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Contents

	Page
Proposal for a Council directive on the standardization of procedures for issuing licences for road haulage between Member States	3
Proposal for a Council decision on the organization of a survey on infrastructure costs in rail, road and inland waterway transport	5
Proposal for a Council decision on the harmonization of certain provisions affecting competition in rail, road and inland waterway transport	6
Proposal for a Council regulation establishing a rate bracket system for goods transport by rail, road and inland waterway	9
Proposal for a Council regulation on the institution and operation of a Community quota for the transport of goods by road within the Community	13

Proposal for a Council directive on the standardization of procedures for issuing licences for road haulage between Member States

(Submitted by the Commission to the Council on 20 May 1963)

The Council of the European Economic Community,

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

Having regard to the proposal of the Commission;

Having regard to the opinion of the Economic and Social Committee;

Having regard to the opinion of the European Parliament;

Whereas the introduction of a common transport policy requires amongst other things the establishment of common rules applicable to international transport of goods by road to or from the territory of a Member State or crossing the territory of one or more Member States;

Whereas impediments to the international transport of goods by road caused by the procedures applied by Member States in issuing licences should be eliminated; and whereas the most appropriate way of doing so is for all Member States to adopt a simplified procedure whereby such licences are issued by the authorities of the State in which the vehicle is registered,

Had made the present directive :

Article 1

1. Member States shall take steps to ensure that from 1 July 1964 licences for the carriage of goods by road between their territories are issued by the competent authorities of the Member State in which the transporting vehicle is registered.

2. Should any two Member States fail to reach agreement by 31 May 1964 on the implementation of paragraph 1, the Commission shall, after consulting the

Member States concerned, make the necessary provisions.

Article 2

Member States shall exchange all relevant information concerning licences issued in accordance with the provisions of Article 1.

Article 3

Licences shall take the form shown in the Annex to the present directive.

Article 4

Member States shall make the necessary arrangements to ensure that vehicles carry licences and that these are produced for official inspection on request.

Article 5

If, in the course of transportation for which a licence is required, a carrier infringes the statutory or administrative provisions of a Member State concerning transport or traffic, the said Member State shall report such infringement to the Member State in which the vehicle is registered, stating where appropriate the penalty imposed.

Article 6

Member States shall inform the Commission of the measures they have adopted to give effect to this directive within six months of receiving it and in any case not later than 30 June 1964.

Article 7

This directive is addressed to all Member States.

ANNEX

*Licence for the transport of goods by road between Member States
of the European Economic Community*

1. Name (firm) and address of licensee
-
2. Type and make of vehicle
3. Type of body
4. Registration No.
5. Type and make of trailer (?)
6. Registration No. of trailer
7. Transport zone restrictions
8. Restrictions on nature of goods transported
-

The bearer of this licence is authorized to transport goods by road between (Member State) and (Member State) via (Member State) using the above-mentioned vehicle(s).

He is required to conform to the restrictions of 7 and 8 above (?).

This licence is valid from to

..... (Date)

(Seal)

Authority
Signature

This licence must be on board the vehicle and be produced for official inspection on request.

(?) If no licence is required for the trailer, insert "Licence not required". If a trailer cannot be used, insert "Not authorized".

(?) Delete where inappropriate.

Proposal for a Council decision on the organization of a survey of infrastructure costs in rail, road and inland waterway transport

(Submitted by the Commission to the Council on 20 May 1963)

The Council of the European Economic Community,

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

Having regard to the proposal of the Commission;

Having regard to the opinion of the Economic and Social Committee;

Having regard to the opinion of the European Parliament;

Whereas competition in transport within the Community is liable to be distorted by disparities in the apportionment of infrastructure costs between the different types of transport and, within each type of transport, between classes of users;

Whereas it is therefore necessary gradually to eliminate these disparities under the common transport policy, by means of measures ensuring that infrastructure users bear the share of infrastructure costs properly chargeable to them;

Whereas these measures must be prepared on the basis of full and detailed facts and figures obtained by means of a Community survey;

Whereas this survey must be carried out by the same methods and using the same reference period for all the Member States and for each type of transport; whereas the scope of this survey and the methods to be used for determining and apportioning costs must be agreed on by the Commission after consulting the Member States;

Has taken the following decision:

Article 1

A survey of infrastructure costs in rail, road and inland waterway transport shall be carried out in the Community by uniform methods.

