

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 578 final

Brussels, 22 September 1982

Proposal for a  
COUNCIL REGULATION

on the formation of rates for the carriage of goods by road  
between Member States

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(submitted to the Council by the Commission)

COM(82) 578 final



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EXPLANATORY MEMORANDUM

I. GENERAL CONSIDERATIONS

1. The Commission hereby presents to the Council its proposal for a new rate-formation system for the international carriage of goods by road within the Community as from 1 January 1984. In submitting this proposal the Commission is aware that the Council will again be required to take a decision on one of the fundamental problems in the context of the common transport policy, since the rate-formation system is a key factor in determining the quality of the organization of the markets and of Community policy.

The proposal is based both on the Commission's concept of transport policy and on experience gained in applying Council Regulations 1174/68 and 2831/77. The Commission has also obtained the opinion of the socio-economic circles involved and has consulted its Road Haulage Tariff Committee.

2. The basic economic policy considerations underlying the proposal do not need to be set out in detail here ; the Commission's ideas on this subject are widely known. In its opinion none of the arguments or facts which might be marshalled against the idea of introducing a rate-formation system based on market economy principles is sufficiently convincing. Administrative rules, however well thought out, are no substitute for rates which are freely formed on markets subject to the free play of the forces of competition and which provide an objective instrument for providing information and guidance.

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3. Practical experience gained from the existence since 1968 of a tariff system confirms the above considerations. On the one hand, this experience has shown that in the present and the prospective circumstances mandatory tariffs cannot seriously be regarded as an instrument of common pricing policy in relation to the international carriage of goods by road. On the other, it has demonstrated why the present system of reference prices has not fully achieved its aims and has highlighted those areas where it therefore needs improving.

3.1. The system of compulsory bilateral and multilateral tariffs has failed mainly for the following reasons :

- There has not been enough progress towards economic and monetary union, and the resulting differences in the way in which carriers' costs have developed in some Member States are such as to ensure from the outset the failure of any attempt to confine rate formation within a straitjacket of compulsory tariffs applicable to the transport mode in question.
- The many fluctuations in currency values have rendered the system of brackets difficult to maintain.
- For years it has been noticeable that market forces have usually been stronger than imposed price-control systems.
- The tariffs currently in force, which were formed along traditional lines have been overtaken by technical developments in the transport sector. Examples of this are combined transport and logistic services.

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3.2. Experience has also shown that :

- Compulsory tariffs have little effect on the rates actually charged. In fact in most instances compulsory tariffs acted as price recommendations ;
- To monitor compliance with mandatory tariffs it is necessary to set up a large and costly administrative apparatus which determines increases in the costs of the services rendered and is reflected in the level of charges to customers ;
- in those countries where checks are actually carried out, the effectiveness of the checks is very uncertain because there are so many road haulage companies and operations to be monitored.

3.3. The Commission is not unaware of the concerns which causes certain economic circles and some governments to defend a system of compulsory tariffs.

However, if we take into consideration the general aims of the Treaty of Rome (which calls for the establishment of free competition), the interests of the general public and the experience gained in the last few years, it is clear that, firstly, compulsory tariffs in theory are contrary to the principles of a market orientated economy and, secondly, they cannot provide a lasting and effective solution to problems such as those of cut-throat competition and the distortion of competition.

A solution to these problems should be sought before the rate-formation stage in the form of measures capable of eradicating the causes of market deterioration.

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3.4. The Commission feels that a system of recommended rates, in the form of reference tariffs, is the most suitable means of helping to establish a climate of healthy competition. Such a system :

- can affect rate formation positively by providing carriers, particularly the smaller ones, with the data they need for the correct calculation of carriage charges ;
- does not require a vast and expensive monitoring apparatus ; and
- encourages carriers and transport users to establish a dialogue in the process of setting up a system of contractually agreed charges which would seem to be the most effective way of avoiding a slump in transport rates.

