



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION**

**Programme for the Promotion of Short Sea Shipping**

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on Intermodal Loading Units**

(presented by the Commission)

# COMMUNICATION FROM THE COMMISSION

## Programme for the Promotion of Short Sea Shipping

### 1. INTRODUCTION

In September 2001 the Commission presented its “White Paper on European Transport Policy for 2010: time to decide”<sup>1</sup>. The Paper sets a number of ambitious targets to ensure competitiveness and sustainability of mobility also in 2010. Short Sea Shipping is an obvious choice to play a key role in reaching these targets. It can help curb the 50 % increase in heavy goods vehicle traffic forecasted in the Paper, it can help rebalance the modal split, bypass land bottlenecks, and it is safe and sustainable.

The political conviction that Short Sea Shipping is a priority for the European Union was also reconfirmed in the informal meeting of the European Union Transport Ministers in June 2002 in Gijón, Spain.

### 2. SHORT SEA SHIPPING IS A GROWTH INDUSTRY

Already today Short Sea Shipping is highly successful and it is the only mode that has proved able to keep up with the growth of road transport. It performs 41% of all tonne-kilometres in Europe while the share of road transport is 43%<sup>2</sup>. Its growth rate is above that of European Union industrial production and its tonne-kilometre performance grew by up to 38% in the 1990’s as compared to 40% growth in road transport (See Figure 1).

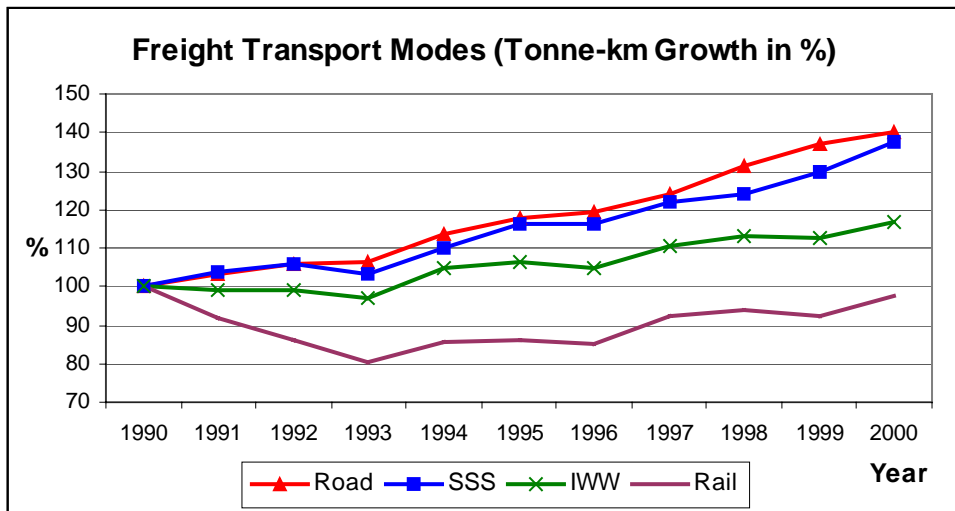


Figure 1: Tonne-kilometre growth 1990-2000 in percent in road, Short Sea Shipping, inland waterways and rail.<sup>3</sup>

<sup>1</sup> COM(2001) 370, 12.9.2001.

<sup>2</sup> Data for the year 2000, excluding pipelines. Source: EU Energy and Transport in Figures: Statistical Pocketbook 2002.

<sup>3</sup> Main data source: EU Energy and Transport in Figures: Statistical Pocketbook 2002.

### 3. HOW CAN WE MAKE SHORT SEA SHIPPING EVEN MORE SUCCESSFUL?

To fully utilise Short Sea Shipping in Europe, it needs to be successfully integrated into logistics chains and offer seamless door-to-door operations. Such logistics chains should be managed and commercialised by single commercial entities, so-called “one-stop shops”. These companies should offer customers a single contact point that takes responsibility for the whole intermodal chain. Furthermore, the notion of competition between modes should be replaced by complementarity because co-operation between modes is vital in chains involving more than one mode.

Full integration of Short Sea Shipping into intermodal door-to-door supply chains still remains to be achieved. This is primarily for the industries to accomplish, but efforts at other levels can help the process and alleviate the framework obstacles that hinder Short Sea Shipping from developing faster:

- It has not yet fully shed its past image as an old-fashioned industry;
- It involves complex administrative and documentary procedures;
- It requires enhanced port efficiency;
- It needs new advanced technological solutions for ships, ports, loading units and telematics networks.

A number of Community actions have already been taken or are envisaged to alleviate the obstacles and reinforce Short Sea Shipping in Europe. Among them one can mention:

- Adoption of a Directive standardising certain reporting formalities for ships to arrive in and/or depart from ports in the Member States<sup>4</sup>;
- Proposal for a new support programme “Marco Polo”<sup>5</sup>;
- Proposal for a Directive on intermodal loading units<sup>6</sup>;
- Introduction of the “Motorways of the Sea” approach in the Commission White Paper on European Transport Policy for 2010;
- Proposal for a Directive on market access to port services<sup>7</sup>;

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A major source of Short Sea Shipping data 1995-2000 was the input given by 22 member ports of the European Sea Ports Organisation (ESPO): Antwerp, Barcelona, Bilbao, Bremen, Dublin, Dunkerque, Genoa, Gdynia, Gothenburg, Hamburg, Helsinki, Kokkola, La Spezia, Lisbon, Lübeck, Oslo, Piraeus, Pori, Rotterdam, Savona Vado, Szczecin and Valencia. The Commission would like to thank these ports for their valuable contribution and ESPO for co-ordinating the exercise.

<sup>4</sup> Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community, OJ L 67, 9.3.2002, p. 31.

<sup>5</sup> Proposal for a Regulation of the European Parliament and of the Council on the granting of Community financial assistance to improve the environmental performance of the freight transport system, COM(2002) 54 final, 4.2.2002.

<sup>6</sup> Annexed to this Communication.

<sup>7</sup> Proposal for a Directive of the European Parliament and of the Council on market access to port services, COM(2001) 35 final, 13.2.2001, as amended by COM(2002) 101 final, 19.2.2002.

- Publication of a Guide to Customs Procedures for Short Sea Shipping<sup>8</sup>;
- Introduction of the New Computerised Transit System (NCTS) in Customs transit;
- Customs 2002 and 2007<sup>9</sup> programmes and the project RALFH<sup>10</sup> funded under the Customs 2002 programme;
- Further development of telematics networks for ports and Short Sea Shipping.

#### **4. WHY A PROGRAMME FOR PROMOTION?**

The achievement of the objectives of the White Paper will require intensified efforts from all parties to increase the use of Short Sea Shipping. Furthermore, the informal meeting of the European Union Transport Ministers in June 2002 in Gijón discussed the possibility of an action plan on the key issues for developing the political priority given to Short Sea Shipping. The Commission believes that such an initiative is warranted.

This Communication presents a Programme that has the objective of promoting Short Sea Shipping. It consists of 14 individual actions subdivided into measures. The measures mention the responsible actors and timetable. The actions can be divided into legislative, technical and operational as follows:

##### **A. Legislative Actions**

1. Implementation of the Directive on certain reporting formalities for ships to arrive in and/or depart from ports in the Member States (IMO-FAL),
2. Implementation of Marco Polo,
3. Standardisation and harmonisation of intermodal loading units,
4. Motorways of the Sea,
5. Improving the environmental performance of Short Sea Shipping.

##### **B. Technical Actions**

6. Guide to Customs Procedures for Short Sea Shipping,
7. Identification and elimination of obstacles to making Short Sea Shipping more successful than it is today,
8. Approximation of national applications and computerisation of Community Customs procedures,

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<sup>8</sup> Commission Staff Working Paper: Guide to Customs Procedures for Short Sea Shipping, SEC(2002) 632, 29.5.2002.

<sup>9</sup> Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007), OJ L 36, 12.2.2003, p. 1.

<sup>10</sup> RALFH = Contact Group of Customs Managers of Northern Ports in the European Union: Rotterdam, Antwerp, Le Havre, Felixstowe and Hamburg. The project aims to improve practical Customs co-operation between ports.

9. Research and Technological Development.

**C. Operational Actions**

10. One-stop administrative shops,

11. Ensuring the vital role of Short Sea Shipping Focal Points<sup>11</sup>,

12. Ensuring good functioning of and guidance to Short Sea Promotion Centres<sup>12</sup>,

13. Promote the image of Short Sea Shipping as a successful transport alternative,

14. Collection of statistical information.

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<sup>11</sup> Short Sea Shipping Focal Points are representatives of national maritime administrations. They are responsible for Short Sea Shipping in their administrations.

<sup>12</sup> Short Sea Promotion Centres (SPCs) or, in other words, national Short Sea Shipping Promotion Bureaux are industry-driven, impartial bodies promoting Short Sea Shipping.

**PROGRAMME FOR THE PROMOTION OF  
SHORT SEA SHIPPING**

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 1

### IMO FAL

To simplify the burden of documentary and administrative procedures, the European Parliament and the Council adopted in December 2001 the Commission proposal aiming to standardise certain reporting formalities for ships to arrive in and/or depart from ports in the Member States (so-called IMO FAL Directive<sup>13</sup>). The Directive is a direct result of the work to solve identified bottlenecks. It requires the Member States to accept the standard IMO FAL forms when the relevant arrival/departure information for a ship can be obtained with these forms. This means that the multitude of different national forms is now being replaced by one common set of forms. The Directive will have practical effect as of 9 September 2003 at the latest by which time the Member States will have to have brought into force the laws, regulations and administrative provisions necessary to comply with it.

### FORESEEN MEASURES

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|----|--|
| 1. | Follow up and ensure compliance with the Directive as well as its proper functioning.<br><br><u>Responsible Actors:</u> Commission services and Member States.<br><br><u>Deadline:</u> First stage: by 9 September 2003, then: continuous.   |
| 2. | Simplify the transfer into the new framework by providing on the Commission's public Short Sea Shipping Internet site <sup>14</sup> IMO FAL forms that are accessible to all and that can be downloaded, filled in on the computer and/or printed out for immediate use.<br><br><u>Responsible Actors:</u> Commission services.<br><br><u>Deadline:</u> By mid-2003. |
| 3. | Inform shipowners, agents and other relevant parties of the possibilities offered by the Directive.<br><br><u>Responsible Actors:</u> Commission services, Member States, industry associations, Focal Points and SPCs.<br><br><u>Deadline:</u> By 9 September 2003.   |

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<sup>13</sup> See footnote 4.

<sup>14</sup> [http://europa.eu.int/comm/transport/maritime/sss/index\\_en.htm](http://europa.eu.int/comm/transport/maritime/sss/index_en.htm).

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 2

### MARCO POLO

One main instrument for giving support to the start-up phase of Short Sea Shipping projects in the Community was the programme “Pilot Actions for Combined Transport” (PACT). It proved to be beneficial to Short Sea Shipping which received a fair share of the annual PACT funding.

The PACT programme expired at the end of 2001. The European Commission proposed<sup>15</sup> in February 2002 a successor to it. The new “Marco Polo” programme will make a substantial contribution to converting intermodality into a reality in Europe. With its foreseen annual budget of €18,75 million<sup>16</sup>, it aims to contribute to shifting 12 billion tonne-kilometres a year from road to Short Sea Shipping, rail and inland waterways. The Council of the European Union reached a political agreement on the proposal in December 2002.

The Motorways of the Sea (cf. Action Sheet No. 4), as a new key initiative, should be in a position to fully benefit from the Marco Polo programme as far as the starting up of new services is concerned.

#### FORESEEN MEASURES

1. Make Marco Polo operational as of 2003, which will allow funding of innovative and important Short Sea Shipping projects.

Responsible Actors: Commission services, Parliament, Member States and industry.

Deadline: Annual, until 2010 (budget foreseen initially for 4 years).

2. Utilise fully the possibilities offered by Marco Polo support to start up viable and operational Short Sea Shipping services on or outside the Motorways of the Sea.

Responsible Actors: Commission services and industry.

Deadline: Annual, until 2010 (budget foreseen initially for 4 years).

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<sup>15</sup> See footnote 5.

<sup>16</sup> Budget foreseen for 1.1.2003 - 31.12.2006.



# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 3

### INTERMODAL LOADING UNITS

The improvement of intermodal loading units (containers and swap-bodies) is one of the measures put forwards in the White Paper on European Transport Policy for 2010. The current multitude of different configurations of these units creates friction costs and delays in handling operations between modes. This should be overcome by harmonising certain handling characteristics of loading units, such as the top or bottom corner fittings or steering tunnels. Furthermore, swap bodies are generally not stackable and, therefore, not suitable for maritime transport. On the other hand, containers do not fully utilise the allowable dimensions in road transport<sup>17</sup>. Standardising a European loading unit that would combine the stackability of a container with the pallet-wide cargo space of a swap body could offer a solution.

The Commission has examined intermodal loading units and attaches a legal proposal to this Communication. The proposal benefits maritime transport, because it helps decrease the friction costs in port handling and lets Short Sea Shipping acquire a larger share of the swap body market which has so far been confined to land transport.

### FORESEEN MEASURES

1. Adopt the proposal on interoperability of intermodal loading units and implement it as soon as possible.

Responsible Actors: Member States, Parliament and industry.

Deadline: First stage by 2004. Continuous thereafter.

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<sup>17</sup> Cf. Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic, OJ L 235, 17.9.1996, p. 59, as subsequently corrected and amended.

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 4

### MOTORWAYS OF THE SEA

The Commission presented the notion of “Motorways of the Sea” in its White Paper on European Transport Policy. These Motorways should alleviate major land bottlenecks in the European transport system and enhance the logistics integration of Short Sea Shipping.

Sea Motorways should make it possible to bypass land bottlenecks in Europe as part of comprehensive door-to-door logistics chains. Obvious examples of the bottlenecks would be the Alps and Pyrenees. Bypassing these natural bottlenecks by Short Sea Shipping would have an impact both on the Mediterranean and countries north of the mountain ranges. The value of including other, man-made bottlenecks is being assessed.

Motorways of the Sea should offer efficient, regular and frequent services that can compete with road, for instance, in terms of transit time and price. Ports connected to the Motorways should have adequate hinterland connections and offer a high level of service to short-sea customers (including smooth administrative procedures). Telematics interconnections between ports, on the one hand, and ship’s communication systems (such as Vessel Traffic Management and Information Systems - VTMISS), on the other, should be extended and become interoperable to integrate locally distributed systems into a European network.

Cost estimates seem to indicate that the establishment of new regular shipping links would be considerably less costly than the construction of corresponding new land infrastructure.

The Commission is currently working on the details of the Motorways of the Sea. One opportunity to present the details would obviously be the next revision of the Trans-European Transport Network (TEN-T) Guidelines<sup>18</sup> by the end of 2003. This revision is currently being prepared by a High-Level Group composed of representatives of the Member States and accession countries and chaired by Mr Karel Van Miert, former Commissioner for Transport and Commission Vice-President.

Once finalised, the framework of the TEN-T could contribute to infrastructure investments related to the Sea Motorways, such as port infrastructure and port-hinterland connections. Furthermore, the new Marco Polo programme (cf. Action Sheet No. 2) could support starting up new services on the Motorways provided that they meet the requirements of the programme.

### FORESEEN MEASURES

1. Finalise deliberations on the Motorways of the Sea to make adherence to them attractive to the market players with a view to fulfilling the objectives of the White Paper.

Responsible Actors: Commission services, Member States and industry.

Deadline: By mid-2003.

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<sup>18</sup> Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the Trans-European Transport Network, OJ L 228, 9.9.1996, p. 1, as amended by Decision No. 1346/2001/EC, OJ L 185, 6.7.2001, p. 1.

## PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

### ACTION SHEET 5

#### IMPROVING THE ENVIRONMENTAL PERFORMANCE OF SHORT SEA SHIPPING

Maritime transport has a much higher energy-efficiency than other modes of transport and is, in general, less harmful to the environment than other modes of transport per tonne or passenger carried. A modal shift to Short Sea Shipping could, for instance, constitute an important element in the Community strategy to fulfil the Kyoto obligations<sup>19</sup>.