Each Member State shall be responsible for the organization of the survey in so far as it is concerned.

Article 2

The purpose of the survey shall be to determine:

- a) Total infrastructure costs;
- b) Costs attributable to actual transport functions of infrastructure where infrastructure also serves other purposes;
- c) Costs attributable to the various categories of transport infrastructure users.

Article 3

The survey will refer to the year 1965.

Article 4

In order to ensure comparability of results, the scope of the survey and the methods for determining and apportioning costs shall be decided by the Commission before 31 December 1964 after consultation with the Member States.

Article 5

The Member States shall transmit the findings of the survey to the Commission not later than 31 December 1966 and shall assist the Commission in collating them.

Article 6

Before 1 July 1967, the Commission shall present to the Council a report on the findings of the survey.

Article 7

The Member States shall adopt in good time all legislative and administrative provisions necessary for the organization of the survey and shall advise the Commission of them.

Article 8

The present decision is addressed to all Member States.

Proposal for a Council decision on the harmonization of certain provisions affecting competition in rail, road and inland waterway transport

(Submitted by the Commission to the Council on 20 May 1963)

The Council of the European Economic Community,

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

Having regard to the proposal of the Commission;

Having regard to the opinion of the Economic and Social Committee;

Having regard to the opinion of the European Parliament;

*Whereas the common transport policy must aim at integrating Community transport, and whereas, in view of the special features of transport, this integration process must take place in the framework of a market organization based, *inter alia*, on the introduction of a rate bracked system and on the regulation of capacity;*

Whereas the attainment of these objectives must go hand in hand with the elimination of any disparities liable seriously to distort competitive conditions in transport; whereas it is consequently necessary to harmonize or approximate certain laws, regulations and administrative provisions applicable to transport; whereas such harmonization or approximation must according to case bear, at Community level, upon relations between the different types of transport and, within any given type of transport, upon relations between enterprises in the various Member States;

Whereas disparities occur mainly in the fields of taxation, insurance, state intervention and social security;

Whereas, consequently, measures are needed :

a) In the field of taxation, to abolish double taxation of motor vehicles, to standardize arrangements for the duty-free entry of fuel in fuel tanks, to standardize the bases for calculating vehicle tax, to adjust tax systems applying specifically to freight transport on own account and for hire or reward, to charge to infrastructure users their appropriate share of infrastructure costs, and to bring transport services under the general system of turnover taxation;

b) In the field of insurance, to make third-party insurance compulsory and to harmonize provisions on insurance against damage to freight;

c) In the field of state intervention in transport, to reduce public service obligations to a minimum, to provide fair compensation for financial burdens resulting from such obligations as are maintained and from rate and fare reductions made for reasons of social policy, to normalize railway undertakings' accounts, and to make these undertakings financially autonomous;

d) In the field of social security, to level upward provisions applicable to working conditions in transport, to unify regulations concerning the composition of crews, to harmonize regulations on working hours and time off and to harmonize overtime regulations, to institute an individual log-book and to introduce, where appropriate, special social security arrangements for transport;

Whereas it is necessary to determine forthwith the harmonization and approximation objectives to be attained and the timing thereof, the necessary implementing provisions being enacted in good time before the date upon which they become effective;

Whereas, lastly, it must be possible to amend or supplement the present decision in relation with progress made in establishing the Common Market and with the development of the common transport policy;

Has made the present decision :

SECTION I

Taxation

Article 1

With effect from 1 January 1965 :

a) Double taxation of motor vehicles when used to carry out transport services in a Member State other than that in which they are registered shall be eliminated;

b) Provisions on the duty-free entry of fuel in the fuel tanks of commercial vehicles and of inland waterway vessels shall be made uniform.