Nevertheless, experience points to the conclusion that the system introduced in 1977 has not entirely lived up to expectations. Two possible reasons can be advanced to explain this :

- The bilateral and multilateral solution - in practice a uniform system of recommended rates for all transport operations between the original and the new Member States as well as among the latter - ran into the same difficulties as the system of compulsory tariffs which had also been established on a bilateral and multilateral basis.
- The methods used when establishing the tariffs were partly responsible for rates losing touch with the market.

The Commission considers that, with a few changes, these mistakes could be avoided and that, by contrast with the system of compulsory tariffs, the experiment with recommended prices should be continued.

4. Whilst preparatory work was being done on this proposal, some government experts expressed the fear that if tariffs were liberalized this would make prices collapse and trigger off a wave of "dumping" rates. To allay these fears the Regulation provides for the possibility of laying down compulsory minimum tariffs in addition to the reference tariffs.

The proposal permits the introduction of such compulsory tariffs on a permanent basis, but the Commission feels that they should be introduced only after careful consideration and where strictly necessary. They could be limited, for example, to :

- a given period,
- certain routes, or to
- certain categories of goods.

If such tariffs were to be introduced, but not as an exceptional measure in the light of particular difficulties, the proposal does provide for the possibility of concluding tariff agreements involving rates below the compulsory minimum rates. In such circumstances, there is a real need for a "safety valve".

5. In connection with this new approach to rate formation the Commission has consulted the economic circles concerned and its Road Haulage Tariff Committee and has made use of learned studies on this question <sup>1</sup>.

Users' and freight forwarders' representatives have stated that, subject to certain conditions, they could accept an approach of this type. The road hauliers' representatives particularly criticized the fact that the proposed rate-formation system has too few mandatory elements. The representatives of five Member States in the Road Haulage Tariff Committee were in favour of continuing the current system of compulsory tariffs whilst the delegates of the five other Member States were against maintaining compulsory tariffs.

In view of the opinions summarized above, the Commission is well aware of the difficulties its proposal will encounter. Nevertheless, it particularly wishes to reaffirm that, in its opinion and in the light of its experience, a free rate formation system for the international carriage of goods by road would be the best solution. The proposed combination of recommended rates in the form of reference tariffs as the general rule and the possibility of applying compulsory minimum tariffs may be regarded as a step in this direction.

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1) Reference Tariffs for Goods Transport by Prof. R. WILLEKE, Prof. H. BAUM and Dr. W. HOENER (Studies Collection, Transport Series - No. 6, a publication of the Commission of the European Communities).

### Reference tariffs

7. Reference tariffs are indicative and do not limit hauliers' freedom or responsibilities with regard to setting their rates. The role of reference tariffs is the neutral one of providing information and guidance on the basis of which a carrier and a user can agree on the rates for transport operations.

The tariffs are fixed for each Member State and apply to all transport operations starting in the Member State concerned, regardless of the nationality of the carrier.

This approach differs from the present principle of "bilateralism" and has the following advantages :

- It reduces the number of tariffs in force in the Community to ten, whilst under the bilateral system there could be as many as forty-five. The new tariffs are therefore easier to consult and disseminate.
- As the recommended rates are fixed and modified in each Member State, this guarantees great flexibility for and speedy completion of both procedures.
- The new approach avoids the traditional difficulties arising out of fluctuations in currency parities as each tariff will be expressed in only one currency, that of the country of origin. Should another currency be chosen by the parties to the contract, the exchange rate quoted on the day on which the contract is concluded will apply, for conversion purposes.
- It rules out the possibility of disputes arising between Member States and therefore all the attendant procedures and arbitration by the Commission.

### Compulsory minimum tariffs

8. The minimum rates in these tariffs are binding on all parties to a transport contract for a service on the route or routes concerned, irrespective of nationality.