The good environmental performance of shipping is, however, hampered, in particular, by sulphur dioxide (SO<sub>2</sub>) emissions that are significantly higher than in other modes.

The IMO Conference in September 1997 adopted new measures to reduce sulphur oxide<sup>20</sup> emissions from ship exhausts (new Annex VI to MARPOL 73/78). The Conference also adopted provisions allowing the establishment of special "SO<sub>x</sub> Emission Control Areas" where lower emission levels would apply. The Baltic Sea, North Sea and English Channel have been designated as such areas<sup>21</sup>. The ratification process of the new Annex has not been completed yet, and the new measures have not entered into force world-wide.

In November 2002 the Commission presented a proposal for a directive to reduce the sulphur content of marine fuels used in the European Union<sup>22</sup>. The proposal is partly based on the "SO<sub>x</sub> Emission Control Areas" established under Annex VI to MARPOL 73/78 but also goes further than that. Nevertheless, the proposal is part of a wider European strategy to ensure that maritime transport will be even less harmful to the environment than it is today.<sup>23</sup>

#### FORESEEN MEASURES

1. Improve the environmental performance of Short Sea Shipping by backing up and following the strategy that the Commission has presented, including the adoption and implementation of the legal proposal to reduce the sulphur content of marine fuels.

Responsible Actors: Commission services, Member States, Parliament and industries.

Deadline: First results by 2005. Continuous thereafter.

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<sup>19</sup> The European Community and the Member States ratified the Kyoto Protocol in May 2002.

<sup>20</sup> The sulphur content of fuel oil used on board ships must not exceed 4,5% m/m.

<sup>21</sup> The sulphur content of fuel oil used on board ships must not exceed 1,5% m/m. Alternatively, ships must use other technological methods to limit SO<sub>x</sub> emissions.

<sup>22</sup> Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels, COM(2002) 595 final, 20.11.2002.

<sup>23</sup> Communication from the Commission to the European Parliament and the Council: A European Union strategy to reduce atmospheric emissions from seagoing ships, COM(2002) 595 final, 20.11.2002.

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 6

### Guide to Customs Procedures for Short Sea Shipping

People's immediate reaction to Customs procedures is that they are too complicated and decrease the attractiveness of Short Sea Shipping. But this reaction is too general to be satisfactory or lead to concrete improvements. In order to find operational solutions, it is imperative to identify the specific elements that might cause problems.

For this purpose, the Commission Services published, in May 2002, a Guide to Customs Procedures for Short Sea Shipping<sup>24</sup>. It has a dual purpose:

- It outlines the Customs rules for Short Sea Shipping, including opportunities for using simplified procedures;
- It gives a concise basis for identifying possible concrete needs for modifications or further simplifications.

### FORESEEN MEASURES

1. Carry out consultations with the industry, Short Sea Shipping Focal Points and Short Sea Promotion Centres (SPCs) on the Guide to Customs Procedures for Short Sea Shipping. Based on the results of the consultations, examine whether amendments to the Customs rules may be undertaken or whether some issues could be addressed under the initiatives to approximate national applications of Community Customs rules and improve co-operation between national Customs services (cf. Action Sheet No. 8, measure 1).

Responsible Actors: Commission services.

Deadline: By second half of 2003.

2. Clarify the extent to which simplification opportunities offered by the current Customs rules are utilised (in particular, those for authorised regular shipping services and authorised consignors/consignees). If the current simplification regimes are not utilised, identify the reasons and study eventual modifications to the Customs rules. Assess technical measures to render Customs facilities simpler.

Responsible Actors: Commission services, industry, Focal Points and SPCs.

Deadline: By second half of 2003.

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<sup>24</sup>

See footnote 8.

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 7

### IDENTIFICATION AND ELIMINATION OF OBSTACLES TO MAKING SHORT SEA SHIPPING MORE SUCCESSFUL THAN IT IS TODAY

As from December 1999 the Commission has been collecting a list of obstacles that hamper the development of Short Sea Shipping. This “bottleneck exercise” also contains ideas towards possible solutions to the obstacles as well as best practices.

The identified obstacles can be classified into five categories:

- Short Sea Shipping has not yet fully shed its past image of an old-fashioned industry;
- It has not yet achieved full integration in the intermodal logistics chain;
- It involves complex administrative and documentary procedures;
- It requires enhanced port efficiency;
- Application of the rules and procedures differs between countries.

Some of the obstacles are already being tackled (e.g. uniformity of ships’ reporting forms, port efficiency and costs, and standardisation of loading units). In general, the identified and alleged obstacles are being tackled at various levels: EU, Member State, regional and local.

#### FORESEEN MEASURES

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|----|--|
| 1. | Scrutinise the identified obstacles systematically, item by item, with a view to eliminating them.<br><br><u>Responsible Actors:</u> Commission services with Focal Points and SPCs in co-operation with the Member States and industry.<br><br><u>Deadline:</u> By the end of 2003.   |
| 2. | Identify any further obstacles that hamper the development of Short Sea Shipping and work towards finding solutions to them.<br><br><u>Responsible Actors:</u> Commission services, Focal Points, industry and SPCs.<br><br><u>Deadline:</u> Continuous.   |
| 3. | Increase the efficiency of port services by adopting the proposal for a Directive on market access to port services <sup>25</sup> and implementing it as soon as possible.<br><br><u>Responsible Actors:</u> Member States, Parliament and industries.<br><br><u>Deadline:</u> First results by the end 2003. Continuous thereafter. |

<sup>25</sup>

See footnote 7.

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 8

### APPROXIMATION OF NATIONAL APPLICATIONS AND COMPUTERISATION OF COMMUNITY CUSTOMS PROCEDURES

Customs procedures are an important part of Short Sea Shipping because a ship sailing from an EU port to another leaves the Community Customs territory only to enter it again when it arrives at the other port. The goods it carries normally lose their Community status unless this status is demonstrated by means of a status document or maintained under a transit procedure. This is an additional burden on Short Sea Shipping in comparison with land transport where corresponding loss of Community status does not normally occur between EU Member States provided there is no passage via a third country.

The current movement towards electronic transmission of Customs data (e-Customs) should help Short Sea Shipping by speeding up and simplifying the procedures that are necessary for declaring the cargo.

As one of the first steps in e-Customs, some 3000 Customs offices in 22 countries will soon implement the New Computerised Transit System (NCTS) whereby the paperwork relating to transport under the single administrative document (SAD) will be replaced by electronic messages. As a second step, the system could, in the future, also extend to movements currently carried out under the simplified transit procedures for modes of transport and gradually become the backbone of e-Customs.

#### FORESEEN MEASURES

1. Approximate national applications of Community Customs rules and improve co-operation between national Customs services, in particular through the action programme for Customs in the Community (Customs 2007) and contact group of northern ports (RALFH).<sup>26</sup>  
Responsible Actors: Commission services and Member States.  
Deadline: Continuous.
2. Introduce the NCTS for Community and common transit procedures.  
Responsible Actors: Commission services and Member States.  
Deadline: By mid-2003.
3. Continue legislative moves towards enabling the use of electronic rather than paper submissions towards the creation of a non-bureaucratic environment that limits the use of paper documents to the minimum.  
Responsible Actors: Commission services and Member States.  
Deadline: Continuous.

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<sup>26</sup>

See footnotes 9 and 10.

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 9

### RESEARCH AND TECHNOLOGICAL DEVELOPMENT (RTD)

The Community continuously carries out RTD actions to advance Short Sea Shipping and port procedures in line with the latest technological innovations. The objectives of this research have been, for instance to improve the quality, safety, security and environmental performance of maritime transport. Recently a Thematic Network for Short Sea Shipping was established with the aim to carry out work on topics that are of direct policy importance.

### FORESEEN MEASURES

1. Carry out under a Thematic Network for Short Sea Shipping tasks that are of direct policy importance for Short Sea Shipping:
  - A comparative study of door-to-door transport prices between modes;
  - A comparative study of door-to-door environmental performance of Short Sea Shipping in relation to other modes;
  - Establishment of a distance matrix for easy conversion of available tonne data on Short Sea Shipping into tonne-kilometres (in co-ordination with the ongoing work in Eurostat).

Responsible Actors: The chosen consortium in co-ordination with Commission services.

Deadline: Until 2005.

2. Utilise the 6th Framework Programme for RTD to develop:
  - Innovations in ship design (in particular fast ro-ro ships and new types of fast lo-lo ships but also other ship options);
  - Innovations in port technologies;
  - Dedicated equipment and technologies for Short Sea Shipping;
  - New technological solutions for administrative procedures.

Responsible Actors: Commission services.

Deadline: By 2007.

3. Disseminate concrete results of maritime RTD projects to a wide public in a clear and understandable way.

Responsible Actors: Commission services.

Deadline: Continuous.

## PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

### ACTION SHEET 10

#### ONE-STOP ADMINISTRATIVE SHOPS

Action should be taken at administrative level in Member States and ports to create “one-stop administrative shops”<sup>27</sup> that would further simplify and speed up the formalities relating to the arrival, departure and clearance of ships. This must be done without compromising safety or security.

One-stop administrative shops could take several forms. The number of different authorities boarding every ship could be limited by delegating the task of carrying out certain formalities to another administration, the port administration or ship’s agent, as is the case in some Member States. Furthermore, instead of having administrations spread around the port area, or even in neighbouring ports, there should be a single contact point in each port area for ships to fulfil all the necessary formalities or at least a help-desk giving information on which formalities to fulfil, how best to do it and where to do it. In any case, controls by different control bodies need co-ordinating so as to reduce, as much as possible, their interference with ship’s operations.

In addition to speeding up the formalities for ships, these one-stop administrative shops should also assist in stepping up the formalities relating to hinterland transport (road, rail and inland waterways) into and out of the port area.

The use of electronic means of communication, using standardised messages, between the ship and authorities should be urgently developed. This usage should be extended to cover the whole logistics chain, as would be the case for security-related procedures (cf. also Action Sheets Nos. 4 and 8).

#### FORESEEN MEASURES

1. Promote the idea of one-stop administrative shops in ports to reduce, or at least co-ordinate, the number of administrations boarding and checking every ship and to offer port users a single contact point or help-desk for administrative formalities.

Responsible Actors: Commission services, Member States, Port Authorities and Focal Points.

Deadline: Continuous.

2. Examine the opportunities offered by the Motorways of the Sea (cf. Action Sheet No. 4) introduced in the White Paper to advance these one-stop administrative shops.

Responsible Actors: Commission services.

Deadline: By the end of 2003.

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<sup>27</sup> Such “one-stop administrative shops” are sometimes called “single windows”.



# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 11

### ENSURING THE VITAL ROLE OF SHORT SEA SHIPPING FOCAL POINTS

All maritime Member States and Norway and Iceland have appointed so-called Short Sea Shipping Focal Points who are government officials with the specific responsibility of promoting and developing Short Sea Shipping in their Member States. Since 1999 they have networked at European level to monitor needs and provide ideas and solutions to foster Short Sea Shipping. The Focal Points have regular meetings that are chaired by the Commission. The Commission also provides the Secretariat for the meetings and an Internet-based web tool (CIRCA<sup>28</sup>) to share information and ideas between meetings. With a view to the enlargement of the European Union, the accession countries Estonia, Lithuania, Poland and Slovenia (and the candidate country Turkey) have appointed corresponding contact persons for Short Sea Shipping and participate in the work of the Focal Points' Group as observers.

#### FORESEEN MEASURES

1. Ensure continuous co-operation between the Short Sea Shipping Focal Points and with the Commission by organising regular meetings and maintaining the flow of information between meetings via the Internet-based web tool (CIRCA).

Responsible Actors: Commission services and Focal Points.

Deadline: Continuous.

2. Ensure the attachment of accession countries to the work of the Focal Points for them to attribute key importance to Short Sea Shipping from the beginning instead of putting unilateral importance on road transport.

Responsible Actors: Commission services with Focal Points and SPCs.

Deadline: As soon as possible.

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<sup>28</sup>

CIRCA = Communication and Information Resource Centre Administrator.

## PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

### ACTION SHEET 12

#### ENSURING GOOD FUNCTIONING OF AND GUIDANCE TO SHORT SEA PROMOTION CENTRES

Almost all maritime Member States and Norway and Poland have national Short Sea Promotion Centres (SPCs). These Centres are driven by business interests and offer a practical tool to promote Short Sea Shipping at national level. They are essentially independent from specific interest groups, such as shipping companies and/or ports, and advise and encourage transport users to use Short Sea Shipping. The national Centres are presently being networked in the European Short Sea Network (ESN)<sup>29</sup> which offers a common tool for European promotion. Through networking, the Centres are also able to exchange information and best practises and provide practical advice to cover both ends of a short-sea journey. The Commission strongly supports these Centres, their work and their networking.

#### FORESEEN MEASURES

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|----|---|
| 1. | Ensure good functioning of the Short Sea Promotion Centres and their European Short Sea Network and guide their work towards concrete and practical ways to enhance the use of Short Sea Shipping.<br><u>Responsible Actors:</u> Commission services in co-operation with SPCs.<br><u>Deadline:</u> Continuous.   |
| 2. | Award political, practical and financial support to the work of the Short Sea Promotion Centres and their European network.<br><u>Responsible Actors:</u> Commission services, Focal Points, national authorities and industry.<br><u>Deadline:</u> <u>For general support and private financing:</u> Continuous.<br><u>For public financial support:</u> Until the Centres reach self-sufficiency through membership fees and other private funding. |
| 3. | Extend the geographical coverage of national Short Sea Promotion Centres to cover not only the EU Member States in the short-sea area but also the accession countries.<br><u>Responsible Actors:</u> Commission services, Focal Points and SPCs.<br><u>Deadline:</u> As soon as possible.  |
| 4. | Provide and share the responsibility of maintaining an Internet-based web tool (CIRCA <sup>30</sup> ) for the exchange of information between the members of the European Short Sea Network and with the Commission services.<br><u>Responsible Actors:</u> Commission services and SPCs.<br><u>Deadline:</u> Continuous.   |

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<sup>29</sup> See [www.shortsea.info](http://www.shortsea.info).

<sup>30</sup> See footnote 28.

## PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

### ACTION SHEET 13

#### PROMOTE THE IMAGE OF SHORT SEA SHIPPING AS A SUCCESSFUL TRANSPORT ALTERNATIVE

One major action to enhance the use of Short Sea Shipping is to convert its image from that of an old-fashioned and slow mode to modern reality: that of a dynamic link in the door-to-door supply chain. Today Short Sea Shipping can generally offer speed, reliability, flexibility, regularity, frequency, and cargo safety to a high degree. Transport users should be better aware of this when making decisions on the choice of the mode.

To accomplish this conversion, Short Sea Shipping services need to live up to the modern dynamic image, on the one hand, and awareness needs to be increased, in particular among shippers, of the opportunities that Short Sea Shipping can offer, on the other. This is primarily for the relevant industries to accomplish. However, also administrations and the Commission can substantially contribute.

It should also be remembered that Short Sea Shipping does not cover only freight but moves hundreds of millions of passengers every year in Europe both on regular lines and cruises. For this, Short Sea Shipping needs to offer high level of passenger service both in ports and onboard the ships.

#### FORESEEN MEASURES

- |    |   |
|----|---|
| 1. | Make Short Sea Shipping and its modern potential known through distribution of information on the mode and participation in conferences, seminars and workshops that attract also transport users. Award substantial resources to public presentations.<br><u>Responsible Actors:</u> Commission services, Focal Points, industry and SPCs.<br><u>Deadline:</u> Continuous. |
| 2. | Provide updated neutral information on Short Sea Shipping policy to the public through the Internet, including further development of existing web sites.<br><u>Responsible Actors:</u> Commission services <sup>31</sup> , Focal Points, SPCs <sup>32</sup> .<br><u>Deadline:</u> Continuous.  |
| 3. | Provide examples of Short Sea Shipping Success Stories (and failures to learn from) through the Commission's Short Sea Shipping Internet site.<br><u>Responsible Actors:</u> Commission services.<br><u>Deadline:</u> Continuous.   |

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<sup>31</sup> See footnote 14.