Article 2

With effect from 1 January 1966, the bases for calculating the tax on motor vehicles and on inland waterway vessels used for freight shall be made uniform.

Article 3

1. With effect from 1 January 1966, tax arrangements in the field of road and inland waterway transport applicable specifically to goods transport effected by transport enterprises and by other enterprises for their own needs, shall be adjusted in each Member State so as to make them equivalent in their effects.

2. Before 1 July 1965, the Member States shall transmit to the Commission the drafts of any provisions they intend to enact in order to attain the objectives of paragraph 1.

The Commission may address an opinion or recommendation to the Member State concerned within thirty days of receipt of such drafts.

Article 4

From 1 January 1969 onwards, systems of taxes and dues applicable specifically to rail, road and inland waterway transport in both inland and international traffic shall be adjusted so as to apportion among transport infrastructure users the infrastructure costs properly attributable to them.

For fuel taxes, this adjustment shall be made with due regard to the objectives of the common energy policy.

Article 5

1. From 1 January 1967 onwards, the general turnover tax system in force in each Member State shall be applied to road, rail and inland waterway transport, with due regard to any decisions the Council may take concerning the introduction of a common turnover tax system.

In so far as transport services may be subject to specific tax systems serving the purposes of a turnover tax, the general system shall supersede these specific tax systems.

2. Before 1 July 1966, the Member States shall transmit to the Commission the drafts of any provisions they intend to enact in order to attain the objectives of paragraph 1.

The Commission may address an opinion or recommendation to the Member State concerned within thirty days of receipt of such drafts.

SECTION II

Insurance

Article 6

1. With effect from 1 January 1965, third-party insurance in road and inland waterway transport shall be made compulsory in all the Member States.

2. Before 1 July 1964, the Member States shall transmit to the Commission the drafts of any provisions they intend to enact in order to attain the objectives of paragraph 1.

The Commission may address an opinion or recommendation to the Member State concerned within thirty days of receipt of such drafts.

3. Before 1 January 1965 uniform provisions covering these contingencies shall be established for each of the types of transport mentioned in paragraph 1.

Article 7

With effect from 1 January 1966, the provisions concerning insurance of the carrier's liability for damage to goods carried by road or inland waterway shall be harmonized for each of these two types of transport.

SECTION III

State intervention

Article 8

1. Obligations which are inherent in the concept of public service and are imposed on transport enterprises shall be maintained only in so far as this is indispensable to ensure an adequate supply of transport services.

The Member States shall endeavour to attain this objective by a concerted operation based on common principles to be agreed before 1 January 1965.

2. Compensation for expenditure incurred by transport enterprises in fulfilling the obligations mentioned in paragraph 1 shall be made by uniform methods.

Article 9

From 1 January 1965 onwards, the financial burden arising for carriers from the application to passenger transport of rates and conditions imposed by Member States in the interests of one or more sections of the public shall be subject to compensation determined according to uniform methods.

Article 10

Before 1 January 1966, the accounts of railway undertakings shall be normalized according to uniform rules.

Any compensatory payments entailed by such normalization shall be made by the Member States from the same date onwards.

Article 11

From 1 January 1965 onwards, the rules governing financial relations between railway undertakings and the State shall be gradually harmonized.

This operation, whose objective shall be to ensure the financial autonomy of the undertakings, shall be completed before the end of the transition period at latest.

SECTION IV

Social legislation

Article 12

1. From 1 January 1965 onwards, but before the end of the transition period, laws, regulations and administrative provisions relating specifically to working conditions in road, rail and inland waterway transport shall be approximated, in an upward direction, within each type of transport.

