[2],

med beaktande av Ekonomiska och sociala kommitténs yttrande[3], och

med beaktande av följande:

De tilltagande problem som sammanhänger med mättnaden av väg- och järnvägslinjerna, transportsäkerheten, miljön, energisparandet och medborgarens livskvalitet kräver i ett samhällsekonomiskt perspektiv en mer långtgående utveckling och ett bättre utnyttjande av potentialen vad gäller transport på inre vattenvägar, i synnerhet genom en förbättring av dess konkurrenskraft.

Olikheter i de nationella lagstiftningarna i fråga om kommersiella driftssätt inom inlandssjöfarten gynnar inte en välfungerande inre marknad inom den nämnda sektorn. Det är därför lämpligt att arbeta fram en gemenskapsplan med gemensamma bestämmelser för hela marknaden för inlandssjöfart, såsom föreslagits i kommissionens rapport av den 9 juni 1994 till rådet om organisationen av marknaden för inlandssjöfarten och befraktningssystemen i turordning, vars synsätt godkänts av rådet i dess resolution av den 24 oktober 1994[4].

Fullbordandet av den inre marknaden, på vilken den fria rörligheten för varor, personer, tjänster och kapital är säkerställd, kräver i fråga om transport av varor på inre vattenvägar, att befraktningssystemen i turordning anpassas i riktning mot en större kommersiell flexibilitet i syfte att uppnå ett system som präglas av fria transaktioner.

Mot bakgrund av de socio-ekonomiska förhållandena inom sektorn, är det lämpligt att räkna med en övergångsperiod och progressivt begränsa turordningens tillämpningsområde innan ett system präglat av befraktningsfrihet och fri prissättning på transporter kan uppnås.

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(4) EGT nr C 309, 5.11.1994, s. 5.

Denna övergångsperiod är nödvändig för att transportörerna skall kunna anpassa sig till den fria marknadens villkor och i förekommande fall genomföra former för kommersiella sammanslutningar som är bättre anpassade till befraktarnas logistiska behov.

Med beaktande av de målsättningar som angivits ovan är det både nödvändigt och lämpligt att på gemenskapsnivå fastställa en tidsplan för en stegvis avreglering av marknaden, samtidigt som ansvaret för genomförandet av avregleringen av denna marknad överlåts på medlemsstaterna. Detta är i enlighet med bestämmelserna i artikel 3b tredje stycket i fördraget.

Det är av vikt att anta bestämmelser som gör det möjligt att ingripa på marknaden för ifrågavarande transporter vid allvarlig störning. I detta syfte bör kommissionen, inom ramen för en rådgivande kommitté, tilldelas befogenhet att vidta de åtgärder som är lämpliga.

HÄRIGENOM FÖRESKRIVS FÖLJANDE:

Artikel 1

I detta direktiv avses med

a) *befraktningssystem i turordning:* ett system som innebär att transportförfrågningar fördelas i en befraktningspool, till fastställda priser och enligt kungjorda villkor, som utgår från kundkretsen i den ordning som båtarna blir disponibla efter lossning. Transportörerna inbjuds, i den ordning de anmält sig, att successivt välja ut en transport bland erbjudna transporter. De som inte väljer behåller likväl sin plats i inskrivningsordningen,

b) *transportör:*
- en mindre skeppare som är ägare till en eller flera båtar, högst tre, avsedda för transport på inre vattenvägar,
- ett rederi som äger fler än tre båtar avsedda för transport på inre vattenvägar,
- en sammanslutning eller ett kooperativ av mindre skeppare som är ägare till båtar avsedda för transport på inre vattenvägar,

c) *behörig myndighet:* myndighet som av medlemsstaten utsetts att förvalta och organisera befraktningssystemet i turordning,

d) *allvarlig marknadsstörning:* uppkomsten inom berörda sektor av för marknaden specifika problem som kan medföra ett allvarligt överskott av utbud i förhållande till efterfrågan, vilket kan bli beständigt, vilket innebär ett allvarligt hot mot den finansiella balansen och överlevnaden för ett betydande antal transportföretag för varor på inre vattenvägar, under förutsättning att de kort- och medellångsiktiga prognoserna på ifrågavarande marknad inte visar på betydande och varaktiga förbättringar.