Minimum rates of this type may be limited to a set period or to a few types of goods. The restrictions will depend on the difficulties encountered on the market or sub-market concerned. Where no such restrictions exist it will be possible, under certain circumstances, to negotiate special contracts involving rates below the compulsory minimum.

The minimum rate and any adjustment in its level are based on the variable costs for a typical transport service on the routes concerned.

9. Professional organizations representing road hauliers, transport users and providers of services incidental to transport (in particular the freight forwarders) will have an important part to play in working out and modifying the price formation system for both reference tariffs and compulsory minimum tariffs.
10. To assist the Commission in connection with its responsibilities with regard to transport rates and conditions for the international carriage of goods, a Tariff Committee is set up by this Regulation.

## II. PARTICULAR CONSIDERATIONS

### Article 1

This Article specifies the transport operations covered by the Regulation, i.e. all transport operations by road between Member States, including transit operations through a third country and sea, rail and inland waterway operations without intermediate reloading (e.g. roll-on/roll off road-sea services).

Certain types of transport operation should be exempted from all tariff arrangements, either because they are of minor economic importance (e.g. involving low weights or short distances, etc) or because they have special characteristics (e.g. some of the goods listed in Annexes I and II to the First Council Directive on the establishment of certain common rules for international transport) or because of the technical problems involved in setting charges (e.g. for the carriage of live animals or abnormal loads).

### Article 2

This Article states the general principle of the Regulation (price recommendations) and indicates the option open (compulsory minimum rates to supplement the recommended prices).

### Article 3

This Article states that the reference tariffs are simply intended as a guide for the formation of transport rates and that carriers and users are free to agree on a rate in line with the market situation and their own interests.

Article 4

The reference tariffs are compiled in accordance with the principle that there is a single tariff for all transport operations from a given Member State, whatever the nationality of the carrier or the country of registration of the transport vehicle.

Article 5 and 6

To ensure effective application, the reference tariffs must reflect the market situation as closely as possible whilst enabling hauliers to charge rates which will both cover their costs and guarantee them a fair profit, which is the aim of all commercial undertakings.

The diversity and increasing specialization of transport operations requires finer tariff differentiation. Such differentiation is all the more necessary if the reference tariffs are really to act as indicators for the formation of rates on the various markets.

Article 7

This Article contains the provisions governing the procedure for drawing up reference tariff proposals.

Responsibility for fixing recommended tariffs is left to the transport undertakings which, acting in consultation with the other branches of activity involved, are to fix them through their professional organizations.

The proposed tariffs are to be sent to the governments of the Member States and to the Commission to ensure that they comply with the provisions of this Regulation and any other provisions involved.

If the Commission and the Member States do not oppose the reference tariffs, they will be published by the profession.

Article 8

A relatively tight timetable for reviewing the tariffs is essential if the reference tariffs are to closely reflect the state of the market and trends in costs.

Article 9

In the event of a stalemate in the negotiations between the professional organizations when fixing or modifying a tariff, it was thought best to leave the responsibility for establishing or modifying the tariff to the Member State of origin of the operations to which the tariff in question applies.

Article 10

This Article specifies the conditions subject to which compulsory minimum tariffs may be introduced :

- Agreement between the Member States concerned is essential.
- The minimum tariffs are to supplement the reference tariffs.

Article 11

The obligation to comply with the tariffs applies not only to carriers but also to users and freight forwarders, so they are jointly responsible in the event of infringement.

As in the case of recommended tariffs, the possibility of differentiating the compulsory minimum tariffs stems from the need to make allowance in the tariff system for the increasing diversity of transport activities. The price schedules which these tariffs involve are denominated in the currencies of the countries which have negotiated the agreements with the object of introducing compulsory tariffs.

Article 12

To guarantee that these tariffs really are minimum tariffs, the introduction and modification of the level of the tariffs depends on the variable costs of providing services.

