Transport of goods by inland waterway: freedom to provide services

1995/0106(SYN) - 28/09/1994

PREVIOUS COMMUNITY LEGISLATION: Council regulation 1017/68/EEC of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway (OJ No. 175, 23.7.68); Council Regulation 1191/69/EEC of 26 June 1969 on action by the Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway (OJ No. 156, 28.6.69); Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway (OJ No. L 373, 31.12.91); Council Regulation 3921/91/EEC 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 (OJ No. L 373, 31.12.91); judgments of the Court of Justice of 17 November 1993 in the Reiff (C 185/91), Ohra (C 245/91) and Meng (C 2/91) cases. PREVIOUS POSITION OF EP: In the van der Waal report (A3-160/91) on inland navigation, Parliament called on the Commission, the Member States and the industry to take measures to achieve and maintain a reasonable balance between supply and demand, with the help of Community reorganization measures and a system of market observation, thereby encouraging market conditions under which the Commission, inland navigation organizations and forwarding agents can introduce more commercial elements into the current system of fixed tariffs and proportional cargo allocation, thereby strengthening the competitiveness of inland waterways. SITUATION IN THE MEMBER STATES: when it adopted Regulation 3921/91/EEC, the Council instructed the Commission to study the 'tour de rôle' system and fixed prices. On 30 November 1993 the Council held an initial exchange of views on this subject. A majority of Member States were in favour of liberalizing the market. The situation was influenced by the judgements of the Court of Justice referred to above which held that prices determined by public authorities (as in legal 'tour de rôle') were compatible, whereas prices set by the trade organizations were not. The French government has submitted to the National Assembly a bill seeking the phased abolition of legal 'tour de rôle'. Germany has already abolished, with effect from 1 January 1994, fixed prices for transport within Germany, despite protests from the industry. The Netherlands and Belgium are discussing replacing their systems of professional 'tour de rôle' with a legal system compatible with Community law in accordance with the Court's recent judgment. The organization of shipowners in the Netherlands has submitted to the Commission a request for derogation pursuant to Regulation No. 1071/68. Content of the planned legislation: Liberalization of the market should be accompanied by social measures and the phased abolition of the system of 'tour de rôle' to prevent small firms from being eliminated.