Artikel 2

Inom området nationella och internationella transporter av varor på inre vattenvägar inom gemenskapen, skall avtal ingås fritt mellan berörda parter och priser förhandlas fritt, i förekommande fall inom befraktningspoolen.

Artikel 3

Genom undantag från artikel 2, får medlemsstaterna under en begränsad period fram till den 1 januari 2000, vidmakthålla ett system av obligatoriska minimitariffer, liksom befraktningssystem i turordning under förutsättning att

- villkoren som finns uppräknade i artikel 4 - 7 efterlevs, och

- befraktningssystem i turordning säkerställs och att påbjudna priser är fritt tillgängliga under samma villkor för alla transportörer i medlemsstaterna.

Artikel 4

Under den övergångsperiod som avses i artikel 3, skall tillämpningsområdet för befraktningssystem i turordning begränsas till allmänna varor.

Systemen skall inte omfatta transport av kolväte, varor i flytande form och pulver i lösvikt, specialtransporter såsom tungt och odelbart gods, transport av containrar, "skottkärre"transport inom hamnområdet, transport för egen räkning av alla slag, liksom varje typ av transport som sker utanför turordningssystemet.

Artikel 5

De transporter som inte kan hanteras effektivt inom dessa system skall inte omfattas av systemet med befraktning i turordning, särskilt

- de transporter som kräver användning av underhållsutrustning,

- kombinationstransporter, det vill säga transporter som sker i olika former, vars rutter i första hand sker på vattenvägar och där den inledande och/eller avslutande transporten, som skall vara så kort som möjligt, sker antingen på väg eller järnväg,

- transporter av ny typ som inte omfattas av artikel 4 eller av första eller andra strecksatsen där befraktare, under en föregående provperiod upp till 24 månader, kommer att få frihet att välja att ingå i turordningen eller inte.

Artikel 6

Under den övergångsperiod som avses i artikel 3, skall medlemsstaterna vidta nödvändiga åtgärder för att så långt det är möjligt mjuka upp befraktningssystemen i turordning, särskilt genom att

- ge befraktarna möjlighet att ingå avtal om flera transporter, dvs. en serie på varandra följande transporter utförda av en och samma båt,

- sörja för att enkel- och flertransporter, som erbjudits två gånger i sträck inom turordningen utan att ha funnit någon köpare, försvinner ur turordningssystemet och förhandlas fritt.

Artikel 7

Inom en tidsfrist på två år från och med ikraftträdandet av detta direktiv, skall medlemsstaterna vidta nödvändiga åtgärder för att befraktarna fritt skall kunna välja mellan följande tre typer av avtal:

- Tidsavtal, inbegripet hyresavtal, enligt vilket transportören ställer en eller flera båtar och dess besättning till en uppdragsgivares exklusiva förfogande för en fastställd tidsrymd, i syfte att transportera de varor som uppdragsgivaren anförtror transportören mot betalning av ett fastställt dagsbelopp. Avtalet ingås fritt mellan parterna.

- Tonnageavtal enligt vilket transportören förbinder sig att, under en i avtalet fastlagd tidsperiod, transportera ett fastställt tonnage mot betalning av en fraktavgift per ton. Avtalet ingås fritt mellan parterna. Det måste beröra betydande varumängder.

- Avtal för enkel- eller flertransporter som utförs inom befraktningssystemet i turordning.

Artikel 8

1. Vid allvarlig störning på flodtransportmarknaden får kommissionen på eget initiativ eller på en medlemsstats begäran vidta lämpliga åtgärder, särskilt åtgärder som syftar till att förhindra varje ny höjning av den transportkapacitet som erbjuds på den berörda marknaden. Beslutet skall fattas i enlighet med förfarandet i artikel 9.2.

2. Vid begäran om åtgärder från en medlemsstat, skall beslut fattas inom en tidsrymd på tre månader efter mottagandet av begäran.

3. En medlemsstats begäran om att åtgärder skall vidtas skall åtföljas av alla de uppgifter som krävs för att kunna bedöma ifrågavarande sektors ekonomiska situation, särskilt
   - uppgifter om genomsnittskostnader och priser avseende skilda typer av transporter,
   - användningsgrad av lastutrymme,
   - prognoser om efterfrågans utveckling.