Article 13

Where compulsory tariffs are not limited to a certain period or to certain types of traffic, special contracts between hauliers and users for operations at rates below the compulsory minimum rate are permitted. However, in order to ensure that the provisions of the Regulation are not allowed to be systematically abused as a result, such contracts may be negotiated only in certain specific circumstances and may not result in a deterioration of the haulier's financial position. Provision is made for a procedure whereby the Member States check the terms of contracts retrospectively.

Article 14

This Article lays down the procedure for establishing and modifying the compulsory minimum tariffs.

The Commission will take part on a consultative basis in the relevant negotiations in order to ensure compliance with the Community provisions.

For the same reasons as for the reference tariffs, provision is made for a review timetable.

Article 15

It was thought best to make provision for arbitration in the event of disagreement between Member States during discussions to establish or modify a tariff. The role of arbitrator is assigned to the Commission, which will be assisted in this task by the Tariff Committee. Regulation (EEC) No. 2831/77, which is due to expire, already contained provisions for arbitration.

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Article 16

In order to be able to discharge their duty to monitor changes in the transport market in the interests of the general public, the Commission and the competent authorities in the Member States must be able to obtain information on the rates actually charged on the basis of the tariff system.

Article 17

The Tariff Committee referred to in this Article was set up by the current Regulation (EEC) No. 2831/77. It has functioned satisfactorily and the Commission has greatly benefited from its assistance.

Article 18

The Member States will have to introduce legislative or administrative measures in order to implement this Regulation. Provisions must be made for ensuring that these measures are taken in good time.

The implementing measures envisaged by a Member State will be sent to the Commission which, acting either on its own initiative or at the request of a Member State, may consult the other Member States on the subject.

It goes without saying that the Member States will help each other and the Commission to ensure the correct application of the system of reference tariffs and compulsory minimum tariffs. In the case of the latter, the control measures and penalties must be jointly agreed in order to make them more effective.

Article 19

No comments.

Article 20

To permit a smooth changeover from the system under Regulation (EEC) No.2831/77 to the new system, provision has been made for leaving the existing reference tariffs unchanged until the provisions of this Regulation are implemented.

The compulsory tariffs will be temporarily converted into reference tariffs, and once this Regulation enters into force the Member States may introduce compulsory minimum tariffs subject to the conditions provided for.

Article 21

No comments.

PROPOSAL FOR A COUNCIL REGULATION

on the formation of rates for the carriage of goods by road  
between Member States

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 75 thereof,

Having regard to the proposal from 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 a policy in respect of transport rates and conditions constitutes an important aspect of the common transport policy, the establishment of which by the Member States is provided for in the Treaty ; whereas Article 21 of Council Regulation (EEC) No. 2831/77 of 12 December 1977 on the fixing of rates for the carriage of goods by road between Member States<sup>(3)</sup> provides that the Council shall decide on a Commission proposal before 31 December 1982 on the subsequent system for transport rates and conditions for the carriage of goods by road between Member States ;

Whereas the road haulage markets should be organized in accordance with free market principles in order to ensure the optimum allocation of resources ; whereas this concept also applies to transport rates for international road haulage;

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(1) OJ

(2) OJ

(3) OJ No L 334, 24.12.1977, p. 22

Whereas the setting of transport rates should therefore be the responsibility of the transport undertakings alone and not that of the public authorities imposing compulsory tariffs ; whereas, nevertheless, it is opportune, taking the structure of these markets into account, to facilitate rate formation through a tariff system whilst maintaining this principle;

Whereas reference tariffs correspond to this requirement because the final decision on the conclusion of individual rates is left to the market forces whilst at the same time providing operators with useful information for their negotiations and equally improving market transparency and competitiveness, particularly for small and medium-sized haulage undertakings;

Whereas reference tariffs should therefore take into consideration the cost of the corresponding services and the market situation ;

Whereas, since the reference tariffs simply constitute recommendations, the drawing up of draft tariffs should be the task of the economic circles concerned ;

