

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 716 final

Brussels, 14 January 1982.

Proposal for a

COUNCIL DECISION

on the collection of information concerning the activities of  
road hauliers participating in the carriage of goods to and from  
certain non-member countries

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(submitted to the Council by the Commission)

COM(81) 716 final

EXPLANATORY MEMORANDUM

1. The problem caused by the activities of road hauliers of certain state-trading countries of Eastern Europe has been under examination for some time in the Community.

In its Opinion on the EEC's transport problems with East European countries, adopted at its 153rd plenary session held on 23 and 24 November 1977, the Economic and Social Committee of the European Communities concluded that road haulage is affected by the expansion of the Eastern bloc countries' share of traffic, which is threatening the survival of Western operators (1).

The Advisory Committee on Transport of the Commission of the European Communities in its Opinion on transport problems in the context of East-West relations (2), pointed to the imbalance in the division of freight business, gave a detailed analysis of transport conditions in East-West traffic, and discussed possible measures to remedy the situation. Moreover, the European Parliament's Committee on Regional Policy, Regional Planning and Transport gave its Opinion on the matter in January 1978(3), and the European Parliament, in adopting a Resolution on the present state of relations between the European Communities and Eastern European state-trading countries and COMECON, requested the Council and the Commission to put in order the penetration of state-trading countries in European transport markets (4).

2. Subsequently, the Commission, at the 521st Council meeting on 12 June 1978, called for a meeting of senior civil officials from the Member States' departments responsible for the carriage of goods by road so that views could be exchanged on what steps may have to be taken in relation to the carriage of goods on East-West links.

Analysis of the situation

3. The activities of the road hauliers of certain state-trading countries of Eastern Europe and the imbalance of road transport relations between Member States and these countries have been under detailed examination.

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(1) Publication Division, Economic and Social Committee, 1977.

(2) Doc. VII/79/78.

(3) PE 50.003/déf.

(4) PE 51.342/déf.

The basic feature of the situation is an imbalance of shares of road hauliers of Member States and East bloc countries in bilateral East-West traffic. Although road haulage does not as yet account for a large part of total traffic of goods between Community Member States and Eastern Europe, road traffic is increasing steadily in tonnage as well as in share of total traffic. The percentage of East/West traffic accounted for by Community carriers varies considerably from one traffic link to another, but is in general far less than 50%.

4. The background of this situation is the fundamental difference in the two economic systems. In fact, the road hauliers of state-trading countries compete with Community hauliers using methods to which Member States' operators have no effective commercial answer, however efficient they may be. These methods include controlling the terms of transport in bilateral trades and restricting the freedom of road hauliers of Member States to establish agencies in state-trading countries while remaining free to establish agencies in Member States. Generally speaking, a situation of free competition between road hauliers does not exist, nor does the freedom of choice of carrier for the users. Moreover, the basic conditions regarding price formation differ between undertakings in East and West. As a result of this, East European carriers undercut transport prices formed on the free market.

There are other barriers such as the imposition of transit taxes, visas, toll, etc., which work to the disadvantage of Western operators, since East bloc carriers are in general subject to different operating and cost conditions.

5. In view of the fact that all Member States face the same situation which works to the detriment of their national road haulage industry, there is a clear case for preparing action at Community level.

#### Other considerations

6. Preparation of action is even more justified because attempts (multilateral and bilateral) to correct the situation have up until now failed to produce results. In the Final Act of the Conference on Security and Cooperation in Europe, Helsinki, 8 January 1975, the participating states expressed the view that the improvement of transport conditions was one of the factors essential to the development of cooperation among them and that a solution to existing

problems must be encouraged. To this end participating states expressed their readiness to develop the development of international carriage by land and inland waterways, as well as opportunities for appropriate participation in these transport operations on the basis of reciprocal advantages.

Six years after the Final Act was signed, and three years after the review conference took place in Belgrade, it is clear that East-West carriage of goods by road has not developed in accordance with the spirit of the objective of reasonable participation.

7. There are numerous bilateral agreements on road transport between Member States and state-trading countries. Most of them are geared to equitable participation by giving the same number of licences or authorizations to both parties to the agreement. However, most of these bilateral agreements have not produced the equitable participation expected from them.