<sup>32</sup> See the ESN web site [www.shortsea.info](http://www.shortsea.info) and national SPCs' web sites (accessible through the ESN web site). This exercise includes an on-going compilation of European databases for liner shipping and tramp vessels.

# PROGRAMME FOR THE PROMOTION OF SHORT SEA SHIPPING

## ACTION SHEET 14

### COLLECTION OF STATISTICAL INFORMATION

European-wide statistics on Short Sea Shipping trade have not been sufficiently detailed. The European Sea Ports Organisation (ESPO) and 22 of its member ports<sup>33</sup> have been providing statistical data to the Commission. The Commission is grateful to these ports and ESPO for co-ordinating the exercise. The method of using a sample of 15 European ports was already tested and proved to be sufficiently reliable in the Commission Communication of 1999.

The situation will improve over time because the Council Directive on maritime statistics<sup>34</sup> has now fully come into effect as of year 2000 (due to requested derogations, the 1997-1999 data may not be complete). There are about 350 ports providing detailed data under the Directive. The Directive can provide most of the data needed for Short Sea Shipping with the availability of data on "port-to-port" level. At the request of the Member States, dissemination is limited to "port-to-maritime coastal area". Nevertheless, it will still take a few years for the Directive to produce data series for analysing trends.

### FORESEEN MEASURES

- |    |   |
|----|---|
| 1. | Collect statistical information on Short Sea Shipping from the Maritime Directive and through ESPO in parallel until the Directive provides sufficient time series for establishing trends and making reliable comparisons between modes.<br><br><u>Responsible Actors:</u> Commission services in co-operation with ESPO and Focal Points.<br><br><u>Deadline:</u> Until 2006. |
| 2. | Extend the collection of statistical information to the accession countries.<br><br><u>Responsible Actors:</u> Commission services in co-operation with ESPO and Focal Points.<br><br><u>Deadline:</u> By 2004.   |

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<sup>33</sup> See footnote 3.

<sup>34</sup> Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea, OJ L 320, 30.12.1995, p. 25, as implemented by Commission Decisions 98/385/EC of 13 May 1998, OJ L 174, 18.6.1998, p. 1, 2000/363/EC of 28 April 2000, OJ L 132, 5.6.2000, p.1 and 2001/423/EC of 22 May 2001, OJ L 151, 7.6.2001, p. 41.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on Intermodal Loading Units**

## EXPLANATORY MEMORANDUM

### INTRODUCTION

The Commission's White Paper on European transport policy for 2010<sup>35</sup> announced this proposal for a European Parliament and Council Directive. It is based on Articles 71 and 80 of the Treaty.

The Community must propose a sustainable solution to transport problems, which can reduce congestion, particularly road congestion. It is therefore in the Community's interest to make intermodality more attractive for transport users.

Nowadays, carriers use several multimodal methods of transport:

- Drivers of road vehicles go on specially equipped trains or ferries with their vehicle. This is accompanied transport.
- Semi-trailers specially designed for this purpose are dispatched, particularly on trains. Special wagons have been designed for this.
- Containers<sup>36</sup> or swap bodies<sup>37</sup> are transferred from one mode of transport to another.

This proposal only deals with the latter case. The current diversity of ILUs,<sup>38</sup> particularly the diversity of their handling and securing devices, hampers the efficiency of transshipment operations. In effect, each ILU has to be examined to determine the handling technique and to adjust or modify the handling equipment. The same goes for the devices for securing them on to the vehicles or ships which transport them. Transshipments therefore become complicated and slow, and incur unnecessary costs. To solve this problem, the handling and securing devices of ILUs need to be made more uniform.

Safety is a priority. The new ILUs should be equipped with alarm devices to indicate if the unit is opened. This should limit the risk of undeclared materials being added or stowaways entering the units.

To ensure safety and minimise the risks to persons and property, all ILUs in use in Europe should be subject to a maintenance obligation and periodic inspections. Obligations regarding maintenance and periodic inspections for containers used in international traffic also arise from the internationally adopted CSC.<sup>39</sup> The procedures for implementing these measures should be uniform.

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<sup>35</sup> COM(2001) 370, 12.9.2001.

<sup>36</sup> Container: a box to carry freight, strong enough for repeated use, stackable and fitted with devices for transfer between modes.

<sup>37</sup> Swap body: a freight-carrying unit optimised to road vehicle dimensions (basic difference compared to containers) and fitted with handling devices for transfer between modes, usually road/rail.

<sup>38</sup> ILU: intermodal loading unit, i.e. a container or swap body.

<sup>39</sup> CSC: Convention for Safe Containers, adopted on 2/12/1972, entered into force on 6/9/1977 and amended in 1981, 1983, 1991 and 1993, which can be found on the International Maritime Organisation's website ([www.imo.org](http://www.imo.org)).

Europe needs an optimal intermodal loading unit, the EILU<sup>40</sup> that combines the benefits of containers (their solidity and stackability) with those of swap bodies (in particular their greater capacity). Such an EILU could be used in four modes of transport (rail, road, sea and inland waterways) and its transshipment between these different modes would be simplified. In order to meet the necessary requirements for maximum intermodality, it should be stackable, suitable for top lifting and seaworthy. The unit should offer the maximum allowable space for transporting ISO<sup>41</sup> pallets, and it should also offer fast loading and unloading of pallets in order to reduce costs and delays. This EILU can consist of a general-purpose dry cargo box allowing two pallets to be loaded side by side. The effective internal width must therefore be at least 2 x 1200 mm plus the necessary margin for manoeuvre, which is still to be determined. The external width should be as small as possible, ideally 2 500 mm, in order to take account of the guide rails which exist in some ships. In any case, the EILUs should be able to be carried by road. They must therefore comply with the provisions of Directive 96/53.<sup>42</sup> There are only a very few ILUs which meet these requirements.

In fact, the proposed Directive provides for essential requirements in terms of security, safety, interoperability, handling, securing, strength, coding and identification of units, on the basis of which the Commission will ask European standardisation bodies to define harmonised standards in order to develop relevant parameters for conformity with the essential requirements. A regulatory committee, composed of representatives of the Member States and of the Commission, will establish the specific requirements for interoperability covering the characteristics of intermodal loading units necessary to ensure that they can be used in several modes of transport. Procedures for the periodic inspection of ILUs should guarantee that they always meet the above-mentioned requirements. This system aims to:

- ensure a satisfactory level of maintenance of all ILUs in Europe, regardless of when they were put into service;
- facilitate transshipment operations between modes by harmonising certain characteristics of the handling and securing devices of ILUs. The Directive makes it compulsory to comply with the relevant requirements for all ILUs put in service after 24 months from the planned deadline for the transposition of the Directive by the Member States;
- equip the new ILUs with the best anti-intrusion devices available, as and when these techniques develop;
- define the EILU, combining the benefits of containers and of swap bodies and complying with the requirements, the conformity assessment procedures and period inspection procedures which apply to any new ILU. The Directive does not make it compulsory to use the EILU.

A period of three years from when the European Commission gives a mandate to the European standardisation bodies and this mandate is accepted should be sufficient to draw up almost all of the harmonised standards.

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<sup>40</sup> EILU: European intermodal loading unit

<sup>41</sup> Pallet: a raised platform, normally made of wood, facilitating the handling of goods. The standard dimensions most used in Europe are: 800 mm x 1200 mm and 1000 mm x 1200 mm (ISO 6780).

<sup>42</sup> Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.

A period of two years from when the work of the regulatory committee provided for by the Directive begins should be sufficient to draw up the specific requirements for interoperability.

The requirements relating to the anti-intrusion devices will, by their very nature, evolve.

## **5. THE PROBLEM: DIVERSITY OF TECHNICAL CHARACTERISTICS**

1. For multimodal transport to become attractive to customers, it needs to be simple to use and needs to meet customer requirements. It has to offer at least the same advantages as transport exclusively by road. Complementarity of different modes must be increased and their advantages in door-to-door supply chains must be combined. Exchanges between the modes should be seamless and offer a high level of interoperability. The diversity of ILUs makes transshipments complicated.
2. The containers usually used in Europe (20' and 40') comply with the standards of the International Standardisation Organisation (ISO). Other containers are also in circulation, with different technical characteristics (width, height, construction, etc.). These containers can generally be used in all four modes of transport. They are usually stackable and can be lifted with cranes. However, they do not generally offer optimum loading capacity for ISO pallets<sup>43</sup> or fully utilise the maximum dimensions available in land transport. This is why they are not widely used in European road and rail transport.
3. Swap bodies are primarily designed for transfer between road and rail. They allow good utilisation of capacity on road and rail vehicles, but they do not offer economic solutions for inland waterways or sea transport. They are usually not stackable owing to their weak wall construction, cannot withstand transport by sea and cannot be lifted with cranes. They come in different sizes and have a number of different characteristics. The CEN has drawn up some European standards for swap bodies.
4. This diversity of designs, sizes and technical characteristics complicates intermodality and deprives it of the interoperability which ILUs should allow. Handling operations are delayed because every box has to be identified separately in order to choose the correct technique. The lifting equipment has to be frequently fine-tuned or changed. This causes unnecessary costs in the transport chain. Swap bodies are confined to road or rail transport (and, for some, short Ro-Ro journeys<sup>44</sup>), while containers are used mainly for inland waterways or sea transport. This situation makes it more difficult to take decisions regarding investment in ILUs. The full capacity of the transport system cannot be utilised, and seamless intermodality does not become a reality.

## **6. THE METHOD: HARMONISATION AND STANDARDISATION**

5. Three problems need to be resolved:

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<sup>43</sup> The standardisation of pallets has led to a certain harmonisation in the dimensions and packaging of goods produced in international trade in order to maximise use of these dimensions.

<sup>44</sup> "Roll-on-Roll-off" means that a seagoing vessel has facilities to enable road or rail vehicles to roll on and roll off the vessel.



- the complexity of handling operations and the lack of interoperability,
  - the lack of optimal ILUs that can be used in all modes of transport.
  - the need to have a more uniform system for the units' characteristics in the above-mentioned areas, including security and safety.
6. These problems can be overcome by harmonising certain characteristics of new ILUs to make them safer and so that they can be handled in a more uniform way, thus ensuring better interoperability. The definition of the characteristics and performance of a new type of ILU - the EILU, will enable a unit to be created which combines the advantages of containers and swap bodies, and also complying with the requirements which apply to new ILUs. The Commission will entrust the European standardisation bodies with developing harmonised standards and will adopt, with the involvement of the Member States, the specific requirements for interoperability which will become mandatory after their adoption.

### **6.1. Harmonised interoperability characteristics of ILUs**

7. ILUs have different characteristics. Some of them require bottom lifting (e.g. by forklift); others can be lifted from the top (e.g. by a crane). They have their points of fixing in different places, and the strength of their construction also differs. Such problems can be overcome by introducing a set of harmonised, common characteristics in order to standardise their handling, facilitate their storage and make it possible to secure them on transport equipment more efficiently.
8. Harmonising the locations and designs of corner fittings, openings for sling handling and forklift pockets would contribute to ensuring uniformity in handling the units. Some experts consider that such uniformity could, on average, halve the duration of transshipments. Harmonisation of the characteristics of intermediate supports, such as supporting legs, would facilitate intermediate storage between transport operations. A common definition of the areas that are strong enough to support the weight of the ILU during transportation (load transfer areas) would reduce the risk of damage and facilitate placing the ILU in position. Further, securing cargo on road vehicles, wagons and vessels in a safe and efficient way can be assisted by harmonising the interfaces for load securing devices.
9. The exact definitions, designs and locations of such harmonised characteristics differ between ILUs on the basis of, for example, their length and configuration (such as wall strength). This Directive provides for mandatory essential requirements, on the basis of which the Commission will ask the competent standardisation bodies to define harmonised standards, for each class and category of ILU. Manufacturers will be able to use these standards and if they do, their products will be considered to be in conformity with the essential requirements. Mandatory specific requirements for interoperability will be established by the regulatory committee procedure.
10. The harmonised ILUs would bear a CE marking to show their compatibility with the relevant requirements and another specific symbol to facilitate their identification in the handling process.
11. However, a certain degree of diversity will remain for two reasons:

- It is not economically justifiable to require existing ILUs to be altered or refurbished with the harmonised characteristics. Therefore, as long as these ILUs remain in circulation, a certain amount of diversity will remain. However, these old ILUs will gradually disappear from the market with time (on average in five years for weaker swap bodies and 10-15 years for stronger containers).
- It is also not justifiable to require all ILUs to have the construction strength of a stackable ISO container. 'Weak containers' and 'weak swap bodies' will remain on the market because they are less expensive to construct and are suitable for a number of purposes (e.g. where waterborne transport is not a viable option).

## **6.2. Standardised European intermodal loading unit (EILU).**

12. An EILU should combine the benefits of containers (in particular stackability, top lifting and capability to withstand transport by sea) and those of swap bodies (in particular their greater width). It should be able to move freely in all modes of transport and between them in order to ensure maximum intermodality. Such an EILU should be a general-purpose dry cargo box with either end opening, side opening or top opening.
13. As there are currently not enough ILUs of this type, the Directive provides for essential requirements and specific requirements for interoperability to this end. On the basis of the essential requirements, harmonised standards will then be developed by the European standardisation bodies at the request of the Commission. A considerable amount of work has already been done towards this aim both in the CEN and in the field of RTD.<sup>45</sup> This proposal makes full use of the work undertaken by the CEN and the UTI-NORM research.<sup>46</sup> This work can form the basis for the harmonised standards and the specific requirements for interoperability for the internal dimensions of EILUs:
  - length: two different versions. The long version would allow 11 units of 1.2 m to be loaded lengthways with the possible necessary margins for manoeuvre. The short version would allow six of these units to be loaded under the same conditions. The first length would be chosen because of its optimal character in relation to ISO pallets and because of the maximum allowable length in road

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<sup>45</sup> RTD: research and technological development.

<sup>46</sup> The UTI-NORM research, wholly funded by the Commission for a sum of €179 000, has the reference JC-98-RS.5039. It summarised progress and set out future needs with regard to the standardisation of ILUs. It was carried out by the BIC (Bureau international des conteneurs et du transport intermodal), the UIRR (Union internationale des sociétés de transport combinés rail - route), a German consultant (Hannoversche Consulting für Verkehrswesen, Transporttechnik und elektronische Datenverarbeitung) and a British company (Three Quays Marine Services Ltd). It came to the conclusion that a new, stackable 2550 x 2900 x 13600 mm container/swap body would be an optimal compromise for Europe. It would use optimally the maximum measurements and capacity allowed on the road for the first and final leg of an intermodal journey. The shorter loading unit for rail transport (2 550 x 2 900 x 7 450 mm) would also offer benefits: usability in all surface modes of transport, improved transport economics for waterborne transport while ensuring full compatibility with road/rail swap-bodies, stackability, pallet-wide width, simplified loading and unloading methods, optimal use of allowable road dimensions, low manufacturing cost, overall economic benefits by decreasing the large variety of different shapes and sizes used at the moment, compatibility with the most common lifting equipment, and compatibility with the Convention for Safe Containers. While acknowledging the problems that this new type of unit would create, in particular, on cellular ships and barges and on some rail connections, the study considered that the benefits outnumbered the difficulties.

transport. The second length would be chosen because it is close to the maximum that can be transported in pairs on road trains without special construction of the vehicle (such as short coupling). Both lengths can also be transported by rail, sea transport and inland waterways.

