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*****II**

RECOMMENDATION FOR SECOND READING

on the common position adopted by the Council with a view to adopting a European Parliament and Council decision amending Decision No. 1692/96/EC as regards seaports and inland ports as well as project No. 8 in Annex III (6658/1/2000 – C5-0271/2000 – 1997/0358(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Wilhelm Ernst Piecyk

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At the sitting of 10 March 1999 Parliament adopted its position at first reading on the proposal for a European Parliament and Council decision amending Decision No. 1692/96/EC as regards seaports, inland ports and intermodal terminals as well as project No. 8 in Annex III (COM(1997) 681 - 1997/0358 (COD)).

At the sitting of 15 June 2000 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (6658/1/2000 - C5-0271/2000).

The committee had appointed Wilhelm Ernst Piecyk rapporteur at its meeting of 13 October 1999.

It considered the common position and the draft recommendation for second reading at its meetings of 20 June, 11 July and 12 September 2000.

At the last meeting it unanimously adopted the draft legislative resolution.

The following were present for the vote: Konstantinos Hatzidakis, chairman; Emmanouil Mastorakis, Rijk van Dam and Helmuth Markov, vice-chairmen; Sir Robert Atkins, Emmanouil Bakopoulos, Rolf Berend, Theodorus J.J. Bouwman, Philip Charles Bradbourn, Martin Callanan, Felipe Camisón Asensio, Carmen Cerdeira Morterero, Luigi Cesaro, Luigi Cocilovo (for Mathieu J.H. Grosch), Gerard Collins, Paolo Costa, Francis F.M. Decourrière, Proinsias De Rossa (for Wilhelm Ernst Piecyk pursuant to Rule 153(2) of the Rules of Procedure), Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster (for Karla M.H. Peijs), Jean-Claude Fruteau (for Danielle Darras), Mary Honeyball, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Constanze Angela Krehl (for Ewa Hedkvist Petersen), Giorgio Lisi, Linda McAvan (for John Hume), Sérgio Marques, Erik Meijer, Reinhold Messner, Rosa Miguélez Ramos, Francesco Musotto, Camilo Nogueira Román, Juan Ojeda Sanz, Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Isidoro Sánchez García, Marieke Sanders-ten Holte (for Elspeth Attwooll), Dana Rosemary Scallon, Ingo Schmitt, Elisabeth Schroedter (for Josu Ortuondo Larrea), Brian Simpson, Renate Sommer, Dirk Sterckx, Margie Sudre, Joaquim Vairinhos, Ari Vatanen, Demetrio Volcic, Mark Francis Watts and Jan Marinus Wiersma (for Gilles Savary).

The recommendation for second reading was tabled on 20 September 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the common position adopted by the Council with a view to adopting a European Parliament and Council decision amending Decision No. 1692/96/EC as regards seaports and inland ports as well as project No. 8 in Annex III (6658/1/2000 – C5-0271/2000 – 1997/0358(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (6658/1/2000 – C5-0271/2000¹),
 - having regard to its position at first reading² on the Commission proposal to Parliament and the Council (COM(1997)681)³,
 - having regard to the Commission's amended proposal (COM(1999)277)⁴,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0232/1999),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 228, 9.8.2000, p. 1.

² OJ C 175, 21.6.1999, p. 98.

³ OJ C 120, 18.4.1998, p. 14.

⁴

(Amendment 1)

Title

Decision of the European Parliament and of the Council amending Decision No 1692/96/EC as regards seaports **and** inland ports as well as project No 8 in Annex III

Decision of the European Parliament and of the Council amending Decision No 1692/96/EC as regards seaports, inland ports **and intermodal terminals** as well as project No 8 in Annex III

Justification:

Because the Council is not prepared to include intermodal terminals in the decision, they have been deleted from the title. As the EP's second reading relates to the common position, intermodal terminals should be reinstated in the title in accordance with the Commission proposal.

(Amendment 2)

Recital 2

(2) Interconnection points including seaports **and** inland ports are pre-conditions for the integration of the different transport modes in a multimodal network.

(2) Interconnection points including seaports, inland ports **and intermodal terminals** are pre-conditions for the integration of the different transport modes in a multimodal network, **for which a strategic environmental impact assessment, as referred to in Article 8.2 of Decision No 1692/96/EC, is necessary.**

Justification:

The aim of this amendment is to prevent misunderstandings about the interpretation of Article 8.2 of Decision 1692/96/EC in relation to seaports, inland ports and intermodal terminals.