1. As an adjunct to this process of approximation, laws, regulations and administrative provisions applicable specifically to working conditions in the three types of transport shall be approximated as between themselves in an upward direction, having due regard to disparities in the techniques used and functions fulfilled.

Article 13

From 1 January 1965 onwards, provisions concerning the composition of crews in each type of transport shall be unified according to Community standards.

This shall be completed not later than 31 December 1966.

Article 14

1. From 1 January 1965 onwards, provisions concerning working hours and time off in each type of transport shall be harmonized.

2. From 1 January 1965 onwards, having regard to the implementation of paragraph 1, steps shall be taken to harmonize overtime arrangements — in particular the limits beyond which working time is considered as overtime, rates of increase for these hours, and conditions for exceptions.

3. The process of harmonization stipulated in paragraphs 1 and 2 shall be completed not later than 31 December 1966.

Article 15

From 1 January 1965 onwards, there shall be instituted in road and inland waterway transport an individual log-book to allow supervision of the observance of rules on working conditions.

Article 16

Before 1 January 1966, decisions shall be taken as to the need for special social security provisions applicable to the transport industry, with due regard in particular to the development of the general harmonization of social security systems.

SECTION V

Final provisions

Article 17

Provisions necessary for the implementation of the present decision, with the exception of Articles 3, 5 and 6 (1 and 2), shall be adopted by the Council, acting in accordance with Article 75 of the Treaty, not later than six months before the date on which the said provisions are to enter into force.

Article 18

At the end of the second stage of the transition period, and thereafter every two years, the Commission shall present to the Council a report on the implementation of this decision and shall, if thought fit, make proposals for amending or supplementing it in the light of the establishment of the Common Market and the development of the common transport policy.

Article 19

The present decision is addressed to all Member States.

Proposal for Council regulation establishing a rate bracket system for goods transport by rail, road and inland waterway

(Submitted by the Commission to the Council on 20 May 1963)

The Council of the European Economic Community,

Having regard to the provisions of the Treaty establishing the European Economic Community and in particular Article 75 thereof;

Having regard to the proposal of the Commission;

Having regard to the opinion of the Economic and Social Committee;

Having regard to the opinion of the European Parliament;

Whereas the system of transport rates and conditions constitutes an essential part of the common transport policy to be established under the Treaty and whereas the close links between inland and international transport require that a single rate system be applied within the Community;

Whereas, if the objectives of the Treaty are to be attained, a system is needed which is based on competition whilst ensuring that such competition is not distorted between enterprises or between types of transport; and whereas such a system must provide a sufficient transparency of the market and a certain stability of rates;

Whereas in view of the special aspects of transport a rate bracket system seems most appropriate to meet these requirements since it enables carriers to fix their rates freely within certain upper and lower limits previously published, thus preventing uneconomic competition as well as the improper exploitation of dominant positions;

Whereas any measure in the field of transport rates and conditions must take account of the carriers' economic situation, and whereas therefore the bracket rates must be based on the cost of the transport services rendered and must ensure a fair return to carriers; and whereas the market situation, technical progress and economic and social developments must also be taken into account;

Whereas common rules must be established to determine costs and the range of the brackets and whereas until such rules are adopted provisional measures must be taken concerning the range of the brackets;

Whereas it is advisable to allow the carriers to propose the rate brackets subject to approval by the public authorities after consultation with users;

Whereas conditions must be laid down under which carriers may conclude contracts at rates outside the brackets if such rates are justified by special circumstances;

Whereas provision must be made for the Member States to be authorized, in exceptional cases and in the general interest, to take special tariff measures, provided that these do not introduce rates and conditions falling under Article 80 of the Treaty;

Whereas the proposed tariff system must be accompanied by appropriate arrangements for publication;

Whereas in the terms of Article 232 (1) of the Treaty "the provisions of this Treaty shall not affect those of the Treaty establishing the European Coal and Steel Community, in particular in regard to the rights and obligations of Member States, the powers of the institutions of the said Community and the rules laid down by the said Treaty for the functioning of the common market for coal and steel";

