

# COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 08.12.1994

Proposal for a

## COUNCIL REGULATION (EC)

amending Regulation (EEC) N° 3118/93 laying down the conditions under which  
non-resident carriers may operate national road haulage services  
within a Member State

(presented by the Commission)



EXPLANATORY MEMORANDUMI. Enlargement of the Community :

1. Regulation No 3118/93<sup>1</sup> lays down the number of cabotage authorizations and the allocation of these authorizations among the twelve Community member States for the period 1 January 1994 to 30 June 1998.
2. In view of the accession of Austria, Finland and Sweden to the Community on 1 January 1995, Regulation 3118/93 should be adjusted in the light of the new situation following enlargement.
3. Regarding the 12 existing Member States, the number of cabotage authorizations should be increased to allow for the fact that authorizations can be used in a wider area, 15 national markets instead of 12 national markets. The most appropriate criterion to be used is the number of tonne-kilometres (tkm) worked by road hauliers of the Member States (including Austria, Finland and Sweden) in each of their national markets. Following this criterion and using data for 1990 (the latest available) leads to an increase of :

3.99 % due to the inclusion of Finland from 1 January 1995,  
 4.17 % due to the inclusion of Sweden from 1 January 1995, and  
 0.94 % due to the inclusion of Austria, but only from 1 January 1997 in  
 the case of Austria, the date agreed in Article 13 of Protocol N° 9 on road,  
 rail and combined transport in Austria<sup>2</sup>

For 1995, this results in an extra 3190 authorizations for the twelve existing Member States as follows :

Belgium :	276
Denmark :	267
Germany :	452
Greece :	122
Spain :	286
France :	373
Ireland :	125
Italy :	374
Luxembourg :	129
Netherlands :	389
Portugal :	162
United Kingdom:	235

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<sup>1</sup> OJ No L. 279, 12.11.1993, p.1

<sup>2</sup> OJ No C 241, 29.8.1994, p. 361

4. Regarding Austria, Finland and Sweden, the number of cabotage authorizations to be allocated should reflect the relative activity of Austrian, Finnish and Swedish hauliers on the international market between the 15 Member States.

The most appropriate criterion to be used is the number of tonne-kilometres (tkm) worked by road hauliers of the Member States (including Austria, Finland and Sweden) in bilateral international transport between the 15 Member States, for which the most recent data available is 1990.

5. Insertion of the number of tkm worked by Austrian, Finnish and Swedish hauliers (in bilateral international transport between the 15 Member States) into the relationship between tkm and number of cabotage authorizations for the existing 12 Member States enables the appropriate number of cabotage authorizations for Austria, Finland and Sweden to be calculated.

Consequently, the number of authorizations proposed for the new Member States is :

Finland	1774	authorizations for 1995,
Sweden	2328	authorizations for 1995,
Austria	2466	notional authorizations for 1995 as basis for calculating authorizations for 1997.

6. Combining the number of authorizations laid down in Article 2(3) of Regulation 3118/93 with the results of paragraphs 3 and 5 leads to the number of authorizations shown in Table 1 (for 1995 and 1996) and Table 2 (for 1997 and 1998).

## II. Technical adjustments

7. With a view to administrative simplification, it is proposed that the authorizations printed by the Commission should only be in the official language(s) of the Member State issuing the authorization.
8. When the 1994 authorizations were ordered from the printers, the number (3118/93) of the cabotage regulation was still unknown, hence it could not be shown on the authorization. Inclusion of a reference to Regulation (EEC) N° 3118/93 on the authorization would have the advantage that it will be clear to what regulation the authorization refers.
9. Footnote 1 on the authorization (and the Book of Record Sheets) showing which distinguishing signs of Member States are to be used has necessarily to be amended.

10. The list of countries which need to be coded by hauliers will be increased on accession of Finland and Sweden and again on 1.1.97 for Austria. The proposed wording will enable one type of Book of Record Sheets to be used until 30 June 1998.
11. The information to be supplied by Member States to the Commission, specified in Annex IV, has to be extended to the new Member States; the list in the new Annex IV prescribes the order in which information for the Member States shall be supplied.

### III Transitional arrangements

12. Because the cabotage authorizations for use in early 1995 had to be ordered by the Commission from the printers well before the results of all the referenda were known, it is proposed that the existing EEA arrangements which already cover the 12 existing Member States plus Finland and Sweden are extended for 6 months. This means that for the first 6 months of 1995, the cabotage authorizations will be of the following form:

12 existing Member States. As in Regulation 3118/93, i.e. with the "Authorization" and "General Provisions" in 9 languages.

Finland and Sweden. "Authorization" in 13 languages and "General Provisions" in 1 language (Finnish or Swedish, respectively).

