


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2000/0023(COD) Procedure lapsed or withdrawn
Transport by rail, road and inland waterway: aid for the coordination	
Subject 2.60.03 State aids and interventions 3.20.07 Combined transport, multimodal transport	

Key players			
European Parliament Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2324</a>	20/12/2000
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2292</a>	02/10/2000
European Commission	Commission DG	Commissioner	
	Energy and Transport		

Key events			
26/07/2000	Legislative proposal published	COM(2000)0005	Summary
08/09/2000	Committee referral announced in Parliament, 1st reading		
02/10/2000	Debate in Council	<a href="#">2292</a>	
20/12/2000	Debate in Council	<a href="#">2324</a>	Summary
20/03/2001	Vote in committee, 1st reading		Summary
20/03/2001	Committee report tabled for plenary, 1st reading	<a href="#">A5-0096/2001</a>	
04/04/2001	Debate in Parliament		
05/04/2001	Decision by Parliament, 1st reading	<a href="#">T5-0193/2001</a>	Summary
06/08/2004	Additional information		Summary

Technical information	
Procedure reference	2000/0023(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 089; EC Treaty (after Amsterdam) EC 073; EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure lapsed or withdrawn

## Documentation gateway

Legislative proposal		COM(2000)0005, <a href="#">OJ C 365 19.12.2000, p. 0179 E</a>	26/07/2000	EC	Summary
Committee draft report		PE286.634	04/01/2001	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0044/2001</a> <a href="#">OJ C 123 25.04.2001, p. 0034</a>	25/01/2001	ESC	
Committee opinion	<b>ECON</b>	PE295.960/DEF	05/03/2001	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0096/2001</a>	20/03/2001	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0193/2001</a> OJ C 021 24.01.2002, p. 0256-0318 E	05/04/2001	EP	Summary
Committee of the Regions: opinion		<a href="#">CDR0097/2002</a>	10/10/2002	CofR	

## Additional information

European Commission	<a href="#">EUR-Lex</a>
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## Transport by rail, road and inland waterway: aid for the coordination

**PURPOSE:** Proposal for a Regulation concerning the granting of aid for the co-ordination of transport by rail, road and inland waterway.

**CONTENT:** Since the 1970s, road, rail and inland waterways have gone through major processes of liberalisation, at various speeds and to differing extents. In addition, various guidelines and other instruments relating to Articles 87 and 88 EC Treaty have been published. Although Council Regulation 1107/70/EEC has to some extent been amended to deal with these developments, such amendment has been piecemeal and there is a clear case for a wholesale simplification and consolidation of the text so that every Article has a purpose suited to the needs of the current context. The Commission believes the best way of achieving such clarity and simplicity is to replace the existing Regulation with an entirely new Regulation. One of the functions of the proposed Regulation is to clarify how the application of Article 73 EC Treaty will reflect the manner in which the transport market has developed over time. Article 73 certainly has a role to play with regard to the financing of infrastructure. The present Regulation proposes therefore a comprehensive exception for aid for the development and eventually operation of transport infrastructure which benefits infrastructure managers and, in the freight sector, aid for the benefit of users of transport infrastructure which compensates them for the unpaid cost of competing modes. The proposed Regulation implements the part of Article 73 EC Treaty which concerns co-ordination of transport activities concerning rail, road and inland waterways. It follows, in particular, that maritime transport facilities are not covered by the regulation. The main provisions of the proposed Regulation are the following: - The impact of tendering and tendering principles; - Practical illustrations of the need for an exception include public private partnerships, Trans-European Networks, terminals, state support for railway infrastructure and networks; - Relation between state aid rules and charging rules. Community law includes rules on charging with regard to road transport. As already proposed by the Commission, there are reasons to adopt rules with regard to railway charging. Therefore, it is necessary to ensure that any future Community requirements on infrastructure are not undermined by Member States financing infrastructure managers to a point where they can 'make ends meet' without recovering the costs required by such legislation for the users of the infrastructure; - Requirements for the aid; - State aid to compensate for unpaid costs of competing modes. Here, the aid must form part of a scheme that treats different undertakings within the same mode equally and moreover, it must relate to goods transport; - Notification of aid. Aid granted under the proposed regulation is notifiable by virtue of Article 88(3) EC Treaty unless the regulation provides otherwise; - Monitoring, revocation and transitional arrangements.?

