

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 630 final.

Brussels, 29 November 1976.

Proposal for a
Decision of the Council amending Council Decision N° 65/271/EEC
of 13 May 1965 on the harmonization of certain provisions affecting
competition in transport by rail, road and inland waterway

(submitted to the Council by the Commission)

COM(76) 630 final.

EXPLANATORY MEMORANDUM

1. Article 15 of Council Decision N° 65/271/EEC of 13 May 1965¹ on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway provides that every two years the Commission shall present to the Council a report on the implementation of that Decision and shall, where appropriate, make proposals to amend or supplement it as the establishment of the common market and the development of the common transport policy may require; since then five reports have been presented to the Council, the most recent being dated 20 June 1975 (2).

2. As regards Section I (taxation), the present situation is as follows:

Article 1

- (a) there is a tendency to solve the problem of the abolition of double taxation of motor vehicles, at least provisionally, by changing the national taxation systems for commercial vehicles.
- (b) the duty-free admission of fuel contained in the fuel tanks of commercial motor vehicles was the subject of a proposal for a Directive amending the Council Directive of 19 July 1968 which provided that no more than 50 litres of fuel could be admitted duty-free, whereas the absence of any Community provisions on the duty-free admission of fuel contained in the fuel tanks of inland waterway vessels does not give rise to any problems as imports of such fuel are not subject to taxation in any Member State provided that certain conditions are observed.

Article 2

The adoption of a uniform basis for the calculation of tax on motor vehicles was the subject of a proposal for a first Directive in 1969 concerning changes to the national taxation systems in respect of commercial vehicles. As there are no taxes on inland waterway vessels in the Member States, the Commission considers that there is no immediate need to present proposals on a uniform basis for calculating such taxes and that it should rather devote its efforts to implementing other more urgently required provisions.

Article 3

The provisions relating to the alignment of specific taxation systems in respect of the carriage of goods for hire or reward and on own account became binding when the common system of turnover tax was introduced.

Article 4

Value added tax on the carriage of goods is charged in nearly all the Member States, be it on the transport operation or the final product.

(1) OJ 88, 24 May 1965, p. 1500/65

(2) Doc. COM (75) 301 final

3. Section II (provisions concerning certain kinds of State intervention) of the Decision of 13 May 1965 has been implemented in full.

Articles 5 and 6 concerning the abolition of obligations inherent in the concept of a public service were the subject of Council Regulation (EEC) No 1191/69 of 26 June 1969(1) on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway.

Article 7 on the normalization of the accounts of railway undertakings was the subject of Council Regulation (EEC) No 1192/69 of 29 June 1969 (2) on common rules for the normalization of the accounts of railway undertakings.

Article 8 which relates to the harmonization of the rules governing the financial relations between railway undertakings and Member States, led to the adoption of Council Decision n° 75/327/EEC of 20 May 1975 (3) on the improvement of the situation of railway undertakings and the harmonization of rules governing financial relations between such undertakings and States.

Finally, Article 9, which concerns the grant of aids in respect of transport by rail, road and inland waterway, was the subject of Council Regulation (EEC) No 1107/70 of 4 June 1970 (4) on the granting of aids for transport by rail, road and inland waterway, as amended by Council Regulation (EEC) No 1473/75 of 20 May 1975 (5).

Furthermore, Article 14 of the Council Decision of 20 May 1975 provides that every two years the Commission shall present to the Council a report on the implementation by the Member States of this Decision and of Regulations (EEC) Nos 1191/69, 1192/69 and 1107/70. This new report will include information which could be given in the report referred to in the Decision of 13 May 1965.

4. As regards Section III (social provisions, Articles 10 to 13), Article 17 of Council Regulation (EEC) No 543/69 of 25 March 1969 (6) on the harmonization of certain social legislation relating to road transport provides that each year the Commission shall present to the Council a report on the implementation of this Regulation. Similar provisions are included in the proposal for a Council Regulation on the harmonization of certain social provisions relating to goods transport by inland waterway (7) currently pending before the Council.

Similar provisions will be drawn up in due course for the rail sector.

5. In view of the foregoing, the report provided for in Article 15 of the Decision of 13 May 1965 overlaps other more comprehensive reports to a large extent and is therefore no longer of much value. The Council has not even examined the most recent reports.

(1) OJ L 156 - 28.6.1969

(2) OJ L 156 - 28.6.1969

(3) OJ L 152 - 12.6.1975

(4) OJ L 130 - 15.6.1970

(5) OJ L 152 - 12.6.1975

(6) OJ L 77 - 29.3.1969

(7) OJ C 259 - 12.11.1975, p. 2

It would therefore seem advisable to abolish the regular presentation of the report in question and for this purpose to delete Article 15 of Council Decision No 65/271/EEC of 13 May 1965.

PROPOSAL FOR A

Decision of the Council ofamending Decision 65/271/EEC on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway

THE COUNCIL OF THE EUROPEAN COMMUNITIES

having regard to the Treaty establishing the European Economic Community, and in particular Articles 75 and 99 thereof,

having regard to the proposal from the Commission,

having regard to the Opinion of the European Parliament,

having regard to the Opinion of the Economic and Social Committee

whereas Article 15 of Council Decision 65/271/EEC of 13 May 1965 on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway (1) provides that every two years the Commission shall present to the Council a report on the implementation of that Decision and shall, where appropriate, make proposals to amend or supplement it as the establishment of the common market and the development of the common transport policy may require; whereas in compliance with this provision five reports have been presented to the Council, the most recent being dated 20 June 1975 (2);

whereas, in respect of Section I (taxation), the objectives laid down in Articles 3 and 4 have been achieved almost in their entirety, and whereas proposals are being examined by the Council with regard to Articles 1 and 2;

whereas Section II (provisions concerning certain kinds of State intervention) has been implemented in full; whereas Article 14 of Council Decision 75/327/EEC of 20 May 1975 on the improvement of the situation of railway undertakings and the harmonization of rules governing financial relations between such undertakings and States (3) provides that every two years the Commission shall submit to the Council a report on the implementation by Member States of that Decision and of Council Regulations (EEC) Nos 1191/69 of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway (4), 1192/69 of 26 June 1969 on common rules for the normalization of the accounts of railway undertakings (5) and 1107/70 of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway (6); whereas as far as this Section is concerned that report covers all the items which could be included in the report provided for in the Decision of 13 May 1965;

whereas, in respect of Section III (social provisions), Article 17 of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport (7) provides that every two years the Commission shall present to the Council a report on the implementation of that Regulation; whereas similar provisions will be laid down in other Regulations relating to the inland waterway and rail sectors;

(1) OJ 88 - 24.5.1965, p. 1500/65

(2) Doc. COM (75) 301 final

(3) OJ L 152 - 12.6.1975, p. 3

(4) OJ L 156 - 28.6.1969

(5) OJ L 156 - 28.6.1969

(6) OJ L 130 - 15.6.1970

(7) OJ L 77 - 29.3.1969, p. 49

Whereas in these circumstances it is clear that the report provided for in Article L5 of the Decision of 15 May 1965 to a large extent duplicates other more comprehensive reports;
HAS ADOPTED THIS DECISION :

Article 1

Article 15 of Council Decision No 65/271/EEC of 13 May 1965 on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway is hereby repealed.

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

For the Council;
the president