De upplysningar som åsyftas ovan får endast användas i statistiskt syfte. Det är förbjudet att använda dem i skattemässigt syfte eller att vidarebefordra dem till tredje man.

4. De beslut som fattas med stöd av denna artikel skall meddelas medlemsstaterna omgående.

Artikel 9

1. Kommissionen skall biträdas av den kommitté som inrättats genom rådets direktiv 91/672/EEG[5].

2. Kommissionens företrädare skall förelägga kommittén ett förslag till åtgärder. Kommittén skall yttra sig över förslaget inom den tid som ordföranden bestämmer med hänsyn till hur brådskande frågan är, om nödvändigt genom omröstning.

Yttrandet skall protokollföras och dessutom har varje medlemsstat rätt att begära att få sin uppfattning tagen till protokollet.

Kommissionen skall ta största hänsyn till det yttrande som kommittén avgett. Den skall underrätta kommittén om det sätt på vilket dess yttrande har beaktats.

Artikel 10

1. Medlemsstaterna skall sätta i kraft de lagar och andra författningar som är nödvändiga för att följa detta direktiv före den 1 januari 1996. De skall genast underrätta kommissionen om detta.

När en medlemsstat antar dessa bestämmelser skall de innehålla en hänvisning till detta direktiv eller åtföljas av en sådan hänvisning när de offentliggörs. Närmare föreskrifter om hur hänvisningen skall göras skall varje medlemsstat själv utfärda.

2. Medlemsstaterna skall till kommissionen överlämna texterna till de bestämmelser i nationell lagstiftning som de antar inom det område som omfattas av detta direktiv.

Artikel 11

Detta direktiv träder i kraft den tredje dagen efter det att det har offentliggjorts i *Europeiska gemenskapernas officiella tidning*.

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[5] EGT nr L 373, 31.12.1991, s.29.

Artikel 12

Detta direktiv riktar sig till medlemsstaterna.

Utfärdat i Bryssel den

På rådets vägnar
Ordförande

Förslag till

RÅDETS FÖRORDNING (EG) 95/0122 (SYN)

om ändring av förordning (EEG) nr 1101/89 om strukturella förbättringar inom inlandssjöfarten[*]

EUROPEISKA GEMENSKAPERNAS RÅD HAR ANTAGIT DENNA FÖRORDNING

med beaktande av Fördraget om upprättandet av Europeiska gemenskapen, särskilt artikel 75 i detta,

med beaktande av kommissionens förslag[1],

i samarbete med Europaparlamentet[2] ,

med beaktande av Ekonomiska och sociala kommitténs yttrande[3] , och

med beaktande av följande:

Genom rådets förordning (EEG) nr 1101/89[4], senast ändrad genom förordning (EG) nr...../95[5], infördes ett system för strukturella förbättringar inom sektorn för inlandssjöfart. Denna förordning syftar till att minska flottornas överkapacitet inom inlandssjöfarten genom att på samordnad gemenskapsnivå föreskriva skrotningsåtgärder för fartyg.

I förordning (EEG) nr 1101/89 föreskrivs möjligheten till en gemenskapsfinansiering för åren 1995-1998. Villkoren för åren 1996-1998 kvarstår att fastställa.

Gällande system för strukturella förbättringar har som princip att det i första hand skall finansieras av berörda sektors aktörer och att dessa finansierar det genom årliga bidrag.

De offentliga stöden skall beviljas årligen, i förhållande till de bidrag som betalas in av berörda sektors yrkeskår. Åtgärden är planerad för en period av tre år, från 1996 till 1998, och måste bli föremål för en årlig utvärdering.

HÄRIGENOM FÖRESKRIVS FÖLJANDE:

(*) Denna förordning har utformats med hänsyn till förslaget om ändring av förordning (EEG) nr 1101/89 som framlagts av kommissionen den..... (dok.....).

(1)

(2)

(3)

(4) EGT nr L 116, 28.4.1989, s. 25.