Whereas, however, in order to maintain a balance between the concern to protect the interests of the general public and the need to make the economic circles concerned responsible for drawing up the tariffs, the draft reference tariffs should be submitted to the Commission and to the Member States for examination ;

Whereas, in order to ensure that reference tariffs closely reflect the economic situation, it is essential to set a timetable for reviewing them and modifying them if necessary;

Whereas, however, the position on certain routes might justify the introduction of compulsory minimum tariffs in particular to avoid an abnormal collapse in rates, such tariffs can only be introduced pursuant to bilateral or multilateral agreements between governments;

Whereas, to facilitate compliance with the compulsory minimum tariffs, the latter must apply to all operators on the transport market concerned, i.e. transporters as well as users and freight forwarders ;



Whereas, in order to fulfil their role as adjuncts to the reference tariffs and help prevent dumping situations and the deterioration of certain transport markets, the compulsory minimum tariffs must take into account the variable costs of the services in question ; whereas, for this reason, provision must be made for limiting the tariffs to a given period or to certain types of traffic ;

Whereas these tariffs should be established, modified and published in accordance with the provisions of national law in order to facilitate these three operations ;

Whereas, if compulsory tariffs are introduced without a time limit or a limit to their scope, allowance must be made for specific situations by permitting the conclusion, subject to certain conditions, of special contracts involving the charging of transport rates lower than the compulsory minimum tariffs ;

Whereas it should be made possible to monitor the development of transport rates ;

Whereas it is desirable that a Tariff Committee attached to the Commission should assist the latter in the implementation of this Regulation ;

Whereas it is essential to ensure, in the implementing measures to be taken by the Member States, effective supervision of the compulsory minimum tariffs and appropriate penalties,

**HAS ADOPTED THIS REGULATION :**

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General provisions

Article 1

This Regulation shall apply to the carriage of goods by road for hire or reward between the Member States including those goods covered by the Treaty establishing the European Coal and Steel Community, with the exception of the carriage of goods listed in the Annex hereto. It shall apply even if, for part of the journey carriage involves transit across a third country, or the vehicle containing the goods is carried by sea, rail or inland waterway without intermediate reloading.

Article 2

1. The rates for carriage as referred to in Article 1 shall be governed by a system of reference tariffs.
2. Two or more Member States may, by mutual agreement, supplement the reference tariffs by the compulsory tariffs referred to in Article 10.

Reference tariffs

Article 3

The reference tariffs shall constitute recommended rates. They shall provide guidance for determining transport rates which the users and transport undertakings shall be free to agree upon according to the market situation and their own interests.

Article 4

For each Member State, the system of reference tariffs shall consist of a single tariff for all transport operations beginning in the Member State in question, regardless of the nationality of the carrier or the country of registration of the transport vehicle.

Article 5

1. Reference tariffs shall be established in the form of either general tariffs or special tariffs.
2. Reference tariffs shall incorporate price schedules and all other rules required for calculating transport rates. The price schedules shall be denominated in the currency of the country in which the transport operation begins.
3. Reference tariffs shall be differentiated as necessary to take account of the special features of the various transport services and to promote the setting of individual transport rates which do not differ too widely from the reference tariffs.

Article 6

The reference tariffs shall be established in such a way as to take account of :

- the average cost of providing the corresponding services, including general overheads, and to allow a fair profit ;
- the current situation and likely developments on the markets in question.

Article 7

1. Road hauliers' professional organizations in the Member States shall draw up proposals for the introduction or amendment of reference tariffs.
2. The professional organizations referred to in paragraph 1 shall consult the organizations representing transport users and freight forwarders.
3. On expiry of a period of 30 days from the date of receipt of the proposal by organizations representing transport users and freight forwarders, the road hauliers' professional organizations shall send the proposals, together with details of any positions adopted by the organizations consulted and their reactions, to their governments which shall inform the Commission immediately upon receipt.