- width: this should allow the loading of three pallets side by side, i.e. three times 800 mm or two pallets lengthways, i.e. twice 1200 mm, plus the necessary margin for manoeuvre, without exceeding 2550 mm, the maximum allowable width in road transport.
- height: the height chosen is 2670 mm, as the usual height for swap bodies is 2670 mm.<sup>47</sup> This is higher and allows more space than the standardised heights of ISO 668 and 650 Series 1 containers (2438 mm and 2591 mm). In addition, such a unit can be accommodated on the main railway lines using standard rail car height.

14. Any moves towards standardisation involve constraints and limitations. The problems, which the dimensions of the EILU could create, are as follows:

- length:
  - cellular ships and barges would need to adjust their cell guides to a new length entailing marginal costs. In some cases when ships are designed for certain container lengths, the structural requirements might result in less optimum use of cargo space.
  - The long EILU would not allow the capacity of current standard rail wagons to be fully utilised.
- width:
  - An external width greater than 2500 mm could create some problems, for example, on some cellular ships where the cells are only 2500 mm wide. The cell guides would therefore need to be adjusted. There might be some loss of cargo space on certain inland waterway vessels, in particular, those that are constructed to take four ISO containers side by side without a margin. However, some ships already take non-ISO containers which are 8'6" (approx. 2.59 m) wide.
- height:
  - The rail gauge in the United Kingdom allows a maximum ILU height of 2540 mm.

15. However, the importance of these possible problems should not be overemphasised. In fact, for rail transport, the short EILUs would allow better use of the capacity of wagons. In the United Kingdom, many major lines from and to the Channel tunnel have a rail gauge which allows 2670 mm loading unit height with a lowered railcar platform height of 1045 mm. For inland waterways or sea transport, it should be stressed that these guides are sometimes adjusted.

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<sup>47</sup> See COST 339 - Small Containers, point 5.2.4 of the final report, 2001.

16. The main argument is still the possibility of making better use of the capacities of EILUs than that of ISO containers for transporting standardised pallets. As an initial assessment, the best performance of the EILU can be summarised as follows:
  - a load factor in europallets for the long EILU which is up to 32% higher than the ISO 40' container;
  - a load factor in europallets for the short EILU which is up to 63% higher than the ISO 20' container.
17. A comparative table is attached to this Explanatory Memorandum with diagrams showing the use of available surface area in the eight cases quoted.
18. Based on the data available, the Commission estimates that the number of road vehicles required to transport the same amount of goods would be reduced by about 25%<sup>48</sup> if all fully loaded ILUs were to be replaced by fully loaded EILUs.
19. The EILU would have to be stackable in order to be worthwhile for short sea shipping and inland waterways. Ro-Ro ships can utilise their capacity more economically if at least two units can be transported in stack. Lo-Lo ships<sup>49</sup> use higher stacks (up to six units fully loaded, in the hold). Similarly, for intermediate storage in terminals and ports, the stackability of EILUs offers clear economic advantages in terms of utilising the available space. As the draft standard prEN 13853 shows, a short EILU can have a stackability corresponding to that of the ISO 20' container. For long EILUs, an acceptable compromise between stacking capability and tare will have to be found. Therefore, the essential requirements in Annex II provide for a stacking capability of four layers fully loaded in sea conditions.
20. In comparable production conditions, the EILUs could turn out to be more expensive than containers (due to the larger surface area available) or swap bodies, due to the probable need to strengthen their walls in order to allow stackability. However, the greater capacity of EILUs compared with containers should largely compensate for these additional costs. Compared with swap bodies, the advantage of using EILUs is in reducing storage costs, and even transport costs if the rail gauges allow them to be stacked during transport.
21. However, the cost of an EILU will depend on the number of units produced, i.e. on the success of this initiative. The variety of swap bodies prevents mass production, so the attainable economy of scale should compensate for the additional cost incurred by the need to strengthen their walls.
22. The essential requirements in Annex II list the characteristics and performance expected of an EILU, which must obviously also meet the harmonised criteria in Annex I which apply to all new ILUs.
23. The EILU would bear a CE marking to show its compatibility with the requirements and a specific marking to enable it to be easily identified. This marking would be

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<sup>48</sup> See the calculations and assumptions in the Annex to the Explanatory Memorandum.

<sup>49</sup> "Lift-on-Lift-off" means that intermodal loading units are loaded and unloaded with lifting equipment.

affixed on the basis of the procedures and provisions in Article 8 and Annexes IV and VII to this Directive.

24. It will not be compulsory to use the EILU. Instead, it will be left to people working in this sector in Europe to discover its benefits.

The history of ISO containers suggests that, in the long run, an EILU is likely to completely change the European logistics and transport scene. These dimensions adopted in 1964 for series I containers (the only series which came into being and which still exists) did not take account of the standardisation work in 1947 of the loading units (pallets) which adopted two modules: 800 mm x 1200 mm and 1000 mm x 1200 mm. This work had even provided for the possibility of adopting a 1200 mm x 1200 mm module as soon as the internal dimensions of the new containers allowed this. These three pallet sizes result from the adoption of the basic packaging module (400 mm x 600 mm) which had repercussions on the dimensions of furniture and, in particular, household appliances.

25. The nominal lengths adopted meant that the majority of pallets in use in the world at the time, which were owned by US companies, were no longer standard. For example, in 1978, SEA LAND still had a stock of 35' containers which were equivalent to 55 000 TEU.<sup>50</sup>
26. Despite these two disadvantages, the world stock of containers increased from 0.5 to 14.3 million TEU between mid-1970 and mid-2000. Over the last five years, the average annual growth rate has been 9%. The success of the ISO standard is due in particular to the promotional efforts and investment made by shipowning companies and rental companies. Standardisation offered a stable, global framework which facilitated investment decisions.

### **6.3. Safety and security of ILUs**

27. The safety of transport and equipment is one of the main goals of European transport policy. It is therefore important that the ILUs used in Europe fulfil stringent safety requirements. They must be maintained efficiently and be subject to periodic safety inspections to avoid any hazards.
28. The Council recommended in 1979<sup>51</sup> that the Member States should ratify the United Nation's International Convention for Safe Containers (CSC) adopted on 2 December 1972 in Geneva. The basic Convention has been ratified by most of the Member States, but the latest amendments to the Convention made in 1993 have not entered into force.
29. The Convention is an international instrument aiming to maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements. It also facilitates the international transport of containers by providing uniform international safety regulations, equally applicable to all modes of transport.

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<sup>50</sup> TEU: twenty-foot equivalent units, measurement unit equivalent to one 20-foot (6.10 metre) long ISO container, used to express transport capacity or flows.

<sup>51</sup> Council Recommendation of 15 May 1979 on the ratification of the International Convention for Safe Containers (CSC), OJ L 125, 22.5.1979, p. 18.

30. This Directive contains provisions on maintenance and periodic inspections, both for international and national transport. . These requirements are not in contradiction with the provisions of the CSC, which cover the same subject matter, in order to avoid any incompatibilities with the international obligations of the Member States.
31. There are no reasons to exclude ILUs and EILUs manufactured prior to the implementation of the Directive from the maintenance obligation and from the periodic inspections. Therefore, these obligations would cover all ILUs in circulation in the Community.
32. The Directive does not make it compulsory for the Member States to sign or accept the CSC, given that it incorporates the relevant safety requirements and the framework for periodic inspections.
33. Nowadays, the safety of transport has become a crucial aspect. Any new ILU will have to integrate anti-intrusion alarm devices, for example a state-of-the-art electronic seal.

#### **6.4. Procedures for assessing conformity of ILUs and periodic inspections**

34. The Directive provides for procedures to assess the conformity of ILUs and EILUs with the relevant requirements, in accordance with Council Decision 93/465.<sup>52</sup> Conformity assessment procedures and procedures for the periodic inspection of ILUs will follow the same principles.
35. The CE marking showing conformity with the requirements will be affixed to the ILUs in accordance with the above-mentioned Decision 93/465.
36. The modules for assessment (Annex IV) and periodic inspection (Annex V) take into consideration the international obligations of the Member States, in particular those arising from the CSC. In addition, they take account of the fact that this conformity is mainly linked to their field of use, in order to ensure and guarantee transport interoperability and not only free circulation in the Community market.

### **7. CONTENTS OF THE PROPOSAL FOR A DIRECTIVE**

Article 1: This Article states that requirements to be complied with, procedures for assessing conformity with these requirements and procedures for periodic inspection will be laid down, and provides for the development of harmonised standards.

Article 2: This Article defines the scope of the Directive, namely ILUs and EILUs. Air transport is excluded.

Article 3: This Article defines certain terminology used in the proposal.

Article 4: This Article provides for the assessment of conformity of ILUs and EILUs with the requirements, including the CE marking and the conformity assessment procedures.

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<sup>52</sup> Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives - OJ L220, 30.8.1993.

Article 5: This Article provides for provisions with regard to the free circulation of ILUs and EILUs, restrictions to this and safeguard clauses.

Article 6: This Article provides for the obligation for Member States to ensure that ILUs and EILUs do not endanger the health and safety of persons and, where appropriate, domestic animals or property. It also provides for the right to show ILUs or EILUs which do not conform to the Directive at trade fairs and similar events, in accordance with appropriate procedures.

Article 7: This Article lays down the procedures concerning the obligation to undertake maintenance and periodic inspections.

Article 8: This Article refers to the CE marking, how it should be affixed, the obligation to avoid confusion with other symbols and provisions regarding unduly affixed markings. It also covers the affixing of a distinctive symbol for ILUs and EILUs, and of specific symbols relating to periodic inspections.

Article 9: This Article covers the regime implementing the essential requirements, the specific requirements for interoperability and the harmonised standards including the procedure for publishing them in the Official Journal of the European Union. It also covers the revision of the harmonised standards and the procedure for cases where these do not fully meet the requirements.

Article 10: This Article refers to the notified bodies designated by the Member States to carry out the procedures for assessing conformity with the requirements and procedures for periodic inspections for ILUs and EILUs.

Article 11: This Article provides for the procedure for amending Annexes I and II to the Directive.

Article 12: Considering the competencies essentially regulatory of the Committee, this Article provides for a regulatory committee on the implementation of the Directive, in accordance with Council Decision 99/468, and the powers of this Committee.

Article 13: This Article refers to the obligation for the Member States to lay down penalties for non-compliance with the provisions of the Directive, such as unduly affixing a marking or not maintaining the ILUs in a good condition. These penalties must be effective, proportionate and dissuasive.

Article 14: This Article lays down the maximum period for transposition of the Directive by the Member States and their obligation to inform the Commission immediately thereof. It also lays down the date of application of the Directive.

## Annex to the Explanatory Memorandum

### A - Calculations to determine the EFFECTIVE dimensions of EILUs

#### **Calculation assumptions:**

- The EILUs should offer an internal width which allows either two europallets to be placed side by side lengthways (i.e. 2 x 1.2 m) or three europallets to be placed side by side widthways (i.e. 3 x 0.8 m), with sufficient margins for manoeuvre.
- An initial assessment, which will have to be clarified by the work of the CEN, is that for back-loaded EILUs, the pallets should be accommodated lengthways in order to reduce the risks of the load being unstable.
- The external length of the long EILU should not be more than 13.6 m and that of the short EILU not more than 7.82 m.
- The internal width of ISO containers, 2.33 m, allows two rows of pallets to be loaded, one lengthways and the other widthways.

#### **Long EILUs**

##### Case of two europallets (1.2 m x 0.8 m) placed side by side (lengthways)

An external length of 13.6 m is the equivalent of 17 times 0.8 m. But the thickness of the walls must be taken into account. There can therefore be only 16 pallets per row.

The effective length required would therefore be 12.8 m to transport 32 europallets.

##### Case of three europallets (1.2 m x 0.8 m) placed side by side (widthways)

An external length of 13.6 m is the equivalent of 11.33 times 1.2 m. There can therefore be only 11 pallets per row.

The effective length required would therefore be 13.2 m to transport 33 europallets.

##### Case of UK pallets (1.2 m x 1 m)

These can only be placed two side by side (lengthways).

An effective length of 13 m would therefore allow 26 UK pallets to be transported.

#### **Conclusion**

The best internal length would therefore be 13.2 m. In this case, 400 mm would be available for the front and back walls. This should be sufficient since ISO containers allow only 165 mm for both these walls.

#### **Short EILUs**

##### Case of two europallets (1.2 m x 0.8 m) placed side by side (lengthways)



An external length of 7.82 m is the equivalent of 9.775 times 0.8 m. There can therefore be only 9 pallets per row.

The effective length required would therefore be 7.2 m to transport 18 europallets.

Case of three europallets (1.2 m x 0.8 m) placed side by side (widthways)

An external length of 7.82 m is the equivalent of 6.52 times 1.2 m. There can therefore be only 6 pallets per row.

The effective length required would therefore be 7.2 m to transport 18 europallets.

Case of UK pallets (1.2 m x 1 m)

These can only be placed two side by side (lengthways).

An effective length of 7 m would therefore allow 14 UK pallets to be transported.

Conclusion

The best internal length would therefore be 7.2 m. In this case, 620 mm would be available for the front and back walls. This should be sufficient since ISO containers allow only 108 mm for both these walls.

**40-foot ISO containers: internal length of 12 m**

First row (with the longest side being widthways in the container): 15 europallets or 12 UK pallets.

Second row: 10 pallets.

Total: 25 europallets or 22 UK pallets.

**30-foot ISO containers: internal length of 8.931 m**

First row (with the longest side being widthways in the container): 11 europallets or 8 UK pallets.

Second row: 7 pallets.

Total: 19 europallets or 15 UK pallets.

**20-foot ISO containers: internal length of 5.867 m**

First row (with the longest side being widthways in the container): 7 europallets or 5 UK pallets.

Second row: 4 pallets.

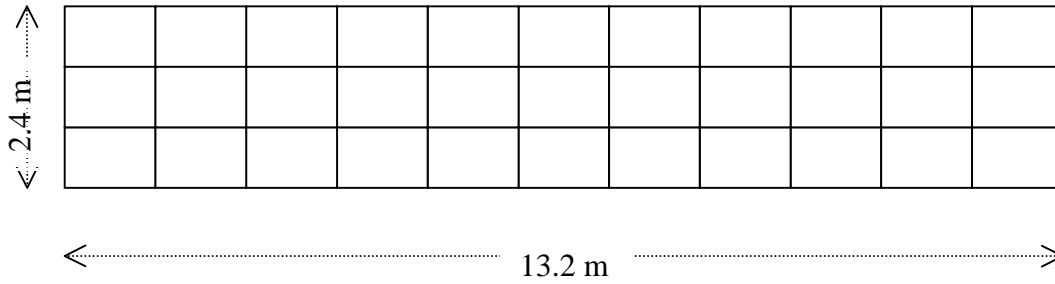
Total: 11 europallets or 9 UK pallets.