(5)

Artikel 1

I artikel 4a i förordning (EEG) nr 1101/89 skall följande punkter läggas till:

"4. Beloppen för de finansiella stöden från gemenskapen för åren 1996-1997-1998 får inte uppgå till mer än det dubbla beloppet av bidragen från yrkeskåren.

5. Berörda medlemsstater skall gemensamt ställa belopp, som är likvärdiga med gemenskapens bidrag, till förfogande för deras fonder under de år som nämns i punkt 4. Andelen för varje berörd medlemsstat skall beräknas i förhållande till storleken på dess aktiva flotta i jämförelse med medlemsstaterna flotta. Dessa belopp fastställs av kommissionen i samarbete med de olika skrotningsfondernas myndigheter.

6. I början av varje år under skrotningsåtgärden under perioden 1996 - 1998 fastställer kommissionen inom ramen för denna förordning närmare föreskrifter för skrotningsåtgärden för innevarande år i förhållande till såväl tillgängliga resurser som marknadens utveckling och verkställda avregleringsåtgärder."

Artikel 2

Denna förordning träder i kraft den tjugonde dagen efter det att den har offentliggjorts i *Europeiska gemenskapernas officiella tidning*.

Denna förordning är till alla delar bindande och direkt tillämplig i alla medlemsstater.

Utfärdad i Bryssel den

På rådets vägnar
Ordförande

Förslag till

RÅDETS FÖRORDNING (EG) 95/0123 (SYN)

om ändring av förordning (EEG) nr 1107/70 om stöd till transporter på järnväg, väg och inre vattenvägar

EUROPEISKA GEMENSKAPERNAS RÅD HAR ANTAGIT DENNA FÖRORDNING

med beaktande av Fördraget om upprättandet av Europeiska gemenskapen, särskilt artikel 75 i detta,

med beaktande av kommissionens förslag[1],

i samarbete med Europaparlamentet[2],

med beaktande av Ekonomiska och sociala kommitténs yttrande[3], och

med beaktande av följande:

I rådets förordning (EEG) nr 1107/70[4], senast ändrad genom förordning (EG) ... [5], särskilt artikel 3.3 i denna, föreskrivs att medlemsstaterna skall kunna bevilja stöd som syftar till att underlätta utvecklingen av transportformer och transporttekniker som är mer samhällsekonomiska och utvecklingen av kombinationstransporter.

De tilltagande problem som sammanhänger med mättnaden av väg- och järnvägslinjerna, transportsäkerheten, miljön, energisparandet och medborgarens livskvalitet kräver i ett samhällsekonomiskt perspektiv en mer långtgående utveckling och ett bättre utnyttjande av potentialen vad gäller transport på inre vattenvägar, i synnerhet genom en förbättring av dess konkurrenskraft.

Kostnaderna för omlastning utgör en betydande del av totalkostnaderna för transport på vattenvägar. Det är därför centralt för utvecklingen av flodtransporterna att stora investeringar görs i syfte att göra omlastningsanläggningarna mer effektiva och bättre anpassade till nuvarande logistiska krav för att sålunda bidra till den önskade utvecklingen inom transport på inre vattenvägar.

I detta syfte torde det vara lämpligt att gynna investeringar i infrastrukturutrustning och/eller maskinell utrustning för flodterminaler som gör det möjligt att bygga upp till eller öka trafiken på vattenvägar. Därmed är det av vikt att det stöd som beviljas av medlemsstaterna eller med hjälp av statliga resurser kan ställas till berörda företags förfogande.

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(1)

(2)

(3)

(4) EGT nr L 130, 15.6.1970, s. 1.

(5)

Harmoniserade villkor för beviljande av sådant stöd till utveckling av transport på vattenvägar bör införas och det är av vikt att stödets återverkningar utvärderas regelbundet.

Detta stöd måste beviljas under en period som är tillräckligt lång för att nämnda utrustningsinvesteringar skall kunna ge upphov till en fast kundkrets och tillföra vattenvägarna ny trafik. Det är lämpligt att vidmakthålla stödsystemet fram till och med den 31 december 1999 och att rådet, enligt de villkor som föreskrivs i fördraget, beslutar om det system om skall tillämpas senare eller, i förekommande fall, under vilka villkor systemet skall upphöra.