13. The 12 existing Member States may still have stocks of the current "Book of Record Sheets" as described in the existing Regulation 3118/93. In order that these stocks should not be wasted, it is proposed that the current Books of Record sheets can be used until 31 December 1995. Similarly, Finland and Sweden may still have stocks of the "Book of Record Sheets" as prescribed in the EEA arrangements, it is proposed that these Books of Record Sheets can also be used until 31 December 1995.

**TABLE 1****NUMBER OF AUTHORIZATIONS**

	1995			1996	
	Regulation 3118/93	Due to inclusion of FIN, S		TOTAL	(1995 +30%)
		Additional 8.16 %	By formula		
BELGIUM	3371	276		3647	4742
DENMARK	3271	267		3538	4600
GERMANY	5528	452		5980	7774
GREECE	1490	122		1612	2096
SPAIN	3495	286		3781	4916
FRANCE	4571	373		4944	6428
IRELAND	1520	125		1645	2139
ITALY	4576	374		4950	6435
LUXEMBOURG	1570	129		1699	2209
NETHERLANDS	4761	389		5150	6695
PORTUGAL	1983	162		2145	2789
UNITED KINGDOM	2868	235		3103	4034
<b>SUB-TOTAL</b>	<b>39004</b>	<b>3190</b>		<b>42194</b>	<b>54857</b>
FINLAND		1774		1774	2307
SWEDEN		2328		2328	3027
<b>SUB-TOTAL</b>		<b>4102</b>		<b>4102</b>	<b>5334</b>
<b>TOTAL</b>	<b>39004</b>	<b>7292</b>		<b>46296</b>	<b>60191</b>
(AUSTRIA)		(2466)			(3206)

**TABLE 2**

## NUMBER OF AUTHORIZATIONS

	1997			1998
	(1996 + 30%)	Due to inclusion of Austria Additional 0.94%	TOTAL	1/2 (1997 +30%)
BELGIUM	6165	58	6223	4045
DENMARK	5980	57	6037	3925
GERMANY	10107	96	10203	6632
GREECE	2725	26	2751	1789
SPAIN	6391	61	6452	4194
FRANCE	8357	79	8436	5484
IRELAND	2781	27	2808	1826
ITALY	8366	79	8445	5490
LUXEMBOURG	2872	27	2899	1885
NETHERLANDS	8704	82	8786	5711
PORTUGAL	3626	35	3661	2380
UNITED KINGDOM	5245	50	5295	3442
<b>SUB-TOTAL</b>	<b>71319</b>	<b>677</b>	<b>71996</b>	<b>46803</b>
FINLAND	3000	29	3029	1969
SWEDEN	3936	37	3973	2583
<b>SUB-TOTAL</b>	<b>6936</b>	<b>66</b>	<b>7002</b>	<b>4552</b>
AUSTRIA	4168	40	4208	2736
<b>TOTAL</b>	<b>82423</b>	<b>783</b>	<b>83206</b>	<b>54091</b>

PROPOSAL FOR A  
COUNCIL REGULATION (EC)

amending Regulation (EEC) No 3118/93 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State.

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Norway, Austria, Finland and Sweden, and in particular Article 169 thereof<sup>1</sup>,

Having regard to the proposal from the Commission<sup>2</sup>,

Whereas pursuant to the Accession of Austria, Finland and Sweden, Regulation (EEC) No 3118/93<sup>3</sup> should be amended in order to allocate an appropriate number of Community cabotage authorizations to Austria, Finland and Sweden;

Whereas by virtue of Article 13 of Protocol N° 9 on road, rail and combined transport in Austria as annexed to the Act of Accession of Norway, Austria, Finland and Sweden, the provisions of Regulation (EEC) N° 3118/93 shall only apply from 1 January 1997 to (a) hauliers with a Community authorization issued by the competent authorities in Austria for the operation of national road haulage services in other Member States and b) hauliers with a Community authorization issued by the competent authorities in another member State for the operation of national road haulage services in Austria.

Whereas the enlargement of the Community will result in an increase of the road haulage market; whereas an additional number of Community cabotage authorizations should therefore be fixed for the twelve present Member States;

Whereas, by reason of accession, a number of technical adjustments should also be made to Regulation (EEC) No 3118/93;

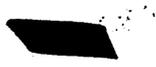
Whereas it is necessary to continue, temporarily, arrangements set up in the framework of the Agreement on the European Economic Area (EEA), so that the cabotage authorizations for the beginning of 1995 can be printed in due time;

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<sup>1</sup> OJ No C 241, 29.8.1994

<sup>2</sup> .....