B - Diagram showing the use of the capacities of EILUs and containers

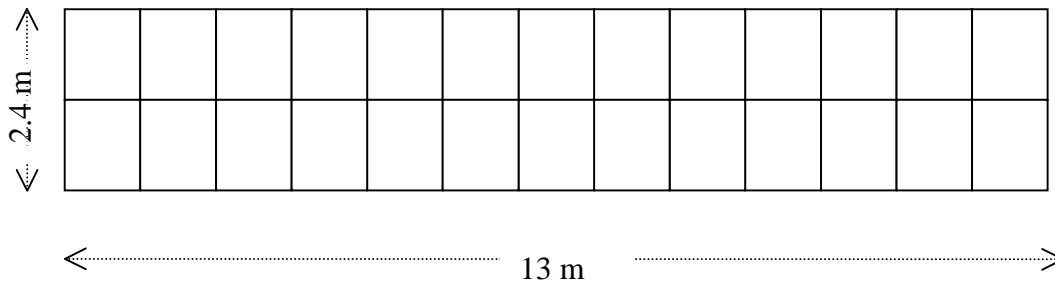
**Long EILU (effective length of 13.2 m)**

Use of internal area

33 europalettes



26 UK palettes

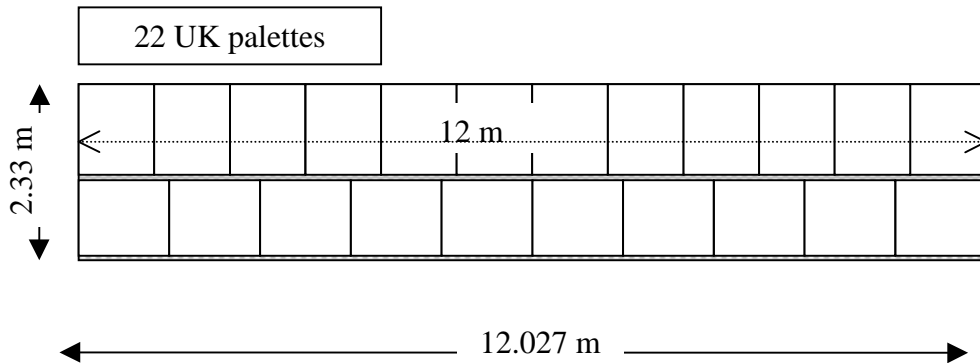
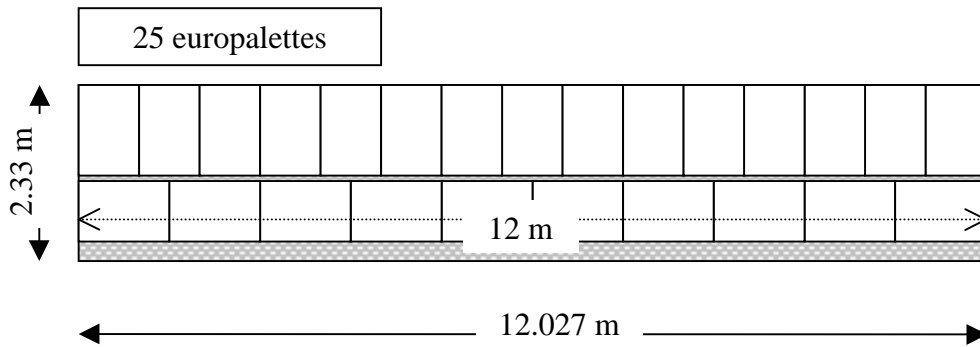


## 40-foot ISO container

Dimensions of container and pallets

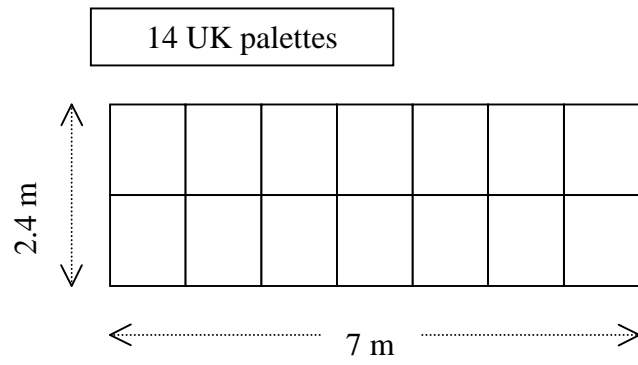
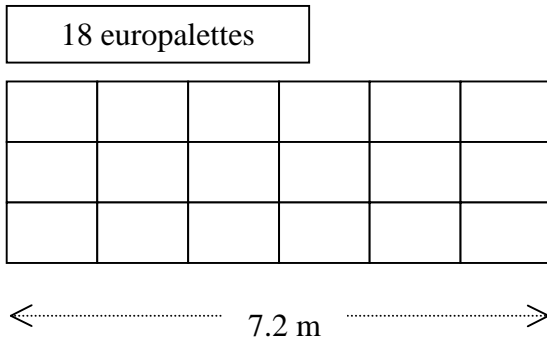
	Container			Pallet	
	internal	external	difference	EU	UK
length	12 027 mm	12 192 mm	165 mm	1 200 mm	1 200 mm
width	2 330 mm	2 438 mm	108 mm	800 mm	1 000 mm

Use of internal area



### Short EILU (loading length of 7.2 m)

Use of internal area

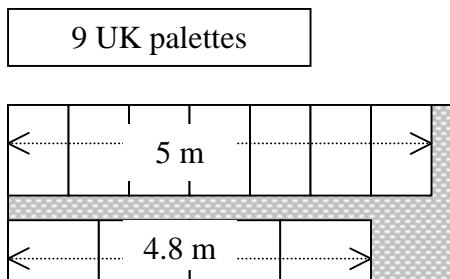
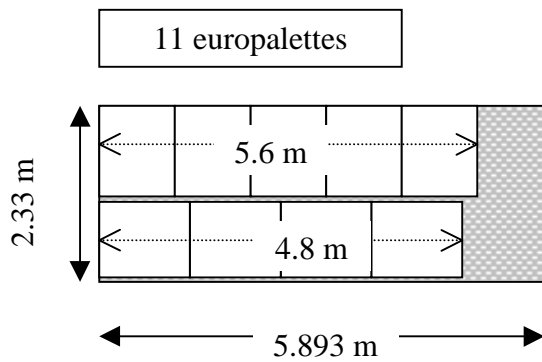


## 20-foot ISO container

Dimensions of container and pallets

	Container			Pallet	
	internal	external	difference	EU	UK
length	5 893 mm	6 058 mm	165 mm	1 200 mm	1 200 mm
width	2 330 mm	2 438 mm	108 mm	800 mm	1 000 mm

Use of internal area



### Comparative table

	Europallets	UK pallets
Short EILU: internal length of 7.2 m	18	14
20' ISO CONTAINERS	11	9
<i>Difference between EILU and ISO</i>	<i>7 (+63%)</i>	<i>5 (+ 55%)</i>
Short EILU: internal length of 7.2 m	18	14
30' ISO CONTAINERS	19	15
<i>Difference between EILU and ISO</i>	<i>-1 (- 6%)</i>	<i>-1 (- 7%)</i>
Long EILU: internal length of 13.2 m	33	26
40' ISO CONTAINERS	25	22
<i>Difference between EILU and ISO</i>	<i>8 (+ 32%)</i>	<i>4 (+ 18%)</i>

### C - Calculation of saving in road vehicles (port services)

The data used were:

- the composition of the world stock of containers in 1999 (source: AFNOR/H90B), which shows the breakdown of TEU capacity of containers by type: 37.18% for 20' containers, 0.1% for 30' containers, 61.22% for 40' containers and 1.5% for 45' containers.
- DG TREN's 2000 and 2001 statistical pocketbooks, which give:
  - port hinterland container traffic in TEU for 1996 (table 3.4.15) i.e. approx. 16 413 000 TEU.
  - road traffic and the increase between 1996 and 1999.

The following assumptions were made:

- The increase in road services to ports, for containers, between 1996 and 1999 is the same as that for road traffic, in tonne-kilometres, over this period. The volume having used road transport to serve ports in 1999 can therefore be estimated at approx. 18.78 million TEU.
- The breakdown of capacity by type of container for road services to European ports is similar to the global breakdown.
- All ILUs are loaded to maximum capacity, with either europallets or UK pallets (and not a mixture of the two types).

- The 20' and 30' containers are replaced by short EILUs, and the 40' and 45' containers by long EILUs.

Calculations for road services to ports for containers in 1999.

Containers				allowing the transport of	
Type	% capacity	TEU	units	europallets (1.2 x 0.8 m)	UK pallets (1.2 x 1 m)
20'	37.18 %	6 982 404	6 982 404	76 806 444	62 841 636
30'	0.10 %	18 780	12 520	237 880	187 800
40'	61.22 %	11 497 116	5 748 558	143 713 950	126 468 276
45'	1.5 %	281 700	125 200	4 131 600	3 255 200
Totals	100 %	18 780 000	12 868 682	224 889 874	192 752 912

Taking account of the theoretical pallet capacity of EILUs, the number of EILUs of each type required to transport the pallets can be worked out by distinguishing the types of container. The results differ according to whether europallets or UK pallets are being transported. To be on the safe side, we will use the worst case scenario, i.e. the larger of the two numbers of EILUs resulting from the calculations.

Types		Number of EILUs required to transport the same number of:			
Containers	EILUs	europallets	UK pallets	maximum	saving
20'	short	4 267 025	4 488 688	4 488 688	2 493 716
30'	short	13 216	13 414	13 414	-894
40'	long	4 354 968	4 864 164	4 864 164	884 394
45'	long	125 200	125 200	125 200	0
Totals		8 760 408	9 491 467	9 491 467	3 377 215

The number of intermodal loading units required would therefore decrease from 12 868 682 to 9 491 467, i.e. by 3 377 215 units. This reduction of about 26% in the number of intermodal loading units would lead to the same rate of reduction in the number of road vehicles required for the same volume of tonne-kilometres transported. In effect, it is likely that the composition of road trains would not change significantly.

The final assumption made is that this saving, estimated only for road services to ports, would also apply to all other road freight transport.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on intermodal loading units**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 71(1) and 80(2) thereof,

Having regard to the proposal from the Commission,<sup>53</sup>

Having regard to the opinion of the European Economic and Social Committee (EESC),<sup>54</sup>

Having regard to the opinion of the Committee of the Regions,<sup>55</sup>

Acting in accordance with the procedure laid down in Article 251 of the Treaty,<sup>56</sup>

Whereas:

- (1) The Community has an established policy of encouraging sustainable transport, such as multimodal transport operations involving road, rail, inland waterway and short sea shipping. Within the framework of the common transport policy, further measures must be adopted to ensure transport safety.
- (2) Containers frequently comply with standards adopted by the International Standardisation Organisation but do not offer optimal loading space for pallets or make optimum use of the maximum allowable dimensions in land transport.
- (3) Swap bodies are frequently used in road and rail transport but, owing to their construction, are not suitable for intermodal operations involving a waterborne mode of transport.
- (4) Intermodal loading units should offer adequate interoperability for handling operations across modes. Owing to the number and diversity of existing units, the introduction of the requirement of harmonised interoperability characteristics should be limited to new units.
- (5) The Directive defines a new unit: the European intermodal loading unit. This unit, apart from offering optimal loading space within the framework of European

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<sup>53</sup> OJ C [...], [...], p. [...].

<sup>54</sup> OJ C [...], [...], p. [...].

<sup>55</sup> OJ C [...], [...], p. [...].

<sup>56</sup> OJ C [...], [...], p. [...].



legislation in force, must also fulfil the harmonised interoperability characteristics required for any new intermodal loading unit.

- (6) The objectives of the proposed action are: harmonisation to the same degree of intermodal loading units, procedures for assessment and periodic inspection, and the creation of the European intermodal loading unit. Given that these objectives cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community can take measures in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of proportionality set out in the same Article, this Directive does not go beyond what is necessary to achieve these objectives.
- (7) For reasons relating to the specificity of the air freight transport market, this Directive does not cover this mode of transport.
- (8) The internal market is an area without internal borders in which the free movement of goods is ensured. The regulations concerning this free movement without any obstacles to trade are based on the Council resolution of 7 May 1985<sup>57</sup> on a new approach to technical harmonisation and standards. This Directive draws its inspiration from these principles.
- (9) Member States must allow, in accordance with Decision 93/465,<sup>58</sup> intermodal loading units bearing the CE marking and the symbols provided for in this Directive showing that the period inspection has been carried out, to move freely on their territory, to be placed on the market, to be used for any transport operation or to be used in accordance with their intended purpose, without requiring further assessment for reasons arising from the implementation of this Directive, or, as far as the European intermodal loading unit is concerned, without requiring conformity with further technical requirements.
- (10) It is appropriate that a Member State should be able to take measures, whilst keeping the Commission informed, to limit or prohibit the placing on the market and use of intermodal loading units, in particular, in cases where they present a particular risk to the safety of persons and, where appropriate, domestic animals or property. The procedure has to be justified and transparent.
- (11) It is appropriate that a Member State should be able to take measures, whilst keeping the Commission informed, to limit or prohibit the placing on the market and use of intermodal loading units, when units which have the CE marking, the symbol referring to the reassessment of these units and the symbol relating to the periodic inspection do not conform. The procedure has to be justified and transparent.
- (12) In the context of the principles provided for in the Council resolution of 7 May 1985, essential requirements in terms of security, safety, handling, securing, strength and identification which are required for intermodal loading units and European intermodal loading units are provided for in this Directive in Annexes I and II. These

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<sup>57</sup> Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards - OJ C 136, 4.6.1985, p. 1-9.

<sup>58</sup> Council Decision of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives - OJ L 220, 30.8.1993, p 23-39.

requirements will be complemented by specific requirements which are essential for ensuring interoperability. The intermodal loading units must meet all these requirements.

- (13) In view of the objectives of this Directive and in order to make it easier to demonstrate that new units conform to the requirements, procedures for assessment and for periodic inspections should be established. These procedures should be designed in the light of the importance of the requirements inherent in intermodal loading units. An adequate procedure or a choice between several procedures of equivalent value should be provided for. The procedures adopted are in conformity with Decision 93/465.
- (14) The new intermodal loading units can be placed on the market and put in service only if they conform to the requirements provided for in this Directive. This conformity is shown by the assessment procedures provided for in Decision 93/465 and included in Annex IV.
- (15) The periodic inspection is intended to check that the maintenance condition and wear condition of the intermodal loading units are compatible with safety requirements. It will be carried out in accordance with the procedure in Annex V to this Directive.
- (16) The units covered by this Directive must have a CE marking indicating that they conform to the requirements of this Directive. The symbols relating to the harmonised characteristics of the intermodal loading units should be separate from those indicating that the unit is a standardised European intermodal loading unit. Each intermodal loading unit should indicate that it has passed its previous periodic inspection, or, in the case of units that are less than five years old, that they have not yet needed to undergo such an inspection, and showing the date for the next inspection.
- (17) In order to achieve the objectives corresponding to the essential requirements provided for in this Directive in Annexes I and II, harmonised standards for intermodal loading units and for European intermodal loading units should be developed. There should also be provision for the adoption of specific requirements for interoperability for these units in accordance with the procedure indicated in Article 12.
- (18) The harmonised standards will be developed by European standardisation bodies on a mandate from the Commission. If these standards are considered to be unsatisfactory in relation to the two types of requirements provided for in the Directive, the Commission or the Member State concerned shall refer the matter to the standing committee provided for in Directive 98/34/EC.<sup>59</sup>
- (19) Member States should designate inspection bodies entitled to carry out the conformity assessment and periodic inspection procedures. They should also ensure that such bodies are sufficiently independent, competent and impartial, able to carry out the tasks for which they have been designated and notified.

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<sup>59</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations. OJ L 204, 21.07.1998, p. 37-48.

- (20) The International Convention for Safe Containers approved by the United Nations on 2 December 1972<sup>60</sup> contributes to this aim of increasing the safety of intermodal loading units and European intermodal loading units. Most Member States have already ratified this Convention, in accordance with Council Recommendation 79/487/EEC.<sup>61</sup>
- (21) There needs to be a procedure to allow the Commission to amend certain Annexes to this Directive.
- (22) There needs to be a procedure to allow the Commission to take the necessary measures if the harmonised standards do not fully meet the requirements of this Directive.
- (23) The necessary measures need to be adopted for the implementation of this Directive in conformity with Decision 99/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.<sup>62</sup>
- (24) Provision should be made for penalties for infringements of the national provisions adopted pursuant to this Directive.
- (25) Arrangements should be made for the implementation of the Directive before the publication of the specifications in the Official Journal of the European Union.
- (26) Provision should be made for transitional arrangements to enable intermodal loading units which were manufactured before the entry into force of this Directive to be placed on the market or put into service even after this date.

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1 - Purpose*

This Directive lays down essential requirements and provides for the adoption of harmonised standards and specific requirements for interoperability with a view to making the use of new intermodal loading units more efficient and safer. It also lays down requirements and provides for the adoption of harmonised standards and specific requirements for interoperability aimed at the creation of a European intermodal loading unit. It sets out obligations with regard to conformity assessment and maintenance, as well as procedures for assessing the conformity, and for the periodic inspection, of loading units used in intermodal transport.