En anpassning av gemenskapens stödbestämmelser har visat sig nödvändig och förordning (EEG) nr 1107/70 bör därför ändras.

HÄRIGENOM FÖRESKRIVS FÖLJANDE:

Artikel 1

I artikel 3.1 i förordning (EEG) nr 1107/70 skall följande läggas till:

"f) till och med den 31 december 1999, då stöden beviljas temporärt och syftar till att underlätta utvecklingen inom transport på inre vattenvägar, skall dessa stöd gälla

- antingen investeringar i infrastruktur avseende flodterminaler,

- eller investeringar i fast eller rörlig utrustning som är nödvändig för omlastningar från och till vattenvägen.

De stöd som beviljas får inte överstiga 50% av det totala beloppet för investeringen.

Mottagarna av dessa stöd skall förbinda sig att uppnå ett nytt eller utökat tonnage på vattenväg, vilket skall fastställas tillsammans med medlemsstaternas behöriga myndigheter för en femårsperiod. Om inte detta åtagande efterlevs, återtas stödet av den behöriga myndigheten.

Vartannat år skall kommissionen till Europaparlamentet och rådet framlägga en rapport om resultatet av dessa åtgärder, särskilt med uppgifter om hur stödet använts, belopp och effekt på transporten på vattenvägar. Medlemsstaterna skall till kommissionen överlämna de uppgifter som krävs för upprättande av denna rapport.

Senast den 31 juli 1999, skall rådet, på kommissionens förslag och enligt de villkor som föreskrivs i fördraget, besluta om det system om skall tillämpas senare eller, i förekommande fall, under vilka förutsättningar systemet skall upphöra. "

Artikel 2

Denna förordning träder i kraft den tjugonde dagen efter det att den har offentliggjorts i *Europeiska gemenskapernas officiella tidning*.

Denna förordning är till alla delar bindande och direkt tillämplig i alla medlemsstater.

Utfärdad i Bryssel den

På rådets vägnar
Ordförande

FINANCIAL STATEMENT

Budget Line B2-708: Scrapping actions in inland waterway transport.

1. TITLE OF OPERATION

Structural reform actions in inland waterway transport.

2. BUDGET HEADING INVOLVED

B2-708 line.

3. LEGAL BASIS

Article 75 of the EEC Treaty.
Council Regulation (EEC) No 1101/89 of 27 April 1989 relating to structural improvements in inland waterway transport (OJ EEC of 28 April 1989), last amended by Regulation (EC) No 844/94 (OJ No L 98 of 16.4.1994, p. 1).
Amendment of Council Regulation No 1101/89 by Council Regulation (EC) No / 95.

4. DESCRIPTION OF OPERATION:

4.1 General Objective:

Temporary and additional financial contribution by the Community to the scrapping programme in order to significantly reduce structural carrying overcapacity, estimated at approximately 15% in both sectors (dry cargo and tankers), and thus to improve the structure of inland waterway transport. This intervention is justified in the first instance by particularly severe economic circumstances, which mean that it is no longer possible to increase the level of contributions made by the profession - which is currently financing its own structural reform programme. However, this proposal is essentially a supporting measure in the Community programme of progressive liberalization of the inland waterway market which is planned for the next few years. These wide-ranging measures, which were requested by the Council, aim to guarantee the sustainable competitivity of the sector. For this purpose, additional financial resources are needed, funded simultaneously from the Community budget, by the Member States concerned and by the profession.

4.2 Period covered and arrangements for renewal.

3 years: 1996-1997-1998. Any extension of the action after 1998 will have to be financed entirely by the profession itself.

5. CLASSIFICATION OF EXPENDITURE or REVENUE

5.1 Non-compulsory expenditure

5.2 Differentiated appropriations

5.3 Type of revenue involved: none.

6. TYPE OF EXPENDITURE or REVENUE

- *subsidy for joint financing with other sources in the public and private sector.*
- *Should the operation prove an economic success, is there provision for all or part of the Community contribution to be reimbursed? NO.*
- *Will the proposed operation cause any change in the level of revenue? NO.*

7. FINANCIAL IMPACT

7.1 The annual amount needed for the structural reform of carrying capacity (15% of overall overcapacity, being 1 500 000 tonnes for the dry cargo fleet and 300 000 tonnes for the tanker fleet) is estimated at ECU 64 million/year over three years, from 1996 to 1998, or ECU 192 million composed of ECU 142 million for the dry cargo fleet and ECU 50 million for the tanker fleet.