(Amendment 3)

Recital 3

(3) In the trans-European seaport network, ports should be classified into categories on the basis of quantitative criteria or their location on islands not connected with the mainland by fixed links and only those ports in the highest category by volume of traffic should be shown, by way of indication, on maps. The specifications which a seaport project is to meet to be deemed of common interest should be set out. Deleted.

Justification:

Since the classification of seaports proposed by the Council in Article 12(2) and Annex II(5) is not, in the rapporteur's opinion, adequate for the trans-European transport network, this recital should be deleted in order to ensure that Parliament adopts a consistent position. (See also the explanatory statement annexed to the report).

(Amendment 4)
ARTICLE 1(1)

Article 11(3a)(d)(Decision No 1692/96/EC)

- | | |
|--|--|
| (d) equipped with transhipment facilities for combined transport or with an annual freight traffic volume of not less than 300 000 tonnes; | (d) equipped with transhipment facilities for intermodal transport or with an annual freight traffic volume of not less than 500 000 tonnes; |
|--|--|

Justification:

The trans-European transport network cannot include every inland port in the Community. They must be subject to eligibility criteria in respect of facilities or freight volume. Reducing the figure for the latter to 300 000 tonnes will bring many more ports within the ambit of the decision, with which the trans-European network will be unable to cope.

(Amendment 5)
ARTICLE 1(2)
Article 12(2)(Decision No 1692/96)

- | | |
|---|---|
| (2) The trans-European seaport network | (2) The seaports included in the network |
|---|---|

shall comprise seaports situated within the territory of the Community which are open to commercial traffic and which comply with the criteria and specifications set out in Annex II. These ports shall be classified in three categories, A, B and C, according to the volume of traffic they handle or their location. The seaports in category A provided for in section 5 of Annex II shall be shown on the indicative maps in the outline plans in section 5 of Annex I, on the basis of the most recent port data.

shall have:

- (a) connections with other trans-European transport routes in Annex I and*
- (b) total annual freight traffic volume of not less than 1.5 million tonnes, or*
- (b) total annual traffic volume of not less than 200 000 international passengers (trips between ports in two different countries).*

Justification:

Parliament approved the Commission's proposed wording of Article 12(1) under which seaports constitute points of interconnection between sea transport and other modes of transport. The Council makes the same assumption in its version of Article 12(1). Regarding seaports as points of interconnection means that they have to be connected to other trans-European transport networks. In addition, traffic volumes of 1.5 million tonnes of freight and 200 000 international passengers a year would seem appropriate to a trans-European transport network.

(Amendment 6)
ARTICLE 1(2a)(new)
Article 14 (Decision No 1692/96/EC)

2a. Article 14 is amended as follows:

:

"Article 14

Characteristics

The trans-European combined transport network shall comprise:

- railways and inland waterways which are suitable for combined transport and shipping which, combined where appropriate with the shortest possible initial and/or terminal road haulage, permit the long-distance transport of goods;*
- terminals which provide installations for*

intermodal transshipment between railways and roads, inland waterways and sea transport and which are identified in the outline plans in the Annex. Intermodal transport, within the meaning of this Decision, is understood as combined unitised transport (trailers and swap bodies);
- suitable rolling stock, on a provisional basis, where the characteristics of the infrastructure, as yet unadapted, so require."

Justification:

In view of the extensive interaction between ports and intermodal terminals Parliament had already decided at first reading that intermodal terminals should be included in the trans-European network. As an important component of the trans-European network they have to be included in a decision concerning the TENs.

(Amendment 7)

ARTICLE 1(4)

Annex I (Decision No 1692/96/EC)

4. Annex I shall be amended as follows:

(a) in the contents

- the title of Section 4 "Inland waterway network" shall be replaced by: "Inland waterway network and inland ports";

- Section 5 shall be replaced by the following:

*"Section 5: Seaports – **Category A***

- 5.0 Europe
- 5.1 Baltic Sea
- 5.2 North Sea
- 5.3 Atlantic Ocean
- 5.4 Mediterranean Sea – Western part
- 5.5 Mediterranean Sea – Eastern part";

- in Section 7 "Combined transport network", point 7.2 shall be deleted;

(b) as regards the maps corresponding to Sections 4 and 5:

- the map showing Section 4 shall be
~~*replaced by the map shown in this Decision*~~

4. Annex I shall be amended as follows:

*(a) in the contents **Section 5 shall be replaced by the following:***

- Section 5 shall be replaced by the following:

"Section 5: Seaports

- 5.0 Europe
- 5.1 Baltic Sea
- 5.2 North Sea
- 5.3 Atlantic Ocean
- 5.4 Mediterranean Sea – Western part
- 5.5 Mediterranean Sea – Eastern part";

- Section 7 shall be replaced by the following:

"Section 7: Network for combined transport - rail corridors and terminals

7.1.0. Europe

replaced by those annexed to this Decision. These maps identify also inland ports which are equipped with transshipment facilities for combined transport and shall replace the map showing point 7.2;

- the maps showing Section 5 as they appear in the Annex to this Decision shall be inserted;

7.1.1.

