

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 283 final

Brussels, 19 June 1992

Amendment to the proposal for a

COUNCIL REGULATION (EEC)

laying down the definitive system under which non-resident  
carriers may operate domestic road haulage  
services with a Member State

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(presented by the Commission pursuant to Article 149(3)  
of the EEC Treaty)

Explanatory Memorandum

1. On 22 November 1991 the Commission presented to the Council a proposal for a Council Regulation laying down the definitive system under which non-resident carriers may operate domestic road haulage services within a Member State<sup>(1)</sup>. The aim of the proposal is to introduce free cabotage in road haulage from 1.1.93, in accordance with the article 75 (1)(b) and the achievement of the Internal Market.
2. The Economic and Social Committee gave its opinion on 29 April 1992.
3. The European Parliament approved the Commission proposal at its plenary session on 15 May 1992, subject to various amendments, the tenor of which is that cabotage should be subject to quotas until 1999. The Commission opposes this deferral of the introduction of full free cabotage in view of the obligation to introduce the freedom to provide services by 1.1.93 at the latest and the fact that there has already been a transitional period with cabotage subject to quantitative limits by virtue of Regulation (EEC) no. 4059/89 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State<sup>(2)</sup>.  
Therefore, the Commission has refused all the amendments providing for a further transitional period for cabotage but has accepted four other amendments, which are indicated in the annexed text.

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(1) O.J. No. C317 of 7.12.91, p. 10

(2) O.J. No. L390 of 30.12.89, p. 3

Initial Commission proposal

Amendment to the proposal for a

COUNCIL REGULATION (EEC)

Proposal for a Council Regulation (EEC) laying down the definitive system under which non-resident carriers may operate domestic road haulage services with a Member State.

Sixth recital

Whereas the provisions of the host Member State applicable to cabotage services should be fixed except where Community legislation applies, so as to take into account the temporary nature of the services provided and the need to ensure fair competition between Community carriers;

Whereas the provisions of the host Member State applicable to cabotage services should be fixed except where Community legislation applies;

Article 5

Notwithstanding the provisions of Article 4, between 1 January 1993 and 31 December 1995 and where cabotage operations amount to 5% of its national transport operations calculated in tonne-kilometres, a host Member State may require prior notification of cabotage operations and may limit such operations to 5% of its national road transport operations calculated in tonne-kilometres in 1993, to 5% in 1994 and to 7% in 1995, subject to approval being given by the Commission within 15 days of receipt of the application by the State concerned.

Deleted

Carriers must send the prior notification via the competent authorities of the Member State of establishment to the competent authorities of the host Member State.

Article 6(2) and (3)

2. Any infringements committed by a non-resident carrier shall, without prejudice to any criminal proceedings to which they expose that carrier in the host Member State, be communicated to the competent authorities of the carrier's Member State of establishment.

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The competent authorities shall communicate to one another all information in their possession on the penalties imposed in respect of such infringements.

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If a falsified cabotage authorization is submitted, authorization shall be withdrawn forthwith and the falsified authorization forwarded to the appropriate authorities of the carrier's Member State of establishment.

3. The competent authorities of the host Member State may, in the event of serious or repeated infringements, ask the competent authorities of the Member State of establishment to impose penalties.

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Those penalties may in particular consist of:

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- a warning,

- a warning,

- a temporary or permanent ban on the undertaking's access to the national transport services of the host Member State,

[REDACTED]

[REDACTED]

[REDACTED]

- a temporary or permanent ban on operating national transport services within the host Member State; this ban will be noted in the Community authorization laid down in Article 3 of Regulation (EEC) ... (Doc. COM(91) 294 presented to the Council on 27 August 1991.

- a withdrawal of the Community authorization.

[REDACTED]

[REDACTED]

[REDACTED]

These bans shall be noted in the in the Community authorization laid down in Article 3 of Council Regulation (EEC) no. 881/92 on access to the market for the carriage of goods by road within the Community to or from the the territory of a Member State or passing across the territory of one or more Member States;

- a withdrawal of the Community authorization.

Article 8a (new)

The Commission shall draw up a list by Member State of specific transport provisions, other than Community provisions, with which transporters are required to comply pursuant to Article 3(1)(a)-(d) of this Regulation.

The Member States shall provide all information relevant to compiling that list. Copies of the list shall be provided by the Commission at reasonable cost.



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