In making this calculation, one must take into account the effects of the liberalization process on the inland waterway market, which will at the same time expel numerous boats which are incapable of surviving in an open market from the rotation systems. One must also take account of the accession of Austria and the integration of its fleet into the Community programme, as well as the fact that the scrapping premiums have not been modified since 1990 (an overall increase of 15%, with variations according to the category of boat, is judged necessary).

The level of annual contributions by the profession for the 3 years 1996-1997-1998 is set at approximately ECU 14 million a year, i.e. ECU 42 million for the period under consideration.

However, ECU 12 million of this amount must be used for repaying the amounts pre-financed by the Member States for the 1990, which leaves only ECU 30 million for the new action.

It is therefore proposed that the difference, i.e. 192-30=ECU 162 million, be financed from the Community budget and by the Member States concerned, distributed over 3 years (1996-1997 and 1998). In view of the current and projected budgetary resources, the community is already in a position to be able to intervene to the tune of ECU 40 million over 3 years (ECU 20 million in 1996 and ECU 10 million in 1997 and

1998). The Commission will nevertheless will keep open the option of mobilising supplementary resources depending on the future budgetary situation.

The outstanding part of the funding for the scrapping action, i.e. at least half (ECU 81 million) and at most ECU 122 million, will come from the national budgets of the Member States concerned, the actual amount being set in proportion to the size of their respective fleet. For example, Germany, whose fleet accounts for 30% of the Community fleet, should therefore part-finance at most (depending on the resources allocated by the community in 1997 and in 1998) an amount of ECU 36.6 million (122x30:100), i.e. ECU 12.2 million/year or approximately 22 million DM/year. As far as this particular example is concerned, these resources partly exist already in the German budget, which allocated DM 60 million to be distributed over 3 years for a scrapping programme of this type.

7.2 Itemized breakdown of cost

EC in MEcus

Budget	Allocation 95	PDB 96	97	98
CONTRIBUTION TO THE SCRAPPING ACTION	5.0	20.0	10.0	10.0
TOTAL	5.0	20.0	10.0	10.0

7.3 Schedule for multiannual operations.

The budget of ECU 40 million is for the period 1996 - 1998

EC in MEcus

Accumulated position end 1994 (1)	1995 budget	PDB 1996	Indicative plan				
			1997	1998	1999	2000 and subs. yrs.	TOTAL
0	5.0	20,0	10.0	10.0			45.0

8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN

Management will be carried out in accordance with Council Regulations (EEC) No 1101/89, Commission Regulation No 1102/89 and on the basis of Regulation (EC) No .... amending Regulation No 1101/89. The management of each national scrapping

fund is the responsibility of the competent authorities of the Member State concerned. At the beginning of each year, the Commission, in collaboration with the authorities of the national scrapping funds, shall balance the accounts and shall ensure financial coordination between the various national scrapping funds.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantifiable objectives; target population

- Specific objectives:Considering the structural weakness of the inland waterway transport sector and the interest that exists in exploiting the advantages of this mode of transport, the aim of this action is to bring about structural improvements in the inland waterway market in parallel with its progressive liberalization, while endeavouring to reduce the structural overcapacity of the fleet which is currently estimated at approximately 15%.

- *Target population:* Inland waterway operators.

9.2 Grounds for the operation

- *The need for Community financial aid* is justified by the need for measures aimed at restructuring the sector which must accompany the process of the inland waterway market. This restucturing will be achieved by a reduction of the size of the fleet brought about by the temporary additional co-financing by the Community. In addition, the Council, in its resolution of 24.10.1994 (published in the OJ No C309/5 of 5.11.94) stated that to guarantee the long-term competitiveness of the sector, it was important to proceed to a substantial new structural reform. If additional measures proved necessary after 1998, these would be a matter for the profession alone.