***Belgium/Germany/France/Luxembourg/
Netherlands/Austria***

7.1.2. *Spain/Portugal/Ireland/United Kingdom*

7.1.3. *Denmark/Finland/Sweden*

7.1.4. *Greece/Italy*

7.2. *Inland waterways and inland ports*

(b) Outline plans 5.0 to 5.5 (Seaports) are inserted and outline plans 7.1-A (combined transport – rail corridors), B (large scale) and 7.2 (combined transport – inland waterways) replaced by outline plans 7.1.0 to 7.1.4 (combined transport – rail corridors and terminals/transshipment areas) and 7.2 (inland waterways and inland ports). These outline plans are annexed.

(ba) The Elbe-Lübeck canal and the Twente-Mittelland canal are incorporated in network plan 7.2 “Inland waterways and inland ports”.

(bb) Those inland ports which also perform seaport functions are indicated separately in network plan 7.2 “Inland waterways and inland ports”

(bc) Those inland ports which are not intermodal but handle annual traffic volume of 500 000 tons of freight are indicated separately in network plan 7.2 “Inland waterways and inland ports”.

Justification:

The version of Annex I originally proposed by the Commission shows inland waterways and inland ports separately under 7.2 in Section 7 “Rail corridors and terminals” and, by means of this arrangement of the outline plans, stresses the importance of inland ports for intermodal interconnections. The integration of inland ports into a multimodal transport system is made significantly clearer by Section 7.2. The rapporteur therefore rejects the Council’s approach of indicating inland ports in Section 4 together with inland waterways. The separate indication of special inland ports accepted by the Council should accordingly be performed in Section 7.2, not

in Section 4. As proposed by the Commission, Section 4 of Annex I should only designate inland waterways.

(Amendment 8)

ARTICLE 1(5)(a)

Annex II(4) first subparagraph (Decision No 1692/96/EC)

Inland ports

In addition to projects relating to the connections and inland ports mentioned in Annex I, projects of common interest will be deemed to include any ***infrastructure*** project corresponding to one ***or more*** of the following categories:

1. access to the port from waterways;
2. port infrastructure inside the port area;
3. ***other transport infrastructures inside the port area;***

Inland ports

In addition to projects relating to the connections and inland ports mentioned in Annex I, projects of common interest will be deemed to include any project corresponding ***at least*** one of the following categories:

1. access to the port from ***inland*** waterways;
2. port infrastructure inside the port area;
3. ***Port infrastructure inside a port area comprises the construction and maintenance of all elements of the transport system open to all transport users within the port and of links with the national and international transport network. In particular, it includes the development and maintenance of land for commercial and other port-related purposes, the construction and maintenance of road and rail connections, the construction and maintenance, including dredging, of access routes and of other areas of water in the port, the construction and maintenance of navigation aids and traffic management, communication and information systems and the construction and maintenance of installations for the collection of waste and of used bunker oil.***

Enterprise-related port superstructure investments and

operating aids for this purpose are not eligible for Community financial aid in the field of trans-European networks. As an exceptional measure, port superstructure activities may be supported by the Cohesion or Structural Funds in eligible regions, provided this does not impair fair competition between and within the inland ports of the Community

4. ***other transport infrastructures*** linking the port to other elements of the trans-European network;

4. ***land infrastructure*** linking the port to the various parts of the trans-European transport network.

Justification:

Consistency between the enacting terms and the annexes requires changes to Annex II(4) concerning projects related to inland ports. In particular the distinction between port infrastructure and port superstructure will help clarify the eligibility of projects.

(Amendment 9)(new)
ARTICLE 1(5)(b)

Annex II(5)(1)(Decision 1692/96/EC)

1. Eligibility criteria for seaports

Seaports shall come within one of the following categories:

Category A:

Seaports with a total annual traffic volume of not less than 1 million tonnes of freight or 200 000 passengers;

Category B:

Seaports which do not meet the criteria for category A and have a total annual traffic volume of between 500 000 and 999 999 tonnes of freight or between

1. Aims of port and port-related projects of common interest:

***- facilitating the growth of intra- and extra-Community trade,
- supporting the principle of sustainable mobility by helping to relieve congested land corridors and to reduce the external costs of European transport by, for example, increasing the maritime share of total traffic and in particular by promoting coastal shipping,
- improving accessibility and strengthening economic and social cohesion in the European Community by promoting the development of intra-Community maritime links, paying particular attention to island and***

100 000 and 199 999 passengers;

Category C:

Seaports which do not meet the criteria for categories A and B and are not used exclusively as fishing ports or marinas, located on islands which have no fixed links to the mainland.

