

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 329 final

Brussels, 9 July 1976

AMENDMENTS TO
THE PROPOSAL FOR A COUNCIL REGULATION (EEC) ON THE COMMUNITY
QUOTA FOR THE CARRIAGE OF GOODS BY ROAD BETWEEN MEMBER STATES

(submitted to the Council by the Commission pursuant to
the second paragraph of Article 149 of the EEC Treaty)

COM(76) 329 final

EXPLANATORY MEMORANDUM

The application of the Community quota system introduced by Council Regulation (EEC) N° 1018/68 (1) of 19 July 1968 was extended by Regulation (EEC) N° 3331/75 (2) of 18 December 1975, among others, as the Council was unable to act in time on all the provisions of the proposal which the Commission had presented in this connection on 10 October 1975.

After re-examining the matter, and bearing in mind certain opinions delivered in the meantime by various relevant bodies on the initial proposal, the Commission considers that the proposal should be amended on the basis of Article 149 of the Treaty as set out below. The Commission formulated the amendments for the following reasons :-

- Article 2

- Paragraph 2

As two Annexes are necessary they should be numbered.

- Article 3

- Paragraph 1

Article 3 of the initial proposal contains provisions relating to 1976. As those provisions must now cover 1977, they must be amended.

(1) OJ L 175, 23 July 1968, p. 13

(2) OJ L 329, 23 December 1975, p. 9

- Paragraph 2

An examination of the record sheets shows that the number of multilateral transport operations is still increasing. Furthermore, the Community quota system must be taken beyond the initial experimental phase and into the second stage where it will act as a catalyst of Community integration from its current in road haulage.

Thus, as the current Community quota involves only some 4 million tonnes of the goods carried by road between the Member States, which represents :-

- less than 4.50 % of the volume of goods carried by road between the Member States,
- less than 1.2 % of the volume of goods carried between the Member States by the three inland modes of transport,
- less than 0.20 % of the volume of goods carried in international and national transport operations within the Community,

having regard also to the likely economic upturn and the fact that various bilateral quotas are insufficient for certain traffic flows between Member States, the Commission is of the opinion that the Community quota should be made sufficient to cover in 1977 at least twice the present volume, although without causing market upheaval.

As far as the allocation of quotas is concerned, the Commission proposed to increase the quota granted to each Member State on the following basis :-

- 50 % across the board, to take into account the peripheral situation of certain Member States,
- 50 % on the basis of the Community authorizations used in 1974, expressed in tonne-km.

- Paragraph 3

As set out in paragraph 2 there is a need to increase the Community quota. In this proposal the Commission confines itself to advocating a revision of the Community quota/^{for 1977} and its division between the Member States : to avoid any misunderstanding the Commission would emphasise that it is in no way seeking to "pre-empt" the final system by means of this proposal for amendments.

In this context there is no need to mention any consultations with the Committee referred to in Article 6 (1) (a) of the proposal for a Council Regulation concerning a system for observing the markets for the carriage of goods by rail, road and inland waterways between the Member States (1). Such consultations will be provided in the proposal for a Regulation.

- Paragraph 4

- (a) This subparagraph is now superfluous because this proposal for amendments to the 1975 proposal already covers 1977
- (b) In the light of portions taken in various forums, the Commission has not provided, in this proposal, for predetermined mechanisms designed to increase the Community quota automatically; consequently, the proposal does not still contain the provision for the quota to be increased by 20 % where the Council has not made a decision in due time. All that is provided for in the proposal is that the Community quota would be held at its existing level, if the Council had not taken a decision in respect of a particular year, on the basis of an amending proposal from the Commission.

- Article 3 (a)

To enable the Member States and the Commission to obtain information on the use of Community authorizations, it is proposed that transport report should still continue although the Commission previously planned to abolish it, notably on the grounds of the cost of operating it.

- (1) Commission proposal of 1 October 1975
OJ C 1, 5 January 1976, p. 37

ARTICLES

Initial proposal

New proposal

Article 2

Article 2

1. Community authorization shall entitle their holders to effect, over all transport links between the Member States, the carriage of goods by road of the type specified in Article 1, with the exception of internal transport operations within the territory of a Member State, and to effect journeys unladen throughout the Community.

1. Unchanged.

2. Community authorizations shall correspond to the model contained in the Annex. This Annex, which forms an integral part of this Regulation, also lays down the conditions of use of the Community authorizations.

2. Community authorizations shall correspond to the model in Annex I. This Annex, which forms an integral part of the present Regulation, also lays down the conditions of use of the Community authorizations.

3. Community authorizations shall be made out in the name of a carrier. They may not be transferred to third parties.

3. Unchanged.

Each authorization may be used for only one vehicle at the same time. It shall be carried on the vehicle and produced at the request of any authorized inspecting officer.

"Vehicle" means a single vehicle or a coupled combination of vehicles.