- Choice of ways and means

  * Scrapping premiums

  * Operation of the measures for structural improvement in inland waterway transport laid down in Commission Regulations (EEC) No 1102/89 and No 690/92. The management of the scrapping funds is the responsibility of each Member State concerned. The Commission is instructed, on the basis of Article 6 of Regulation (EEC) No 1101/89, in particular paragraph 5, to determine the conditions for allocating these scrapping premiums.

9.3 Monitoring and evaluation of the action

- Performance indicators

  * Level of requests for scrapping premiums accepted.

The scrapping premium must be paid by the authorities of the national scrapping funds within a month of the date on which the owner provided proof of scrapping. The authorities of the national scrapping funds must forward to the Commission each month a list of payments of scrapping premiums in order for it to check the state of progress of the action.

* Tonnage and carrying capacity subject to contribution in the various Member States concerned which is actually scrapped.

- *Details and frequency of planned evaluation*:

Six-monthly reports and final Report at the end of 1998, carried out by Commission services, intended for the Member States as well as for the European professional organizations.

Paragraph 2 of Article 10 of Council Regulation (EEC) No 1101/89 6
27 April 1989 stipulates that Member States must forward all relevant information on the development of the current scrapping action to the Commission every 6 months. This information relates in particular to the financial position of the funds, the number of requests for scrapping premiums submitted, and tonnage actually scrapped.

Since then, Commission departments have drawn up a six-monthly report. The tenth report (for the period from 01.07.1994 to 31.12.1994) was distributed to the profession and to the Member States concerned on 15 March 1995. In addition, Article 6 paragraph 6 of Regulation (EEC) No 3690/92 provides for Member States, at the end of each quarter, to forward to the Commission a list of requests for scrapping premiums as well as a complete table of the financial resources available, in order for a quarterly meeting to be held in Brussels,.

10. ADMINISTRATIVE EXPENDITURE (PART A OF THE BUDGET)

The efficient use of the administrative resources which are called for will depend on the annual decision of the Commission regarding its own resources; this in turn will depend largely on the increased staff and additional money provided by the budgetary authorities.

10.1 The action requires the recruitment of an additional A category official to implement the package of measures for liberalizing the inland waterway transport market (already allocated in the resource framework for 1995).

10.2 The other operational and personnel costs engendered by the action are covered by the normal allocation to the DG and are not likely to result in significant increases, given that the work involved is part of actions which are mainly external, (for example, the coordination of the national scrapping funds).

IMPACT EVALUATION FORM

IMPACT OF THE PROPOSALS ON FIRMS AND IN PARTICULAR ON SMALL AND MEDIUM-SIZED ENTREPRISES

Title of the proposals :

- Proposal for a Council Directive (EC) of ... 1995 on the systems of chartering and pricing in national and international inland waterway transport in the Community.
- Proposal for a Council Directive (EC) of ... 1995 amending Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport.
- Proposal for a Council Directive (EC) of ... 1995amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road and inland waterway transport.

The proposals

1. With regard to the principle of subsidiarity (see chapter V of the communication to the Council), why is community legislation necessary in this field and what are its main goals ?

The disparities in national laws on commercial waterway operations do not contribute to the proper functioning of the single market in this sector. The completion of the single market calls for a further harmonisation of the different rules presently applying to different market segments of the Union's waterways market. Indeed, it is difficult to understand, in particular from a shippers point of view, why certain shippers, because of their place of establishment, are obliged to work via the so-called "tour-de-rôle" system (sharing of cargoes to be transported, at fixed tariffs and uniform conditions, between waiting vessels according to their position in the queue after being unloaded), whilst other shippers can operate in a free market.

To promote transport by waterways, it is desirable gradually to replace existing regulations, likely to hinder its development, by a system of free chartering and free pricing (1st proposal).

In order to ensure the necessary uniformity and transparency, a timetable should be set at Community level for this progressive liberalization of the market, so enabling the Member States concerned to act in a synchronised manner. Because of the socio-economic problems in the waterway sector and the structural changes required as a result of its progressive liberalization, an accompanying measure is called for, that is a new scrapping action of a considerable size (see Council Resolution of 26 October 1994) in order to ensure enduringly the competitiveness of the sector (2nd proposal).