*peripheral regions of the Community,
- allowing permanent access to Baltic Sea
ports located around and above 60° N
normally ice-bound in winter.*

Justification:

Consistency between the enacting terms and the annexes also requires changes to Annex II(5) concerning projects related to seaports. In particular the distinction between port infrastructure and port superstructure will help clarify the eligibility of projects.

(Amendment 10)

ARTICLE 1(5)(b) of the common position
Annex II(5)(2)(Decision No 1692/96/EC)

**2. Specifications for projects of
common interest relating to the seaport
network**

*Any project which meets the following
specifications will be deemed to be of
common interest:*

(For table see OJ C 228 of 9.8.2000, p.3)

**2. Infrastructure projects in or in
connection with ports should come under
one or more of the following categories:**

- A. access to the port from the sea or
inland waterways, including
capital costs for ice-breaking
works during winter**
- B. infrastructure inside the port;**
- C. inland transport infrastructure
linking the port to other elements
of the trans-European transport
network.**

*Port infrastructure inside a port area
comprises the construction and
maintenance of all elements of the
transport system open to all transport
users within the port and of links with the
national and international transport
network; in particular, it includes the
development and maintenance of land for
commercial and other port-related
purposes, the construction and
maintenance of road and rail connections,
the construction and maintenance,*

including dredging, of sea and inland waterway access routes and of other areas of water in the port, the construction and maintenance of navigation aids and traffic management, communication and information systems and the construction and maintenance of installations for the collection of waste and of used bunker oil.

Justification:

Consistency between the enacting terms and the annexes also requires changes to Annex II(5) concerning projects related to seaports. In particular the distinction between port infrastructure and port superstructure will help clarify the eligibility of projects

(Amendment 11)
ARTICLE 1(5)(b)
Annex II(5)(3)

2a. Types of port and port-related projects of common interest.

Special attention shall be given to the following types of projects, in particular:

- the development of short sea and sea-river shipping including the necessary infrastructure;*
- upgrading of the port infrastructure in particular in ports on islands and in peripheral regions;*
- creation or improvement of hinterland access, in particular through rail and inland waterway connections;*
- development and installation of traffic management and information systems such as EDI (electronic data interchange) or other intelligent management systems for freight and passenger traffic using integrated technologies*

Justification:

Consistency between the enacting terms and the annexes also requires changes to Annex II(5) concerning projects related to seaports. In particular the distinction between port infrastructure and port superstructure will help clarify the eligibility of projects

(Amendment 12)

ARTICLE 1(5)(b)

Annex II(5)(42(b)(new) Decision No 1692/96/EC)

42b. Specific conditions

Enterprise-related port superstructure investments and operating aids for this purpose are not eligible for Community financial aid in the field of trans-European networks. As an exceptional measure, port superstructure investments may be supported by the Cohesion or Structural Funds in eligible regions, provided this does not impair fair competition between and within the seaports of the Community.

Projects must contribute to :

- integrating traffic into a trans-European transport network or a multimodal transport chain, or***
- greater use of environment-friendly transport.***

Justification:

Consistency between the enacting terms and the annexes also requires changes to Annex II(5) concerning projects related to seaports. In particular the distinction between port infrastructure and port superstructure will help clarify the eligibility of projects

(Amendment 13)

Annex II(7)second and third indents (Decision No 1692/96/EC)

(ba). Section 7 second and third indents shall be replaced by the following:

"- construction or restructuring of centres for transfers between inland types of transport, with the corresponding infrastructure,

- adaptation of port areas, making it possible to develop or improve combined transport transfers between sea transport and rail or inland waterway transport,"

Justification:

Annex II, which lays down the criteria and specifications for projects of common interest, should logically also include provisions governing intermodal terminals. This will help upgrade intermodal terminals as part of the trans-European network.

(Amendment 19)

Annex I(5) Annex Category A (map 5.1)

In Map 5.1 the designation of the Finnish port 'Rautaruukki/Raahe' is replaced by 'Raahe'

Justification:

The port of Raahe is not merely the port of Rautaruukki but is open to commercial traffic.

EXPLANATORY STATEMENT

Background

The Council forwarded its common position amending Decision No 1692/96/EC as regards seaports and inland ports to the European Parliament on 16 June 2000. Over a year had passed since the first reading in Parliament.