#### *Article 2 - Scope*

1. This Directive shall apply to:
  - a) intermodal loading units and European intermodal loading units in existence on the date of its entry into force;

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<sup>60</sup> CSC: Convention for Safe Containers, adopted on 2/12/1972, entered into force on 6/9/1977 and amended in 1981, 1983, 1991 and 1993, which can be found on the International Maritime Organisation's website ([www.imo.org](http://www.imo.org)).

<sup>61</sup> OJ L 125, 22.5.1979, p. 18.

<sup>62</sup> OJ L 184, 17.7.1999, p. 23.

- b) intermodal loading units manufactured, placed on the market, put into circulation and / or used, which must meet the requirements set out in Annex I, and the specific requirements for interoperability set out in Article 9;
  - c) new European intermodal loading units, which must meet the requirements set out in Annexes I and II, and the specific requirements for interoperability set out in Article 9.
2. It also applies to loading units covered in paragraph 1, used exclusively for the transport of goods between Community territory and third-country territory.
  3. Air transport shall be excluded from the scope of this Directive.

### *Article 3 - Definitions*

For the purposes of this Directive:

- a) "intermodal loading unit" means either a container or a swap body;
- b) "European intermodal loading unit" means an intermodal loading unit constructed in accordance with the essential requirements set out in Annexes I and II and the requirements for interoperability;
- c) "container" means a box to carry freight, strong enough for repeated use, stackable and fitted with devices for transfer between modes;
- d) "swap body" means a freight-carrying unit, used in Europe, optimised to road vehicle dimensions and fitted with handling devices for transfer between modes, usually road/rail;
- e) "harmonised standard" means a technical specification adopted by a recognised standardisation body on the basis of a mandate given by the Commission in accordance with the procedures laid down in Directive 98/34/EC for the purpose of establishing a European requirement with which compliance is not mandatory.
- f) "indication of periodic inspection" means a symbol indicating that the intermodal loading unit has undergone a periodic inspection, or should undergo the first periodic inspection, and has been deemed to conform with the relevant requirements. This indication also specifies the date when the intermodal loading unit is scheduled to undergo the next periodic inspection provided for in Article 7;
- g) "periodic inspection" means the inspections carried out to check the maintenance and safety condition of the intermodal loading units, covered in points a), b), and c), in accordance with the procedures provided for in Annex V;
- h) "conformity assessment procedures" means those procedures set out in Annex IV;
- i) "notified body" means an inspection body designated by the national competent authority of a Member State in accordance with Article 10 and meeting the criteria set out in Annex III.

#### *Article 4 - Assessment of conformity of intermodal loading units*

Before the intermodal loading units and European intermodal loading units are placed on the market, the manufacturer or his authorised representative established within the Community must submit its manufacturing process to one of the conformity assessment procedures described in Annex IV under the conditions defined.

For the purpose of affixing the CE marking on the intermodal loading units, this conformity is established by:

- either internal manufacturing checks, using module A, where the harmonised standards referred to in Article 9(3) are complied with;
- or internal manufacturing checks, using module Aa;
- or the unit verification procedure (module G);
- or the full quality assurance procedure (module H).

#### *Article 5 - Free circulation, restrictions and safeguard clauses*

- 1 Member States may not, on grounds arising from the implementation of this Directive, prohibit, restrict or impede the placing on the market or putting into service on their territory (including transport, storing, handling and reloading) of intermodal loading units which conform to this Directive and / or, where appropriate, the relevant harmonised standards published in the Official Journal of the European Union pursuant to this Directive and which bear the CE conformity marking, as well as the indication of periodic inspection in accordance with Article 8.
- 2 Member States presume that intermodal loading units bearing the CE marking and with the EC declaration of conformity provided for in Annex VII are in conformity with the provisions of this Directive.
- 3 Where a Member State finds that a unit referred to in Article 2, which is correctly maintained and used for its intended purpose, is liable to endanger the health and/or safety of persons and, where appropriate, domestic animals or property, during transport and/or use, notwithstanding the fact that it bears a CE marking and an indication of periodic inspection, it may restrict the placing on the market or use of this unit or have it withdrawn from the market or from circulation. It shall forthwith inform the Commission of this measure and indicate the reasons for its decision.
- 4 The Commission shall consult the parties concerned as soon as possible. Where it finds, after this consultation, that the measure is warranted, it shall immediately inform all the Member States. If the measure proves to be unwarranted, the Commission shall immediately inform the Member State that referred the matter as well as the manufacturer or his authorised representative established within the Community, the owner or his authorised representative established within the Community or the holder.
- 5 Where a unit referred to in Article 2 proves not to be in conformity, the competent Member State shall take appropriate measures against the State which affixed the CE

marking or the indication of periodic inspection and shall inform the Commission and the other Member States as soon as possible.

6 The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.

7 Where a Member State establishes that the CE marking or the indication of periodic inspection has been affixed unduly, the owner or his authorised representative established within the Community, the manufacturer or his authorised representative established within the Community, or the holder shall be obliged to end the infringement under the conditions imposed by the Member State.

Should non-conformity persist, the Member State shall take all appropriate measures to restrict or prohibit the placing on the market, transport or use of the units in question or to ensure that it is withdrawn from the market or from circulation.

8 Any decision taken by a Member State pursuant to this Directive which has the effect of restricting the placing on the market, transport or use of intermodal loading units or requires their withdrawal from the market or from circulation shall state the exact grounds on which it is based. Such a decision shall be notified forthwith to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in the Member State concerned and of the time limits to which such remedies are subject.

#### *Article 6 - Monitoring relating to intermodal loading units*

1 The Member States shall take all possible measures to ensure that the intermodal units referred to in Article 3(a) and 3(b) cannot be placed on the market or put into service if they compromise the safety and security of persons and, where appropriate, domestic animals or property when they are properly installed and maintained and used as intended.

2 The provisions of this Directive do not affect the ability of the Member States to lay down, in compliance with the provisions of the Treaty, the requirements that they consider necessary to ensure the protection of persons, particularly when handling the units, provided that this does not involve changes being made to these units in relation to the Directive.

3 At trade fairs, exhibitions, demonstrations, etc., Member States shall not prevent the showing of intermodal loading units as defined in Article 1 which do not conform to the provisions of this Directive, provided that a visible sign clearly indicates that they do not conform and that they are not for sale until they have been brought into conformity by the manufacturer or his authorised representative established within the Community. During demonstrations, adequate safety measures shall be taken, in accordance with the requirements laid down by the competent authority of the Member State concerned, to ensure the protection of persons.

#### *Article 7 - Maintenance and periodic inspection*

1 Before the end of the fifth year after the date of manufacture of an intermodal loading unit or a European intermodal loading unit, the manufacturer or his

authorised representative established within the Community, the owner or his authorised representative established within the Community or the holder must submit it for the first inspection referred to in Article 3(e) in accordance with one of the procedures referred to in Annex V.

For existing units, the first inspection should take place before 1 July 2007 or before the end of the fifth year after their manufacture.

Existing or new intermodal loading units circulating in the Community or used for the transport of goods between Community territory and third-country territory are subject to periodic inspections at intervals not exceeding 24 months.

- 2 The owner, his authorised representative established within the Community or the holder of the intermodal loading unit shall be responsible for maintaining it in a safe condition.
- 3 The deadline (month and year) for the next periodic inspection of the intermodal loading unit shall be clearly marked on the unit in a legible and indelible manner.
- 4 The intermodal loading units may be subjected to periodic inspection in any Member State in accordance with the procedures set out in Annex V to this Directive.

#### *Article 8 - CE marking and indication of periodic inspection*

- 1 The CE marking shall consist of the initials "CE" taking the form of the specimen given in Annex VI.

The CE marking must be accompanied by the identification number of the notified body involved in the production control stage.

- 2 The CE marking must be affixed in a visible, legible and indelible manner on each intermodal loading unit.
- 3 The affixing of markings on intermodal loading units and European intermodal loading units which are likely to deceive third parties as to the meaning and form of the CE marking shall be prohibited. Any other marking may be affixed to the intermodal loading units, provided the visibility and legibility of the CE marking is not thereby reduced.
- 4 Next to the CE marking, a symbol must be affixed taking the form of the specimen given in Annex VII. This is different for intermodal loading units and for European intermodal loading units.
- 5 The indication of periodic inspection shall mention the date of manufacture, the date of the last inspection and the deadline for the next inspection. This indication shall be affixed by the inspection body and take the form of the specimen given in Annex VII.
- 6 Unduly affixed CE marking

a) where a Member State establishes that the CE marking and/or the indication of periodic inspection has been affixed unduly, the manufacturer or his authorised

representative established within the Community, the owner or his authorised representative established within the Community or the holder, shall be obliged to make the product conform to the provisions concerning the CE marking and to end the infringement under the conditions imposed by the Member State;

b) should non-conformity persist, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market in accordance with the procedures laid down in Article 5.

#### *Article 9 - Requirements, harmonised standards and formal objections*

- 1 The intermodal loading units and the European intermodal loading units referred to in Article 1 must meet, respectively, the essential requirements set out in Annexes I and II and the specific requirements for interoperability. The latter shall be adopted and, where necessary, revised in accordance with the procedure provided for in Article 12(2).

The Commission shall publish the decisions relating to the specific requirements for interoperability to be applied in the *Official Journal of the European Union*.

- 2 Member States shall presume that intermodal loading units and European intermodal loading units bearing the CE marking provided for in Article 8 and with the EC declaration of conformity provided for in Annex VII are in conformity with all the relevant provisions of this Directive.
- 3 The intermodal loading units and the European intermodal loading units which conform to the harmonised standards for which references have been published in the Official Journal of the European Union are presumed to be in conformity with the essential requirements and the specific requirements for interoperability.
- 4 Where a Member State or the Commission considers that the harmonised standards referred to in paragraph 3 are not in conformity with the essential requirements referred to in Annexes I and II and/or to the specific requirements for interoperability, this Member State or the Commission shall refer the matter to the standing committee provided for in Directive 98/34/EC.

In the light of the Committee's opinion, the Commission shall inform the Member States whether or not it is necessary to withdraw the standards concerned from the publications referred to in paragraph 3.

#### *Article 10 - Notified bodies*

- 1 The Member States shall notify the Commission and the other Member States of the list of notified bodies established within the Community which they have designated to carry out the procedures referred to in Annexes IV and V and the specific tasks for which these bodies have been designated and the identification numbers assigned to them beforehand by the Commission.

The Commission shall publish in the *Official Journal of the European Union* the list of the notified bodies, together with their identification numbers and the tasks for



which they have been notified. The Commission shall ensure that this list is kept up to date.

- 2 Member States shall apply the criteria set out in Annex III for the designation of notified bodies.
- 3 A Member State which has notified a body shall withdraw such notification if it finds that the body no longer meets the criteria referred to in paragraph 2.

It shall forthwith inform the Commission and the other Member States of any such withdrawal of notification.

#### *Article 11 - Adaptation of Annexes*

The amendments necessary for adapting Annexes I and II to this Directive shall be adopted in accordance with the procedure laid down in Article 12.

#### *Article 12 - Committee*

- 1 The Commission shall be assisted by a regulatory committee composed of representatives of the Member States and chaired by the representative of the Commission.
- 2 Where reference is made to this Article, Articles 5 and 7 of Decision 99/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- 3 The Committee shall adopt its own rules of procedure. The Committee may consider any question relating to the implementation or practical application of this Directive which is referred to it by its chairman either on his own initiative or at the request of the representative of a Member State.

#### *Article 13 - Penalties*

The Member States shall determine the penalties applicable in case of infringements of the national provisions adopted pursuant to this Directive and shall adopt any measure necessary to ensure the implementation of such penalties. Penalties must be effective, proportionate and dissuasive.

The Member States shall notify the Commission of these provisions not later than one year after the entry into force of this Directive and shall inform it of any subsequent changes to these provisions as soon as possible.

#### *Article 14 - Implementation*

- 1 The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2005 at the latest. They shall forthwith inform the Commission thereof.

- 2 When the Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such a reference is to be made.
- 3 Article 4 shall not apply to intermodal loading units which were manufactured before the date indicated in paragraph 1 and put into circulation up until six months after that date.

*Article 15*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

*Article 16*

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX I

### *Essential requirements for intermodal loading units*

To facilitate the handling of intermodal loading units between two modes of transport and intermodality in general, they have to comply, by class and category, with the requirements listed in this Annex. These requirements ensure maximum interoperability of intermodal loading units between road, rail, inland waterways and shipping.

Safety and security:	Comply with the relevant provisions of the International Convention for Safe Containers concluded in Geneva on 2 December 1972.  Minimise risk of damage in and between modes of transport.  Equip all new intermodal loading units with anti-intrusion alarm devices, for example a state-of-the-art electronic seal.
Handling:	Enable efficient manipulation, inter alia by means of handling equipment adapted to ISO containers.
Securing:	Make securing devices compatible with the four modes of transport.
Strength:	ILUs must not break or open if they are accidentally dropped.  ILUs must be able to withstand everyday knocks during handling without causing any damage which might lead to the indication of periodic inspection not being affixed.
Coding and identification of units:	Use state-of-the-art electronic coding and identification.

Intermodal loading units which are used in road transport must comply with the requirements of Directive 96/53/EC.

## ANNEX II

### *Essential requirements for the European intermodal loading unit*

The European intermodal loading unit is the optimum loading unit for transporting general-purpose dry cargo by road, rail, inland waterways and short sea shipping.

In addition to the requirements referred to in Annex I, which apply to all new intermodal loading units, EILUs must meet the additional requirements below:

Weight and dimensions:	Comply with the provisions of Directive 96/53. <sup>63</sup>
Type:	General-purpose dry cargo box.
Internal length:	It should allow: <ul style="list-style-type: none"><li>• 11 units of 1200 mm, for the long version</li><li>• 6 units of 1200 mm, for the short version</li></ul> to be placed lengthways, with the necessary margins for manoeuvre.
Internal width:	It should allow two europallets (1 200 x 800 mm) or two UK pallets (1 200 x 1 000 mm) to be placed lengthways (i.e. 2 x 1200 mm) or three europallets to be placed widthways (i.e. 3 x 800 mm) side by side, allowing sufficient margins for manoeuvre.
External height:	2670 mm
Strength of construction:	The reference document for the strength values is the ISO 1496 series of standards, where applicable. <ul style="list-style-type: none"><li>- Stackability up to four loaded long units in sea conditions.</li><li>- Stackability corresponding to ISO 20' containers for loaded short units.</li><li>- Sufficient racking strength for carriage in the above height of stacks by inland waterway and short sea shipping.</li><li>- Top lifting capability.</li></ul>

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<sup>63</sup> OJ L 235, 17.9.1996, p. 59.

### ANNEX III

#### *Minimum criteria to be met for the designation of the notified bodies referred to in Article 10*

- 1 The body, its director and the staff responsible for carrying out assessments and verifications must not be the designer, manufacturer, supplier, installer or user of the intermodal loading units which that body inspects, nor the authorised representative of any of these parties. They must not be able to intervene directly in the design, construction, marketing or maintenance of these units, nor represent the parties engaged in these activities. This does not preclude the possibility of exchanges of technical information between the manufacturer of units and the notified body.
- 2 The body and its staff must carry out the assessments and verifications with the highest degree of professional integrity and technical competence and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their work, especially from persons or groups of persons with an interest in the results of verification.
- 3 The body must have at its disposal the necessary staff and possess the necessary means to enable it to perform properly the administrative and technical tasks relating to the inspections or monitoring. It should also have access to the equipment needed for exceptional checks.
- 4 The staff responsible for inspection must have:
  - sound technical and professional training;
  - satisfactory knowledge of the requirements of the tests they carry out and adequate experience of such tests;
  - the ability required to draw up the certificates, records and reports required to authenticate the performance of the tests.
- 5 The impartiality of inspection staff shall be guaranteed. Their remuneration must not depend on the number of tests carried out or on the results of such tests.
- 6 The body must take out civil liability insurance unless its liability is assumed by the State in accordance with national law or the Member State itself is directly responsible for the inspections.
- 7 The staff of the body must be bound by professional secrecy (except vis-à-vis the competent administrative authorities of the State in which its activities are carried out) with regard to all information it acquires in carrying out its tasks under this Directive or any provision of national law giving effect to it.