#### The present proposal

8. The Commission has come to the conclusion that it is desirable to follow the activities of hauliers of state-trading countries at Community level with a view to putting Member States in a better position to respond to the threat directed against their national road haulage industry by East bloc carriers.

**COMMENTS ON INDIVIDUAL ARTICLES:**

**Article 1**

This article provides for the establishment by Member States of appropriate measures to collect certain information. Furthermore, together with the Annexes, it specifies the information to be collected by Member States and the countries from which the information is sought.

**Article 2**

This article invites the Member States to forward the information concerned to the Commission, depending on the kind of information, on an annual or quarterly basis.

**Article 3**

This article provides for the summarizing of the information concerned and the drafting of an annual report on that basis by the Commission.

**Articles 4, 5 and 6**

**No comment.**

**Proposal for a  
Council Decision**

on the collection of information concerning  
the activities of road hauliers participating  
in the carriage of goods to and from certain non-  
member countries

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**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 213 thereof,

Having regard to the draft Decision submitted by the Commission,

Having regard to the opinion of the European Parliament<sup>1</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>2</sup>,

Whereas the Communities' economic and trading interests require an international  
road haulage situation in which efficient Community hauliers can compete under  
normal commercial conditions with road hauliers of non-member countries;

Whereas this is in the interest of shippers' ability to choose and the  
freedom of international trade;

Whereas, however, the existence of distortions of competitive conditions  
between hauliers based in the Community and those of state-trading countries  
creates disadvantages for the former;

Whereas in particular state-trading countries apply in road haulage  
trade practices such as prices which do not reflect costs as established in  
accordance with normal market rules, control of terms of trade, and the  
imposition of administrative and other barriers;

Whereas the means of overcoming these difficulties should be examined;

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Whereas it is appropriate to establish the exchange of information enabling the institutions of the Community to be informed of developments in road transport relations with state-trading countries,

HAS ADOPTED THIS DECISION:

Article 1

Each Member State shall take the necessary measures to collect as from 1 January 1983 the information specified in Annex I with respect to the transport of goods by road between the Member States and the countries specified in Annex II.

Article 2

1. The information specified in items 1 and 2 of Annex I, which shall be collected annually, shall be forwarded by the Member States to the Commission as soon as possible and in any case not later than three months after the end of the period concerned.
2. The information specified in items 3 to 6 of Annex I, which shall be collected quarterly, shall be forwarded by the Member States as soon as possible and in any case not later than three months after the end of the period concerned.

Article 3

The Commission shall, each year on the basis of information received from the Member States, draw up a report to the Council on the development of the road transport relations of Member States with the non-member countries specified in Annex II in respect of the previous year. The first report shall be made before 1 June 1984 and subsequent reports shall be made before the same date year.

Article 4

The information provided for in this Decision shall be covered by the principle of professional secrecy.

Article 5

The Member States shall, as soon as possible and not later than 31 December 1982, after consulting the Commission, adopt the laws, and administrative provisions necessary to implement this Decision.

Article 6

This Decision is addressed to the Member States.

Done at Brussels,

For the Council  
The President

INFORMATION TO BE COLLECTED :

1. Number of bilateral time and journey authorizations allotted by each state in each bilateral relation.
2. Number of transit authorizations allotted by each state in each bilateral relation.
3. Number of bilateral time and journey authorizations actually used by third country hauliers and Member State hauliers in each bilateral relation.
4. Number of transit authorizations actually used by third country hauliers and Member State hauliers in each bilateral relation.
5. Tonnes transported to and from each State in each bilateral relation in all and by nationality of haulier as well as for each NST/R group(1).
6. Rates and conditions charged for the carriage of certain types of goods on major routes.

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(1) Standard goods classification for transport statistics, revised edition, valid from 1.1.1967, SOEC, 1968 edition.

LIST OF THIRD COUNTRIES

- Union of the Soviet Socialist Republics
- Poland
- German Democratic Republic
- Czechoslovakia
- Hungary
- Bulgaria
- Roumania