<sup>3</sup> OJ No L 279, 12.11.1993, p.1



Whereas by virtue of Article 2(3) of the Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures pursuant to Article 169 of the Act, such measures entering into force subject to, and on the date of, the entry into force of the said Treaty;

**HAS ADOPTED THIS REGULATION**

**Article 1**

Regulation (EEC) No 3118/93 is hereby amended as follows :

1. In Article 2 (1), the third subparagraph shall be replaced by the following :

‘A Community cabotage quota shall consist of cabotage authorizations, each valid for two months, in accordance with the following table :

Year	Number of authorizations
1994	30.000
1995	46.296
1996	60.191
1997	83.206
1 January to 30 June 1998	54.091’

2. The table in Article 2(3) shall be modified as follows :

	1995	1996	1997	1 January to 30 June 98
Belgium	3647	4742	6223	4045
Denmark	3538	4600	6037	3925
Germany	5980	7774	10203	6632
Greece	1612	2096	2751	1789
Spain	3781	4916	6452	4194
France	4944	6428	8436	5484
Ireland	1645	2139	2808	1826
Italy	4950	6435	8445	5490
Luxembourg	1699	2209	2899	1885
Netherlands	5150	6695	8786	5711
Austria	0	0	4208	2736
Portugal	2145	2789	3661	2380
Finland	1774	2307	3029	1969
Sweden	2328	3027	3973	2583
United Kingdom	3103	4034	5295	3442

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3. The top of pages (a) and (b) of Annexes I and II shall be replaced by the following :  
'(Text to be worded in the official language(s) or one of the official languages of the Member State issuing the authorisation)'  
Pages (c), (d), (e) and (f) shall subsequently be deleted.

4. The centre of page (a) of Annexes I and II shall be replaced by the following :  
'CABOTAGE Authorization No .....  
for the national carriage of goods by road in a Member State of the European Community performed by a non-resident carrier (cabotage).

This authorization entitles .....  
.....  
.....  
to carry goods by means of a motor vehicle or a coupled combination of vehicles, within a Member State of the European Community other than that in which the holder of this authorization is established, and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community, as laid down in Council Regulation (EEC) No 3118/93 of 25 October 1993 and subject to the general provisions of this authorization'.

5. Footnote 1 on page (a) of Annexes I, II and III shall be replaced by the following  
'Distinguishing signs of the country :  
Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Austria (A), Portugal (P), Finland (FIN), Sweden (S), United Kingdom (GB)'

6. The top of pages (a) and (b) of Annex III shall be replaced by the following :  
'(Text to be worded in the official language(s) or one of the official languages of the Member State issuing the book)'

7. The heading "Column 6" on page (c) of Annex III shall be replaced by the following :

'Column 6 : use the following distinguishing signs :

- Belgium : B
- Denmark : DK
- Germany : D
- Greece : GR
- Spain : E
- France : F
- Ireland : IRL
- Italy : I
- Luxembourg : L
- Netherlands : NL



Portugal : P  
Finland : FIN  
Sweden : S  
United Kingdom : GB

and from 1 January 1997  
Austria : A<sup>4</sup>

8. Annex IV shall be replaced by the Annex to this Regulation

Article 2

1. Until 30 June 1995, the cabotage authorizations to be used by hauliers established in the present Member States shall correspond to the models in Annexes I and II of Regulation (EEC) No. 3118/93. Until the same date, the cabotage authorizations to be used by hauliers established in Finland and Sweden shall correspond to the models in Annexes I and II of Appendix 2 to Annex XIII to the EEA Agreement, as amended by Decision 7/94 of the EEA Joint Committee<sup>4</sup>.
2. The present Member States may authorise the use of books of record sheets specified in Annex III of Regulation (EEC) No 3118/93 until 31 December 1995 at the latest; the other Member States shall accept these books of record sheets on their territory until 31 December 1995. Until the same date, Finland and Sweden may authorise the use of books of record sheets specified in Annex III of Appendix 2 to Annex XIII to the EEA Agreement, as amended by Decision 7/94 of the EEA Joint Committee.

Article 3

This Regulation shall enter into force on 1 January 1995, subject to the entry into force of the Treaty of Accession of Norway, Austria, Finland and Sweden.

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

Done at .....

For the Council  
The President

.....

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<sup>4</sup> OJ No L 160 of 28.6.1994, p. 1

'ANNEX IV

TRANSPORT OPERATIONS CARRIED OUT IN ..... (QUARTER) ..... (YEAR)  
 UNDER COVER OF COMMUNITY CABOTAGE AUTHORIZATIONS ISSUED BY  
 ..... (DISTINGUISHING SIGN OF THE COUNTRY)

Country of loading and unloading	Number of	
	Tonnes carried	Tonne-kilometres worked (in thousands)
D F I NL B L GB IRL DK GR E P FIN S A <sup>1</sup>		
<b>Total cabotage :</b>		

<sup>1</sup> Information on Austria only to be supplied as from the first quarter of 1997



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# DOCUMENTS

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