## ANNEX IV

### *Conformity assessment procedures*

An intermodal loading unit must be subject, at the choice of the manufacturer, or his authorised representative established within the Community, to one of the conformity assessment procedures provided for in Article 6 and laid down in this Annex:

- either internal manufacturing checks, using module A, where the harmonised standards referred to in Article 9(3) are complied with;
- or internal manufacturing checks, using module Aa;
- or the unit verification procedure (module G);
- or the full quality assurance procedure (module H).

#### **Module A** (internal production control)

- 1 This module describes the procedure whereby the manufacturer, or his authorised representative established within the Community who fulfils the obligations laid down in Part II, ensures and declares that the intermodal loading units satisfy the requirements of the Directive which apply to them. The manufacturer, or his authorised representative established within the Community, must affix the relevant mark to all intermodal loading units and draw up a written declaration of conformity.
- 2 The manufacturer must draw up the technical documentation described in point 3, and either the manufacturer or his authorised representative established within the Community must keep it at the disposal of the relevant national authorities for inspection purposes for a period of 10 years after the last of the intermodal loading units has been manufactured. Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who places the intermodal loading units on the Community market.
- 3 The technical documentation must enable an assessment to be made of the conformity of the intermodal loading units with the relevant requirements of the Directive. It must, as far as is relevant for this assessment, cover the design, manufacture and operation of the intermodal loading units and contain:
  - a general description of the intermodal loading units,
  - the conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
  - the descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the intermodal loading units,
  - a description of the solutions adopted to meet the requirements of the Directive,
  - results of the design calculations, examinations carried out, etc.,

- test reports.
- 4 The manufacturer, or his authorised representative established within the Community, must keep a copy of the declaration of conformity with the technical documentation.
  - 5 The manufacturer must take all measures necessary to ensure that the manufacturing process requires the manufactured intermodal loading units to comply with the requirements of the technical documentation referred to in Part II and with the requirements of the Directive which apply to them.

**Module Aa** (internal manufacturing checks with monitoring of the final assessment)

In addition to the requirements of module A, the following provisions apply:

Final assessment must be subject to monitoring in the form of unannounced visits by a notified body chosen by the manufacturer.

During such visits, the notified body must:

- ensure that the manufacturer actually performs the final assessment,
- take samples of intermodal loading units at the manufacturing or storage premises in order to conduct checks. The notified body assesses the number of intermodal loading units to sample and whether it is necessary to perform, or have performed, all or part of the final assessment of the unit samples.

Should one or more of the intermodal loading units not conform, the notified body must take appropriate measures.

Under the responsibility of the notified body, the manufacturer must affix that body's identification number to each intermodal loading unit.

**Module G** (EC unit verification)

- 1 This module describes the procedure whereby the manufacturer ensures and declares that the intermodal loading unit, which has been issued with the certificate referred to in point 4.1, satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within the Community, must affix the relevant marking to the unit and draw up a declaration of conformity.
- 2 The manufacturer must apply to a notified body of his choice for unit verification. The application must contain:
  - the name and address of the manufacturer and the location of the intermodal loading unit,
  - a written declaration that the same application has not been lodged with any other notified body,
  - technical documentation.

- 3 The technical documentation must enable the conformity of the intermodal loading unit with the requirements of the Directive which apply to it to be assessed and the design, manufacture and operation of the intermodal loading unit to be understood. The technical documentation must contain:
- a general description of the unit in question,
  - conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
  - the descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the intermodal loading units,
  - results of the design calculations made, examinations carried out, etc.,
  - test reports,
  - appropriate details relating to the approval of the manufacturing and test procedures and of the qualifications or approvals of the staff concerned.
- 4 The notified body must examine the design and construction of each intermodal loading unit and during manufacture perform appropriate tests to ensure its conformity with the requirements of the Directive which apply to it.
- 4.1 The notified body must affix its identification number or have it affixed to each intermodal loading unit and draw up a certificate of conformity for the tests carried out. This certificate must be kept for a period of 10 years.
- 4.2 The manufacturer, or his authorised representative established within the Community, must ensure that the declaration of conformity and certificate of conformity issued by the notified body can be made available on request.

In particular, the notified body must:

- examine the technical documentation with respect to the design and the manufacturing procedures,
- assess the materials used where these are not in conformity with the relevant provisions of the Directive and check the certificate issued by the materials manufacturer,
- approve the procedures for the permanent joining of loading unit parts,
- verify the qualifications or approvals required,
- perform the final inspection, perform the proof test or have it performed and examine the safety devices if applicable.

#### **Module H** (full quality assurance)

- 1 This module describes the procedure whereby the manufacturer who satisfies the obligations in point 2 must ensure and declare that the products concerned meet the requirements of the Directive which apply to them. The manufacturer, or his



authorised representative established within the Community, must affix the CE marking to each product and draw up a written declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for the surveillance referred to in point 4.

2 The manufacturer must operate an approved quality system for design, manufacture and final product inspection and testing as specified in point 3 and shall be subject to the surveillance referred to in point 4.

3 Quality system

3.1 The manufacturer must lodge an application for assessment of his quality system with a notified body.

The application shall include:

- all relevant information for the category of product envisaged;
- the documentation relating to the quality system.

3.2 The quality system must ensure compliance of the products with the requirements of the Directive which apply to them.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality;
- the technical design specifications, including the standards that will be applied and, where the standards referred to in Article 5 are not applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the products will be met;
- the design control and design verification techniques, processes and systematic actions that will be used when designing the products pertaining to the category of products covered;
- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.;

- the means to monitor the achievement of the required design and product quality and the effective operation of the quality assurance system.

3.3 The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume compliance with these requirements in respect of quality systems that implement the relevant harmonised standard.

The technical documentation must enable an assessment to be made of the conformity of the intermodal loading units with the relevant requirements of the Directive. It must, as far as is relevant for this assessment, cover the design, manufacture and operation of the intermodal loading units and contain:

- a general description of the intermodal loading units,
- the conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- the descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the intermodal loading units,
- a description of the solutions adopted to meet the requirements of the Directive,
- results of the design calculations, examinations carried out, etc.,
- test reports.

The auditing team must have at least one member experienced as an assessor in the product technology concerned. The evaluation procedure shall include an assessment visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4 The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorised representative must keep the notified body which has approved the quality system informed of any intended updating of the quality system.

The notified body must assess the proposed changes and decide whether the amended quality system will still satisfy the requirements referred to in 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

4 EC surveillance under the responsibility of the notified body

4.1 The purpose of surveillance is to ensure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

- 4.2 The manufacturer must allow the notified body entrance for inspection purposes to the places of design, manufacture, inspection and testing, and storage, and shall provide it with all necessary information, in particular:
- the documentation relating to the quality system;
  - the quality records as provided for by the design part of the quality system, such as results of analyses, calculations, tests, etc.;
  - the quality records as provided for by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.
- 4.3 The notified body must carry out audits every year to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.
- 4.4 In addition, the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check whether the proper functioning of the quality system where necessary. The notified body shall provide the manufacturer with a visit report and, if a test has taken place, with a test report.
- 5 The manufacturer must, for a period ending ten years after the last component has been manufactured, keep at the disposal of the national authorities:
- the documentation referred to in the second indent of the second paragraph of 3.1,
  - the adjustments referred to in the second paragraph of 3.4,
  - the decisions and reports from the notified body which are referred to in the last paragraph of point 3.4, and in points 4.3 and 4.4.
- 6 Each notified body shall forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

## ANNEX V

### *Procedures for periodic inspection*

The periodic inspection must follow one of the two procedures below:

#### **Module 1** (periodic inspection of products)

- 1 This module describes the procedure whereby the owner, his authorised representative established within the Community or the holder ensures that the intermodal loading unit continues to meet the requirements of this Directive.
- 2 To meet the requirements referred to in point 1, the owner, his authorised representative established within the Community or the holder must take all measures necessary to make sure that the conditions of use and of maintenance ensure the continued conformity of the intermodal loading unit with the requirements of this Directive, in particular that:
  - the intermodal loading unit is used as intended,
  - where appropriate, any maintenance work or repairs are carried out,
  - the periodic inspections necessary are also carried out.

The measures carried out must be recorded in documents and kept at the disposal of the national authorities by the owner, his authorised representative established within the Community or the holder.

- 3 The inspection body must perform the appropriate examinations and tests in order to check the conformity of the intermodal loading unit with the relevant requirements of the Directive.
  - 3.1 All intermodal loading units must be examined individually and appropriate tests, as set out in the European specifications, must be carried out in order to check that the units meet the requirements of this Directive.
  - 3.2 The inspection body must affix its identification number or have it affixed to each product which is subject to a periodic inspection, immediately after the date of the inspection and draw up a written periodic inspection certificate. This certificate may cover a number of individual units.
  - 3.3 The owner, his authorised representative established within the Community or the holder must keep the periodic inspection certificate required under point 3.2, and the documents required under point 2 at least until the next periodic inspection.

#### **Module 2** (periodic inspection through quality assurance)

- 1 This module describes the procedure whereby the owner, his authorised representative established within the Community or the holder, who satisfies the obligations referred to in point 2, ensures and declares that the intermodal loading unit continues to meet the requirements of the Directive. The owner, his authorised representative established within the Community or the holder must affix the date of the periodic inspection to all intermodal loading units and draw up a written

declaration of conformity. The date of the periodic inspection must be accompanied by the identification number of the notified body responsible for surveillance as specified in point 4;

- 2 The owner, his authorised representative established within the Community or the holder must take all steps necessary to make sure that the conditions of use and of maintenance ensure the continued conformity of the intermodal loading unit with the requirements of this Directive, and in particular that:
- the intermodal loading unit is used as intended,
  - where appropriate, any maintenance work or repairs are carried out,
  - the periodic inspections necessary are also carried out.

The measures carried out must be recorded in documents and kept at the disposal of the national authorities by the owner, his authorised representative established within the Community or the holder.

The owner, his authorised representative established within the Community or the holder must ensure that the qualified staff and necessary facilities within the meaning of points 3 to 7 of Annex III are available for the purpose of the periodic inspections.

The owner, his authorised representative established within the Community or the holder must operate an approved quality system for the periodic inspection and tests of the units as specified in point 3, and be subject to surveillance as specified in point 4.

### 3 Quality system

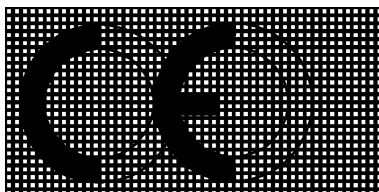
The provisions described in Annex IV, module H, of this Directive can also be applied, *mutatis mutandis*, to the periodic inspections.

## ANNEX VI

### *CE marking and other symbols*

#### 1 CE marking

The CE marking shall consist of the initials "CE" taking the form of the following specimen:



#### 2 Distinctive symbols

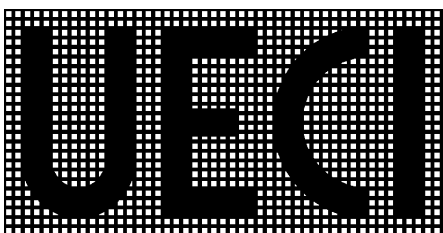
##### 2.1 ILUs

On ILUs which conform to the requirements of this Directive, immediately below the CE marking, the UCI symbol is affixed. This symbol shall consist of the initials "UCI" taking the form of the following specimen:



##### 2.2 EILUs

On EILUs which conform to the requirements of this Directive, immediately below the CE marking, the UECI symbol is affixed. This symbol shall consist of the initials "UECI" taking the form of the following specimen:



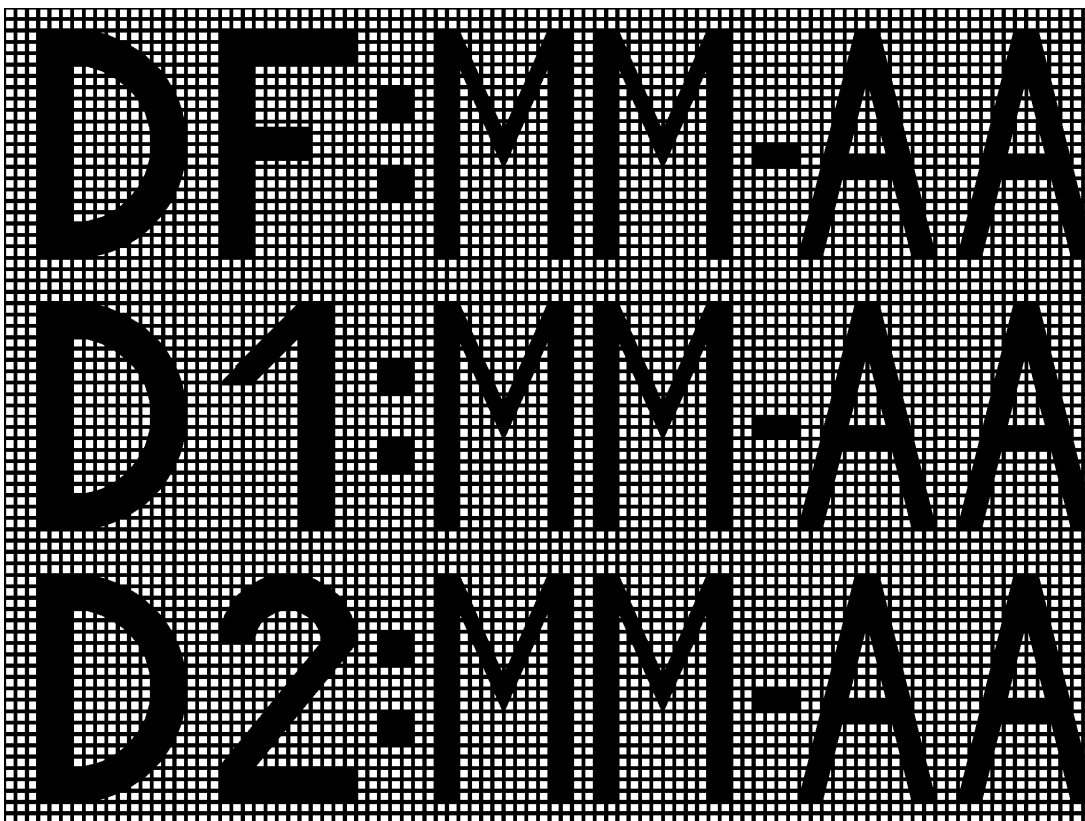
#### 3 Indication of periodic inspection

Any ILU used on Community territory shall bear the indication:

- of its date of manufacture, consisting of the initials "DF" followed by four figures: two for the month and two for the year.
- of the date of the last inspection, consisting of the symbol "D1" followed by four figures: two for the month and two for the year.

- of the deadline for the next inspection, consisting of the symbol "D2" followed by four figures: two for the month and two for the year.

This symbol shall be affixed taking the form of the following specimen:



#### 4 Common provisions

If the CE marking is reduced or enlarged, the proportions given in the above drawing must be respected.

The various components of the CE marking and of the symbols must have substantially the same vertical dimension, which may not be less than 5 cm

However, the figures used may be freely changed provided that they are Arabic numerals of the same height as the other components of the symbol.