4. Any Member State concerned and the Commission may object to the introduction of measures within 60 days of the date on which it receives the relevant proposal.

If neither the Commission nor any Member State concerned objects to the introduction of the measures, the road hauliers' professional organizations shall publish them in their tariff bulletins and in the specialized press.

#### Article 8

The road hauliers' professional organizations shall establish the reference tariffs within 90 days of the date of entry into force of this Regulation; the tariffs shall be examined with a view to possible modification within one year following the establishment of the tariffs or the latest modification thereof.

#### Article 9

If the road hauliers' professional organizations do not establish or do not modify the reference tariffs by the deadlines referred to in Article 8, the Member State concerned shall, as soon as possible, establish the reference tariffs or amend them and have them officially published.

#### Compulsory minimum tariffs

#### Article 10

Two or more Member States may introduce compulsory minimum tariffs, in addition to the reference tariffs, for transport operations starting and finishing on their territory. The introduction of such bilateral or multilateral tariffs must be jointly agreed by the Member States concerned.

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Article 11

1. Compulsory minimum tariffs shall be binding on carriers, transport users and freight forwarders for setting rates for transport operations on the routes concerned. Individual rates may be freely set above the minimum as long as account is taken of the existing reference tariff.
2. Compulsory minimum tariffs shall be established in the form of either general tariffs or special tariffs.
  - They shall incorporate price schedules and all the other rules required for calculating transport rates. The price schedules shall be denominated in the currencies of the countries of origin and destination of the goods.
  - These tariffs may be differentiated to take account of the economic and technical characteristics of the transport services.
  - These tariffs may be limited to a certain period or to a few types of traffic depending on the situation on the transport market or sub-market concerned.

Article 12

The variable costs of providing the corresponding service shall be taken into account in establishing the compulsory minimum tariffs.

Article 13

1. If compulsory minimum tariffs are introduced without a time limit or a limit to their scope, special contracts may be concluded in writing between a carrier and another party involving transport rates below the minimum for the compulsory tariffs.
2. The conclusion of the contracts referred to in paragraph 1 shall be allowed in the case of transport operations having special technical features which enable them to be carried out on special terms as regards costs. Special contracts must in all cases be such as to maintain or increase the carrier's trading returns.
3. On concluding any special contracts, the carrier shall forthwith communicate the terms thereof to the competent authorities of the Member State on whose territory the transport operation commences. When communicating the terms of the contract the carrier shall attach all particulars justifying the conclusion of the contract and the rates agreed.

Article 14

1. Compulsory minimum tariffs shall be fixed or amended by the Member States directly concerned in accordance with the requirements laid down in Article 10. The Commission shall take part in the relevant negotiations in an advisory capacity.
2. Each Member State shall bring such tariffs into force within two months following the conclusion of negotiations for fixing or amending the tariffs or, as the case may be, following the completion of the procedure referred to in Article 15(1) and (2).
3. The compulsory tariffs shall be officially published in the Member States concerned.

4. Without prejudice to paragraphs 1 and 2, a Member State may, in order to offset the effects of monetary fluctuations, unilaterally carry out an upward revision of price schedules expressed in its currency. The Member State concerned shall inform the other Member States concerned and the Commission at least one month before this measure is brought into effect. The minimum compulsory tariffs shall be examined with a view to a possible adaptation within one year following the setting of the tariffs or their last modification.

#### Article 15

If negotiations for establishment or modification of a compulsory tariff are unsuccessful, the dispute shall be referred to the Commission at the request of a Member State.

The Commission, after consulting the Committee referred to in Article 17, shall settle the matter by means of a Decision which shall be notified to the parties concerned and published in the Official Journal of the European Communities.

#### Common provisions

#### Article 16

1. Transport undertakings shall be required to communicate to the competent authorities of the Member States and to the Commission, upon request, information concerning the rates charged for the international carriage of goods by road.

