

II

(Preparatory Acts)

COMMISSION

Amendments to the proposal for a Council Directive amending Directive 78/1015/EEC on the approximation of the laws of the Member States relating to the permissible sound level and exhaust system of motorcycles ⁽¹⁾

*COM(85) 228 final**(Submitted by the Commission to the Council pursuant to Article 149 (2) of the EEC Treaty on 13 May 1985)**(85/C 139/02)**(Amendments to Doc. COM(84) 438 final following the opinion of the European Parliament)**Second recital:*

following the words 'should be reduced', add 'to approximately 80 dB (A)'.

Articles 2 and 3:

each time that the Directive 78/1015/EEC is referred to, add (when missing) the phrase 'as amended by the present Directive'.

⁽¹⁾ OJ No C 263, 2. 10. 1984, p. 5.

Proposal for a Council Directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined transport of goods between Member States

*COM(85) 211 final**(Submitted by the Commission to the Council on 22 May 1985)**(85/C 139/03)*

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 the application of Council Directive 75/130/EEC ⁽¹⁾, as last amended by Directive 82/603/EEC ⁽²⁾, has led to positive results;

Whereas the development of combined transport is a matter of public interest;

⁽¹⁾ OJ No L 48, 22. 2. 1975, p. 31.

⁽²⁾ OJ No L 247, 23. 8. 1982, p. 6.

Whereas the continuing development of combined transport over the last few years requires to amend and extend, the present Community rules to be amended and extended in order better to exploit the possibilities offered by the various techniques;

Whereas the development of combined transport by inland waterways could be more marked if the zone in which initial and terminal road journeys around the ports of embarkation and disembarkation are liberalized could be extended;

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

Whereas, in order to promote combined transport, this type of transport should be freed from certain limitations on road use during certain days or certain periods,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 75/130/EEC is hereby amended as follows:

1. The third indent of Article 1 (1) is replaced by the following:

— combined transport by inland waterway means the transport of lorries, trailers, semi-trailers with or without tractor, swap bodies and containers of 20 feet or more by inland waterway between Member States, including initial and terminal sections of road transport runs within a radius of up to 150 kilometres as the crow flies from the inland-waterway port of shipment or unloading.'

2. Article 4 (1) is replaced by the following:

'1. When a frontier is crossed on the road journey before the journey by rail or inland waterway, Member States may require the operator to prove by means of an appropriate document that a reservation has been made for the transport by rail or by inland waterway of the tractor, lorry, trailer, semi-trailer, or the swap bodies thereof, and the container of 20 feet or more.'

3. Article 9 is replaced by the following:

Article 9

Where a trailer or semi-trailer, belonging to an undertaking engaged in own-account combined transport,

is hauled on a terminal section, or on an initial section for the return journey, by a tractor belonging to an undertaking engaged in transport for hire or reward, the transport operation so effected shall be exempt from presentation of the document provided for in Article 3 but another document shall be provided giving evidence of the journey covered or to be covered by rail or by inland waterway.'

4. The following Articles 11 and 12 are inserted:

Article 11

The terminal or initial road journey of combined road/rail transport or combined transport by inland waterway shall — by way of derogation from the definition contained in the First Council Directive of 23 July 1962 ⁽¹⁾ — be considered to be an own-account road transport operation if the road journey is carried out by a tractor owned by or bought on deferred terms by or hired by and driven by employees of an undertaking which:

- belongs to the same economic entity as the undertaking which forwarded the goods,
- is the recipient or the sender of the goods transported,

and if the initial or terminal road journey in each case is an own-account transport operation as defined in the said Directive.

⁽¹⁾ OJ No 70, 6. 8. 1962, p. 2005/62.

Article 12

Initial or terminal road haulage in the context of combined road/rail transport or combined transport on inland waterways shall be exempt from general prohibitions on road movement laid down by non-local authorities in respect of certain days or during certain periods.'

5. Article 11 becomes Article 13.

Article 2

Member States shall take the measures necessary to comply with this Directive before 1 July 1986. They shall inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.