Lastly, the 3rd proposal allows the possibility of state aids for investments in terminal infrastructure an/or equipment in order to stimulate waterway traffic. This measure is inspired by the existing rules for aid for combined transport.

In the market concerned, for instance in North-South traffic between the Netherlands and Belgium, the number of single-trip contracts ("assignments", see below) is going down since many years (see page 41 of the report of NEA of 24/02/1995 on market observation in inland navigation). One of the reasons is that shippers object the tour-de-rôle system (too rigid, no free choice of carrier, etc.) and turn to alternatives.

In order to make waterway carriage more attractive, measures are called for such as progressive deregulation with accompanying measures.

Average waiting time and assignments in Tour-de-Rôle traffic from Netherlands to Belgium

Impact on the companies

2. Who will be affected by the proposals ?

(a) Direct impact (possibilities of new activities).

- shippers in B, F and NL.
- private owner operators
- ship owner companies (companies with more than 3 vessels)
- groupings or cooperatives of private owner operator
- other operators (terminal operators, inland ports ...)

Positive impact : the liberalization of the market will make waterway transport more attractive to the users and will make these services more competitive compared to other transport modes.

(b) Indirect impact (provision of transport services).

- all enterprises needing transport (shippers).

Positive impact : will dispose of improved services; allieviation of road congestion.

3. What measure will companies have to take to conform to the proposal ?

The private owner operators, that participate in the rota systems progressively have to give up this freight distribution system. They will have to reorganize; so as to adapt to free market conditions, either by creating commercial groupings or by putting the accent on marketing and logistics. Those who want to leave the business will benefit from scrapping premiums.

4. What economic effects is the proposal likely to have ?

Positive impact on the waterway market. The research institutes NEA and PLANCO made, on behalf of the Commission, an estimate of the additional freight volume for waterways that would follow the liberalization of the market. According to these institutes the increase should be in the order of 6 to 7 million tonnes per annum, which is more than 10 % of the total freight currently handled by the various rota systems. However, the psychological effect on shippers of such measure, in combination with the stimulation measures contained in annex III, could lead to a substantial higher outcome.

Negative impact on owner-operators with low levels of performance, who may have to leave a more competitive market, but who can nevertheless receive an aid in the form of a scrapping premium for their vessels.

5. Do the proposals contain measures intended to take account of the specific situation of small and medium-sized enterprises (SME's) ?

Precisely because of the specific socio-economic structure of the sector (atomisation of the waterway industry with a strong majority of single owner operators) the proposals provide for a measures to accompany the liberalisation in order to reduce the structural weaknesses of the sector and to promote waterway carriage. In addition, the Commission is authorized to lay

down the rate of the scrapping premium for different vessel types and tonnage-classes and hence has the possibility of ensuring that the smallest SME's will not be disadvantaged.

Consultation

6. List of the organizations which were consulted on the proposals and statement of the essential elements of their position

O.E.B./E.S.O.	European Organization of Barge owner operators
U.I.N.F/I.BU.	International Union of inland waterway operators
U.N.I.C.E.	International Union of Industries in the Community
F.E.P.I.	European Federation of Inland Ports
C.S.T.	Committee of trade unions in transport
C.L.E.C.A.T.	Freight forwarders

- General agreement on the need for a transitional period before total liberalisation of the market, except for O.E.B. which fears that the liberalisation proposal of annex I will only have an impact on transport prices and considers that prior to liberalisation the waterway sector has to be rehabilitated. However, the organization welcomes the proposals set out in annex II and III.

- All organizations consider it useful to improve the market observation system. O.E.B. considers this even a condition for liberalisation.

- It is commonly felt that the quantified objective for a new action to take structural overcapacity out of the market in the period 1996-1997-1998 is around 15 %. However, to take into account the effects of a likely improvement of the general economic situation, it seems necessary to spread this over 3 years (5 % p.a. x 3) with the possibility of reviewing the situation at the end of each year.

- The measures to promote inland waterway traffic were endorsed by all organizations and in particular by those in favour of a specific waterway terminal policy. This type of policy was vividly supported by U.N.I.C.E. and C.L.E.C.A.T. in particular.

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