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2. To improve knowledge of the market situation, surveys may be made concerning rates charged for the carriage of certain types of goods on major routes.
3. The Commission shall, after obtaining the opinion of the Committee provided for in Article 17, lay down the programmes in respect of the communications provided for in paragraph 1 and the surveys provided for in paragraph 2 and the procedures for carrying them out.
4. Information obtained in implementation of this Regulation shall be covered by the obligation of professional secrecy.

Article 17

1. A Committee attached to the Commission is hereby set up for the purpose of assisting the Commission in the implementation of this Regulation and of the provisions adopted for its application.

The Committee shall :

- deliver opinions in those cases expressly provided for in this Regulation,
- draw up by 1 October each year, a report on the development during the preceding year of rates and conditions for the carriage of goods by road between Member States,
- advise the Commission at its request on all questions concerning the development of the future rates system in this sector.



Within the framework of this Regulation, the Commission may consult the Committee on any other matter where it considers this appropriate. The opinions of the Committee must state the reasons on which they are based and be given within a time limit fixed by the chairman.

2. The Committee shall consist of not more than two government experts appointed by each Member State and shall have as chairman a representative of the Commission which shall also provide secretarial services.

The Committee shall be convened by its chairman on his own initiative or at the request of a Member State. The Committee may hear the views of representatives of the road haulage industry, transport users and freight forwarders.

#### Article 18

1. In due course, and after consulting the Commission, the Member States shall adopt the laws, regulations and administrative provisions necessary for the implementation of this Regulation.

As far as compulsory minimum tariffs are concerned, Member States shall in particular provide for both permanent and effective control and appropriate penalties for infringements.

Member States shall designate the organizations referred to in Article 7.

2. At the request of a Member State or on its own initiative, the Commission shall consult the Member States with regard to the drafts of the laws, regulations and administrative provisions referred to in paragraph 1.
3. The Member States shall afford assistance to one another and to the Commission for the purposes of applying this Regulation.

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Article 19

This Regulation shall not affect any obligation arising from the Treaty establishing the European Coal and Steel Community.

Article 20

1. The reference tariffs shall be published not later than 1 July 1984.
2. The reference tariffs and the compulsory tariffs established on the basis of Regulation (EEC) No. 2831/77 in force when this Regulation enters into force shall remain in force as reference tariffs until they are replaced by tariffs established in accordance with this Regulation.
3. Any laws, regulations or administrative provisions concerning the supervision of compulsory tariffs and penalties for infringements introduced by the Member States pursuant to Regulation (EEC) No 2831/77 shall continue to apply to the compulsory minimum tariffs established pursuant to this Regulation until they are replaced by provisions referred to in Article 16(1).

Article 21

This Regulation shall enter into force on 1 January 1984.

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

Done at Brussels,

For the Council  
The President

A N N E X

Types of carriage to which this Regulation does not apply :

- occasional carriage of goods to or from airports, in the event of air services being diverted,
- carriage of luggage in trailers coupled to passenger-carrying vehicles and the carriage of luggage in all types of vehicles to and from airports,
- carriage of mail,
- carriage of damaged vehicles,
- carriage of refuse and sewage,
- carriage of animal carcasses for disposal,
- carriage of bees and fish fry,
- carriage of objects and works of art for exhibition or for commercial purposes,
- occasional carriage of objects and material exclusively for advertising or information purposes,
- removals by undertakings having special staff and equipment for this purpose,
- carriage of equipment, properties and animals to or from theatrical, musical or film performances or sporting events, circuses, exhibitions or fairs, or to or from the making of radio or television broadcasts or films,
- carriage of gold, silver, platinum, money, coins and securities, stamps, documents, precious stones or real pearls,
- carriage of articles required for medical care in emergency relief, in particular for natural disasters,
- carriage of spare parts for sea-going vessels,
- carriage of live animals,

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