## Transport by rail, road and inland waterway: aid for the coordination

The Council held a policy debate on public service obligations in passenger transport by rail, road and inland waterway. Winding up the debate, the Presidency noted that there was a convergence of views on a number of very positive points: the fact that the Commission's proposal for a Regulation guarantees a fundamental role for public passenger services as services of general interest; - the need to recognise that the performance of public service requirements sometimes calls for financial compensation which must be clearly found to be compatible with the Treaty; - the importance of social aspects needing to be taken into account in public service contract award procedures. Environmental aspects were also mentioned. During this discussion, some Member States thought it ill-advised to open up the specific area of rail passenger transport to competition at a time when a similar approach had just been agreed regarding international rail freight carriage. Several Member States argued the importance of ensuring the permanence of integrated services where there was a recognised need. Several Member States also thought that the responsible authorities should be able to opt for the direct management of such services. Several Member States were likewise insistent on the need to provide for more flexible provisions which would take into account both local situations and subsidiarity. Finally, it was noted that a number of Member States had, with the responsible authorities and operators concerned, set up

public transport services on the basis of existing Community law which called for major investment, particularly from operators. These Member States thought that the duration of contracts should be extended and longer transitional periods provided for in order that a fair return on investment for the benefit of society at large might be guaranteed.?

## Transport by rail, road and inland waterway: aid for the coordination

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The committee adopted the report by Felipe CAMISÓN ASENSIO (EPP-ED, E) broadly approving the proposal under the codecision procedure (1st reading). However, it adopted a large number of amendments designed to tighten up some of the provisions of the regulation. In particular, the committee wanted to eliminate the disparity in the funding of infrastructure according to the legal nature of the company involved and so prevent the railways (which were operated by undertakings in all Member States) being disadvantaged compared to road transport and inland waterways (which were generally managed directly by the state). It accordingly proposed that state aid to network operators should be generally exempt from the ban on subsidies, bearing in mind the public interest character of transport infrastructure. The regulation should also recognise the need for state aid to compensate the infrastructure manager for any obligation to apply charging systems which did not allow coverage of the total costs of transport infrastructure (this might arise if the principle of marginal cost were implemented in future EU legislation). The committee also felt that the proposed compensation scheme for the use of infrastructure based on uncovered external costs of other modes did not provide a sufficiently strong incentive to reach a modal split compatible with sustainable mobility and therefore wanted other aid schemes to be introduced as well, such as support for transport operations in modes having a low level of external costs. Such a scheme would be intended as a form of "freight service contract". The committee also wanted the definition of "transshipment" in the regulation to include connections between land and maritime transport. Lastly, it felt that the 12-month exemption period for aid measures proposed by the Commission was too short, and called for it to be extended to 24 months.?

## Transport by rail, road and inland waterway: aid for the coordination

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The European Parliament adopted the the report by Mr Felipe CAMISON ASENSIO (EPP/ED, E) on the granting of aid for the co-ordination of transport by rail, road and inland waterway. However, the report was subject to a number of amendments which aim to improve the commission text: - it was considered inappropriate to impose a three-year limit for the granting of aid for the use of infrastructure. Aid schemes, according to the Parliament, should have a duration of five years, which would give transport undertakings greater legal certainty and enable them to plan with greater confidence; - the Commission itself should monitor the aid and ensure that competition between transport modes and between Member States is not distorted; - short sea shipping, including combined transport operations at sea ports should be brought within the scope of the directive; - passenger transport should also be eligible for aid; - aid should not have to be notified if it does not exceed EUR 100,000 over a three-year period.?

## Transport by rail, road and inland waterway: aid for the coordination

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As this proposal is no longer of topical interest, it has been withdrawn by the Commission.