## **ANNEX VII**

### DECLARATION OF CONFORMITY

The EC declaration of conformity must contain the following information:

- the name and address of the manufacturer, or of his authorised representative established within the Community;
- the description of the intermodal loading unit concerned (or of the series);
- the conformity assessment procedure followed;
- where appropriate, the name and address of the notified body which carried out the inspection;
- where appropriate, a reference to the EC type-examination certificate, the EC design examination certificate or the EC certificate of conformity;
- where appropriate, the name and address of the notified body monitoring the manufacturer's quality system;
- where appropriate, reference to the harmonised standards applied;
- where appropriate, the other technical specifications which were used;
- where appropriate, the references to other Community directives applied;
- particulars of the signatory authorised to sign the legally binding declaration for the manufacturer or his authorised representative established within the Community.



## LEGISLATIVE FINANCIAL STATEMENT

**Policy area(s): Energy and Transport**

**Activit(y/ies): Inland, Air and Maritime Transport Policy**

**Title of action: Directive of the European Parliament and of the Council on intermodal loading units**

**1. BUDGET LINE(S) + HEADING(S)**

A07031 – Obligatory Committees

**2. OVERALL FIGURES**

**2.1. Total allocation for action (Part B): €million for commitment**

906.000 €

**2.2. Period of application:**

Three years as of adoption of the Directive

**2.3. Overall multiannual estimate of expenditure:**

- (a) Schedule of commitment appropriations/payment appropriations (financial intervention) (*see point 6.1.1*)

€million (to three decimal places)

	Year [n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5 and subs. Years ]	Total
Commitments							
Payments							

- (b) Technical and administrative assistance and support expenditure(*see point 6.1.2*)

Commitments							
Payments							
Subtotal a+b							
Commitments							
Payments							

- (c) Overall financial impact of human resources and other administrative expenditure  
(see points 7.2 and 7.3)

Commitments/ payments	302.000 €	302.000 €	302.000 €				
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TOTAL a+b+c							
Commitments	302.000 €	302.000 €	302.000 €				
Payments	302.000 €	302.000 €	302.000 €				

**2.4. Compatibility with financial programming and financial perspective**

Proposal is compatible with existing financial programming.

Proposal will entail reprogramming of the relevant heading in the financial perspective.

Proposal may require application of the provisions of the Interinstitutional Agreement.

**2.5. Financial impact on revenue:**

Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

OR

Proposal has financial impact – the effect on revenue is as follows:

*(NB All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.)*

(€million to one decimal place)

		Prior to action [Year n-1]	Situation following action					
Budget line	Revenue		[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5]
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

*(Please specify each budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)*

### 3. BUDGET CHARACTERISTICS

Type of expenditure	New	EFTA contribution	Contributions form applicant countries	Heading in financial perspective	
	Diff/ Non-diff	YES	YES	YES	N° [3]

### 4. LEGAL BASIS

Art. 71 and 80 of the Treaty.

### 5. DESCRIPTION AND GROUNDS

#### 5.1. Need for Community intervention

##### 5.1.1. Objectives pursued

To propose an optimal intermodal loading unit combining the advantages of swap bodies (capacity) with those of containers (strength) with a view to reducing the congestion of infrastructures.

To standardise the handling and securing interfaces of new intermodal loading units in order to reduce the average handling time.

To make it compulsory to equip any new intermodal loading unit with effective security and safety devices in order to combat the risk of stowaways entering the units or undeclared materials being added.

To make it an obligation for all intermodal loading units, including existing ones, to undergo periodic inspections in order to make a satisfactory level of maintenance compulsory.

##### 5.1.2. Measures taken in connection with ex ante evaluation

*Not applicable*

##### 5.1.3. Measures taken following ex post evaluation

*Not applicable*

#### 5.2. Action envisaged and budget intervention arrangements

*Not applicable*

#### 5.3. Methods of implementation

### 6. FINANCIAL IMPACT

Not applicable

6.1. Total financial impact on Part B - (over the entire programming period)

(The method of calculating the total amounts set out in the table below must be explained by the breakdown in Table 6.2. )

6.1.1. Financial intervention

Commitments (in €million to three decimal places)

Breakdown	[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5 and subs. Years]	Total
Action 1							
Action 2							
etc.							
<b>TOTAL</b>							

6.1.2. Technical and administrative assistance, support expenditure and IT expenditure (commitment appropriations)

	[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5 and subs. years]	Total
1) Technical and administrative assistance							
a) Technical assistance offices							
b) Other technical and administrative assistance: - intra muros: - extra muros: <i>of which for construction and maintenance of computerised management systems</i>							
Subtotal 1							
2) Support expenditure							
a) Studies							
b) Meetings of experts							
c) Information and publications							
Subtotal 2							
<b>TOTAL</b>							

## 6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)

(Where there is more than one action, give sufficient detail of the specific measures to be taken for each one to allow the volume and costs of the outputs to be estimated.)

Commitments (in €million to three decimal places)

Breakdown	Type of outputs (projects, files )	Number of outputs (total for years 1...n)	Average unit cost	Total cost (total for years 1...n)
	1	2	3	4=(2X3)
<u>Action 1</u>				
- Measure 1				
- Measure 2				
<u>Action 2</u>				
- Measure 1				
- Measure 2				
- Measure 3				
etc.				
TOTAL COST				

If necessary explain the method of calculation

## 7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

### 7.1. Impact on human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
		Number of permanent posts	Number of temporary posts		
Officials or temporary staff	A	1	1	2	<i>If necessary, a fuller description of the tasks may be annexed.</i>
	B				
	C				
Other human resources					
Total		1	1	2	

## 7.2. Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation *
Officials	108.000 €	
Temporary staff	108.000 €	
Other human resources (specify budget line)		
Total	216.000 €	

The amounts are total expenditure for twelve months.

## 7.3. Other administrative expenditure deriving from the action

Budget line (number and heading)	Amount €	Method of calculation
<b>Overall allocation (Title A7)</b>		
A0701 – Missions		
A07030 – Meetings		
<b>A07031 – Compulsory committees <sup>1</sup></b>	86.000 €	700 €x 15 x 4 = 42.000 € 1.100 €x 10 x 4 = 44.000 €
A07032 – Non-compulsory committees <sup>1</sup>		
A07040 – Conferences		
A0705 – Studies and consultations		
Other expenditure (specify)		
<b>Information systems (A-5001/A-4300)</b>		
<b>Other expenditure - Part A (specify)</b>		
Total	86.000 €	

The amounts are total expenditure for twelve months.

<sup>1</sup> Specify the type of committee and the group to which it belongs.

I.	Annual total (7.2 + 7.3)	302.000 €
II.	Duration of action	3 years
III.	Total cost of action (I x II)	906.000 €

## 8. FOLLOW-UP AND EVALUATION

Not applicable

### 8.1. Follow-up arrangements

### 8.2. Arrangements and schedule for the planned evaluation

## 9. ANTI-FRAUD MEASURES

**IMPACT ASSESSMENT FORM**  
**THE IMPACT OF THE PROPOSAL ON BUSINESS WITH SPECIAL REFERENCE**  
**TO SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)**

**TITLE OF PROPOSAL**

Proposal for Directive 2002/.../EC of the European Parliament and of the Council on intermodal loading units.

**DOCUMENT REFERENCE NUMBER**

COM(...). ....final.

**THE PROPOSAL**

1. Taking account of the principle of subsidiarity, why is Community legislation necessary in this area and what are its main aims?

Under Articles 3(1)(f) and (l) of the Treaty, the activities of the Community include a common policy in the sphere of transport and a policy in the sphere of the environment. Further, under Article 14, the Community's obligations include the free movement of goods, and, under Article 71(1), the Community's transport policy includes measures to improve transport safety, an area where it shares jurisdiction with the Member States. Article 80(2) is the legal basis needed to include the maritime sector in the proposal.

This problem has a Community dimension:

- The creation of the single market requires better movement of goods, and congestion caused by road freight is a problem facing all Member States to varying degrees. About 20% of road freight transport is international. This segment presents the highest growth rates. Member States on their own cannot resolve, in an optimal way, the problems related to the constant increase in international road freight.
- The European Parliament, the Council and the Commission have identified the lack of harmonisation and standardisation of ILUs as an area that hinders the development of intermodality. Currently the handling characteristics of ILUs vary considerably: there are standardised containers, swap bodies and various types of purpose-built ILUs on the market. Considerable effort is required to identify, on a case-by-case basis, the handling characteristics of any single ILU. Also the handling equipment often has to be adjusted or even changed for certain configurations. This complicates and delays handling operations and adds unnecessary costs to intermodality. Community action is necessary to rectify this situation.
- Most Member States have ratified the 'Convention for Safe Containers' adopted at international level. This Convention provides for the approval of containers and their periodic inspection. However, these procedures are not harmonised at

Community level. Community action is therefore necessary to rectify this situation.

- Wear and tear in the use of ILUs can result in safety hazards that have to be eliminated by the maintenance and periodic inspection of these ILUs. These inspections need to be carried out uniformly throughout the Community and ILUs must be able to undergo periodic inspection in any Member State. This requires Community action in order to harmonise inspection procedures.
- The purpose of the proposal is to improve the sustainability and safety of transport, reduce the congestion of infrastructures, particularly roads, and create a more favourable framework for intermodal transport operations by ensuring a high degree of interoperability of ILUs between modes. Community action is the only way to achieve such harmonisation, since Member States acting independently or through international agreements cannot establish the same degree of harmonisation of ILUs or of assessment, reassessment, maintenance or inspection procedures.
- Recognition of the approval certificates issued by the inspection bodies designated by the Member States' competent authorities would contribute towards removing obstacles to the freedom to provide transport services. Such an objective cannot be achieved satisfactorily at another level.
- Community means are needed to harmonise certain characteristics of ILUs. Such harmonisation could not be achieved by national means alone. Interoperability is required for the handling of ILUs wherever they are circulating in the Community. Such interoperability can be achieved only by Community measures. Further, the free movement of goods and services requires that periodic inspections can be carried out in any place in the Community in accordance with the same criteria. There are various national solutions with regard to ILUs, but there is no EILU at European level in practice or as a satisfactory standard. Community action is needed to standardise such an EILU in order to benefit those working in the European industry.

The proposal also has the aim of reducing road congestion by improving the preconditions for intermodal transport operations. If no action is taken, road freight transport will continue to increase, leading to more congestion, accidents and environmental damage. The yearly increase of additional external costs of road transport is estimated at EUR 3 billion. Lack of harmonisation creates continuous costs in Europe by delaying and complicating handling operations. The optimal dimensions of the EILU will accommodate more pallets in one unit than a 40' container. Therefore, fewer ILUs - and lorries - are needed to carry the same amount of goods. EILUs also have an advantage over swap bodies: they have a stacking capability of several layers, which reduces the storage space required, particularly in combined transport freight villages, and enables transportation of several layers where the gauge of the infrastructures used allows this.

The objective of the planned measure is to contribute, directly and immediately, in the market for intermodal freight transport and logistics services, to simplifying intermediate handling operations, reducing the congestion of infrastructures, particularly roads, and improving safety and the environmental performance of



intermodal freight transport. The means proposed (harmonisation, standardisation and recognition) are proportionate to these objectives.

A European Parliament and Council Directive is the appropriate legal instrument to enhance harmonisation and to provide a framework for the standardisation, maintenance and periodic inspections of ILUs.

## **THE IMPACT ON BUSINESS**

### 2. Who will be affected by the proposal?

- which sectors of business?
- which sizes of business (proportion of small and medium-sized firms)?
- are there particular geographical areas of the Community where these businesses are found?

The business sectors that will be affected by harmonisation are the manufacturers, owners, holders and operators of ILUs, terminal operators and transporters.

The proposal will affect large as well as small and medium-sized companies. In fact, whilst rail and sea carriers are usually large companies, this is not the case for road and inland waterways transport, nor for terminal operators. It should be pointed out, however, that the use of EILUs is still optional.

The number of TEU transported in combined transport in all surface modes has been estimated at about 37 million in 1999. Of this total, 25 million TEU were transported in short sea shipping.

The proposal does not distinguish between geographical areas in the Community. The harmonisation of the characteristics of ILUs and the requirement for maintenance and periodic inspection will therefore affect all companies - regardless of their nationality or place of establishment - which manufacture ILUs, put them into circulation or service, or own, hold and/or operate them within the Community.

The provisions which apply to the EILU will affect only those companies that wish to benefit from using such an optimal unit.

### 3. What will business have to do to comply with the proposal?

Manufacturing companies will have to make adjustments to their processes in order to comply with the requirement for harmonised characteristics. Companies which own, hold and/or operate ILUs will have to ensure that their new units fulfil the relevant requirements and bear the mark of conformity and the marking to show that they have been regularly inspected. They will also have to arrange for all their ILUs to be maintained in good shape and to undergo periodic inspections.

The introduction of EILUs will not require any measures in addition to those mentioned in the previous paragraph.

4. What economic effects is the proposal likely to have:
- on employment?
  - on investment and the creation of new businesses?
  - on the competitiveness of businesses?

The proposal is not likely to have an effect on employment.

ILUs would be replaced only when existing equipment comes to the end of its life provided that the ILUs with harmonised interoperability characteristics would not be more expensive than the others. More uniformity in handling operations will facilitate investments in interconnection points.

The new EILU will increase the capacity of units and help slow down the growth of road haulage. Assessment and reassessment of conformity and periodic inspections of ILUs will no doubt promote the adoption of the more solid EILU amongst businesses.

Competitiveness of business in Europe will increase because certain costs relating to handling can be eliminated. The possibility of using the transport system more efficiently will also have similar effects.

5. Does the proposal contain measures to take account of the specific situation of small and medium-sized enterprises (reduced or different requirements etc)?

Large companies can benefit more from economies of scale, in particular, in production processes and in procedures for the assessment or reassessment of conformity and periodic inspection procedures. However, the difference is not such that it would require the adoption of special measures for small and medium-sized enterprises, which will also benefit from the simplification of handling operations. The standardisation should facilitate the creation of new businesses, possibly SMEs, because investment decisions will be easier. The measures will also have an impact in the long term because there is no requirement to replace existing equipment. The safety considerations remain the same for all sizes of company.

Consequently, no specific measures are foreseen to take account of the specific situation of small and medium-sized enterprises.

## CONSULTATION

6. List the organisations which have been consulted about the proposal and outline their main views.

On 17 April 2002, the Commission invited the professional associations concerned (at European level) to give their opinion on a consultation document. The organisations consulted were:

<b>Abbreviation</b>	<b>Organisation</b>
ACEA	Association des Constructeurs européens d'Automobiles
CCFE	Communauté des Chemins de fer européens
CEFIC	European Chemical Industry Council
CEN	Comité européen de Normalisation
CLECAT	Liaison Committee of European Freight Forwarders
EBU	European Barge Union
ECASBA	EC Association of Ship Brokers & Agents
ECG	European Car - Transport Group of Interest
ECSA	EC Shipowners' Association
EFIP	European Federation of Inland Ports
EFLLC	European Freight & Logistics Leaders Club
EIA	European Intermodal Association
EIM	European Infrastructure Managers
ERFCP	European Rail Freight Customers Platform
ESC	European Shippers Council
ESN	European Short Sea Network
ESPO	European Sea Ports Organisation
FEPOT	Federation of European Private Port Operators
FFE	Freight Forward Europe
GETC	Groupement européen pour le TC
INE	Inland Navigation Europe
IRU	International Road Union
ISO	International Standardisation Organisation
MIF	Maritime Industries Forum
O.E.B./E.S.O	Organisation européenne de bateliers
UIC-GTC	Union Internationale des Chemins de Fer - Groupe Transport Combiné
UIRR	Union Internationale des sociétés de transport combiné Rail-Route
UNICE	Union of Industrial and Employer's Confederations of Europe

As well as the written contributions, representatives from these organisations had the opportunity to express their views in a consultation meeting on 22 May 2002.

The general tone of the contributions can be summarised in three points:

- a general consensus on the usefulness of standardising and harmonising certain characteristics of ILUs, without however banning the use of other units;
- disagreement on common dimensions, with people defending the dimensions already used in "their" mode of transport;
- an urgent demand from road hauliers and shipowners to increase the weights and dimensions authorised in road transport to take account of the reality of extra-Community trade, particularly containers which are more than 13.6 m long.