As the second reading has to take place within three months, a timetabling problem has arisen because of Parliament's summer recess. Despite the extension by one month which has been obtained, if the codecision procedure deadlines were to be met, an extraordinary meeting of the Committee on Regional Policy, Transport and Tourism had to be convened for the submission of a draft report.

Allowing for the time required for translation, the rapporteur had less than two weeks to prepare this draft report. In view of the unusual time pressure on the drafting of the report the rapporteur reserves the right to table further amendments if it turns out that a compromise between the EP position and the Council's stance is possible, especially in respect of seaports.

Assessment of common position

In its common position the Council has taken up some of the Parliament first reading proposals.

These include:

- map showing sea – river ports (not as Parliament requested in Annex I, section 7.2 but in section 4),
- deletion of the Commission proposal for the inclusion of new rail services on the basis of 'Trans-European Rail Freight Freeways' (first reading Am. No 7),
- amplification of project 8 in Annex III (multimodal link Portugal/Spain with the rest of Europe). Although the overall project and its individual components are consistent with the objectives of the TENs, Parliament's concern was that amendments to Annex III should also be subject to codecision and only thus could a legislative basis for extending project 8 be created.

In the following respects the Council's common position departs from Parliament's position:

- **Traffic volume of inland ports**

Although the Council adopted Parliament's approach to the criteria for inland ports, laying down an annual traffic volume as an alternative to intermodal transshipment facilities, reducing this volume from the 500 000 tonnes called for by Parliament to 300 000 would produce a far larger number of eligible inland ports. This would be too much for the Trans-European network. The Council has set less rigid criteria in order to include the ports it regards as eligible in the network. The rapporteur is therefore calling for an annual traffic volume of at least 500 000 tonnes.

- **Port infrastructure/Superstructure**

The Council rejected any general definition of port infrastructure within port areas applying to inland and seaports. The EP wanted this definition to distinguish it from ineligible port superstructures. The version proposed by Parliament was intended to provide parallel identification of eligibility of projects in inland and seaports (first reading amendments 8-11) as expressed in the practically identical definitions of port infrastructures as opposed to superstructures for sea and inland ports. This would avert distortions of competition in order to create equal conditions for all ports. The rapporteur believes that such a definition could be of help in assessing eligibility. The rapporteur's proposed amendment therefore repeats Parliament's first reading position to the effect that port superstructure, apart from exceptions falling under the Structural and Cohesion Funds, is not eligible.

- **Criteria for seaports**

The Council has adopted a differential approach in respect of seaport criteria, dividing eligible ports into three categories (A, B and C) and refers to Annex II, section 5 for the criteria for each category. The criteria for the highest category ports (A) are substantially lower in the Council proposal than proposed by Parliament at first reading for Article 12 of the decision. Instead of a traffic volume of 1.5 million tonnes the Council is proposing 1 million. Parliament's alternative criterion of 200 000 international passengers (trips between ports in two different countries) is reduced to a travesty in the Council proposal as it no longer restricts it to international passengers. The rapporteur therefore considers that the Council's criteria for seaports in TENs are inappropriate.

Parliament's first reading proposal that all seaports in the TENs must provide connections with other trans-European transport routes in Annex I has not been adopted by the Council either. This is however one of the essential criteria for a TEN seaport. It also relates to the definition of seaports as 'points of interconnection between sea transport and other modes of transport' which even the common position includes (Article 12(1)). A seaport can only be so described if it has links to other trans-European transport routes.

The Council's proposals would have far more ports covered by the decision than under the EP's proposal, which again the TENs cannot cope with. The common position should therefore be amended to comply with Parliament's first reading position. This means amending Article 12 of the decision and, in the interests of consistency, amending Annex II, section 5 of the common position.

- **Intermodal terminals**

At first reading Parliament endorsed the Commission's approach in including intermodal terminals as important interchanges in a multimodal infrastructure network. In its explanatory memorandum the Commission mentioned numerous references in Decision 1692/96/EC to the multimodal configuration of the TENs. Intermodal terminals are extremely important for the coordination of infrastructure development for the purposes of environment-friendly sustainable mobility and for the objective of reducing traffic congestion. This makes it all the more incomprehensible that in its common position the Council should completely remove any reference to intermodal terminals and wishes to retain Article 14 of the decision unamended.

Parliament at first reading assumed that intermodal terminals and inland ports on the one hand and seaports on the other are interrelated and should be ascribed similar importance for the development of intermodal transport. The common position ignores this consideration and the rapporteur therefore proposes reinstating Parliament's first reading position.