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| 4. Community authorizations shall be valid for one calendar year. | 4. Unchanged. |
| 5. Community authorizations shall be allocated by the Commission to the Member States for the purpose of issuing them to carriers. | 5. Unchanged. |
| 6. Community authorizations shall, in accordance with the relevant national procedures, be issued by the competent authorities of the Member States, in respect of carriers established on their territory, within the limits of the total number of authorizations allocated to each Member State. | 6. Unchanged. |
| 7. The issuing of a Community authorization shall be subject to a fee to cover the costs of administration and inspection. | 7. Unchanged. |

Article 3

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| 1. For 1976 the quota shall consist of 4 726 authorizations. | 1. For <u>1977</u> the quota shall comprise 4 726 authorizations. |
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2. The number of Community authorizations allocated to each Member State shall be as follows :

Belgium	:	496
Denmark	:	298
Germany	:	994
France	:	826
Ireland	:	79
Italy	:	615
Luxembourg	:	142
Netherlands	:	835
United Kingdom:		441

3. For each of the following years the Council, on a proposal by the Commission, shall decide, by 30 November of the previous year, on the quota and the number of authorizations to be allocated to each Member State. These proposals shall be drawn up after consultation with the Committee referred to in Article 6 (i) a) of Regulation (EEC) No. (1).

4. (a) If, by the date fixed in paragraph 3 above, the Council has reached no decision in respect of 1977, the quota and numbers of authorizations set out in paragraph 1 and 2 shall remain the same for that year.

(b) If, by the date fixed in paragraph 3 above, the Council has reached no decision in respect of any later year, the current quota and numbers of authorizations shall be increased by 20%.

2. The number of Community authorizations allocated to each Member State shall be as follows :

Belgium	:	<u>524</u>
Denmark	:	<u>332</u>
Germany	:	<u>906</u>
France	:	<u>787</u>
Ireland	:	<u>83</u>
Italy	:	<u>706</u>
Luxembourg	:	<u>130</u>
Netherlands	:	<u>783</u>
United Kingdom:		<u>475</u>

3. For each of the subsequent years the Council, on a proposal from the Commission, shall decide, by 30 November of the previous year, on any increase in the Community quota and on the allocation to the Member States of the extra authorizations resulting therefrom.

4 (a) Deleted

b) becomes 4.

If, by the date fixed in paragraph 3 above, the Council has reached no decision in respect of any later year, the current quota and numbers of authorizations shall be maintained.

Article 3 (a)

1. Transport operations effected under a Community authorization shall be entered on record sheets. Annex II contains the model of such record sheets together with the general provisions for the use and supply of information concerning the abovementioned operations. This Annex forms an integral part of this Regulation.

2. The competent authorities of the Member States shall forward to the Commission the information received in respect of each six-month period, in anonymous form, within two months of the end of the six-month period concerned.

3. The information referred to in the preceding paragraphs may only be used for statistical purposes. It shall not be used for tax purposes nor shall it be communicated to third parties.

Article 6

This Regulation shall enter into force on 1 January 1977.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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Initial proposal

Annex

(a) (First page of Community authorization)

New proposal

Annex I

(a) unchanged

(b)

(Second page of Community authorization)

(b) unchanged

(Text to be worded in the official language or languages of the Member State issuing the authorizations; translations in the other official languages of the Community to be given on pages (c) and (d)).

GENERAL PROVISIONS

GENERAL PROVISIONS

This authorization permits the international carriage of goods by road for hire or reward from any Member State of the European Economic Community by any route to any other Member State, but does not authorize the carrying out of any transport operation entirely within the territory of one Member State.

unchanged

It is not valid for transport operations between a Member State and a non-Member State, nor is it valid on the territory of a non-Member State for transport in transit through that non-Member State.

unchanged

It is personal to the holder and non-transferable.

unchanged

It may be used for only one vehicle at the same time (1) and must be carried in that vehicle.

It may be used for only one vehicle at the same time.

It must be carried in that vehicle and must be accompanied by a book of record sheets for all international transport operations effected under

The authorization must be produced whenever required by an authorized inspecting officer.

The authorization and the book of record sheets for international transport operations must be produced together whenever required by an authorized inspecting officer.

(1) "Vehicle" means a single vehicle or a coupled combination of vehicles.

(b)

(Continuation of second page of
Community authorization)

The holder is required to comply
in the territory of each Member State
with the laws, regulation and admi-
nistrative provisions of that State,
and in particular with those con-
cerning transport and road traffic.

This authorization must be re-
turned to the competent issuing
authority or agency within fifteen
days of its date of expiry.

unchanged.

unchanged.

unchanged.

Initial proposal

New proposal

Annex II

The provisions of Annex II to Regulation No 2829/72 on transport record sheets shall be included in full.

FINANCIAL ANNEX

The coding and taping of the data on Transport has to date cost the Commission 66.66 u.a. per authorization.

For 1977 the 4,726 authorizations will therefore involve an expenditure of 315,036 u.a. under Article 264 of the Commission Budget.

No provision for the 315,036 u.a. required appears in the preliminary draft 1977 Budget forwarded to the Budgeting Authority. The work in question cannot, therefore, be carried out until the Budgeting Authority gives permission for this amount to be transferred from Chapter 101 of the 1977 Budget.

For each year thereafter the expenditure will have to be adjusted in accordance with the number of authorizations granted at 1 January of the Budget year concerned.