Whereas for economic and practical reasons this system need not be applied to the carriage of small loads or to carriage over short distances or to transport effected by vehicles or vessels placed at the exclusive disposal of one user for at least one year;

Whereas there must be Community consultation on the measures taken by the Member States to implement this system and these measures must gradually be brought into line;

Whereas it will be advisable to examine, before the end of the transition period, whether the results of the implementation of this system are ensuring the satisfactory application of the common transport policy;

Has adopted the present regulation :

Article 1

1. Goods transport in the Community by rail, road or inland waterway shall be governed by a rate bracket system established in accordance with the provisions of the present regulation.

2. The rate brackets within the meaning of paragraph 1 above shall consist of rates ranging between upper and lower limits.
3. The rate brackets may differ as between the types of transport. They may also differ according to the various transport conditions and services, especially with regard to classes of goods, the routes served, delivery periods and tonnage carried.

Article 2

1. Subject to the Treaty provisions concerning the prohibition of discrimination and without prejudice to any measures that may be taken in pursuance of Articles 85 to 91 of the Treaty, carriers shall be free to fix their rates within the upper and lower limits of the bracket appropriate to any particular transport operation.
2. Except as otherwise provided in Articles 8 and 9 below, it shall not be permissible to charge rates outside the upper or lower limits of the brackets.

Article 3

1. The rate brackets shall be established in such a way as to prevent both improper exploitation of a dominant position and uneconomic competition and to enable carriers to obtain a fair return for their services, account being taken of the market situation, technical progress and economic and social developments.

Rates shall be based on the costs of transport services rendered by well-managed undertakings operating with normal use of capacity.

2. On a proposal from the Commission and before 1 January 1967 the Council, acting by qualified majority, shall adopt common rules for determining costs for the purposes of the present regulation and in particular for establishing rate brackets and determining their range, that is to say the difference between the lower and upper limits.
3. Pending the establishment of such common rules, the range of the brackets shall be at least 10 % and at most 30 % of the upper limit.

Article 4

1. Proposals for the establishment of rate brackets or their modification or abolition shall be submitted to the appropriate authorities in the Member States :

- a) For rail transport by the carriers or, where appropriate, by the organizations representing them;
- b) For road and inland waterway transport, by the carriers' organizations.

The Member States may, where they consider it advisable, set up tariff commissions composed of carriers' representatives, on whom they may devolve the function of putting forward the proposals.

2. In requesting that proposals be submitted to them the appropriate authorities shall fix a time-limit.

Article 5

1. The appropriate authorities in the Member States shall approve the rates proposed.
2. Before granting approval, the appropriate authorities shall see that the proposed tariffs comply with the conditions laid down in the present regulation and especially in Article 3. Approval may be made subject to conditions.

Any refusal of approval shall be accompanied by a statement of reasons.

3. If no proposals are put forward as provided for in Article 4 or if the proposals put forward do not satisfy the conditions of Article 3, the appropriate authorities may themselves fix the tariffs.

Article 6

As regards rates for transport between Member States the procedure for the submission and approval of proposals shall be the following :

- a) In each Member State concerned the proposals shall be submitted to the appropriate authorities in conformity with the provisions of Article 4 above.

However, if the Member States concerned consider it advisable, the proposals may be made by tariff commissions composed of representatives of carriers of the nationality of the Member States concerned.

After agreement between the Member States concerned, approval shall be given in accordance with the conditions laid down in Article 5 above.

- b) If the proposals put forward in each of the Member States concerned present discrepancies, if they fail to satisfy the conditions of Article 3 above, or if no

proposals are put forward, the appropriate authorities in the Member States concerned may, by common consent, themselves fix the tariffs in accordance with the provisions of Article 3.

c) If the appropriate authorities of the Member States do not reach agreement, the tariffs shall be fixed by the Commission, after consultation with the Member States concerned, by procedure determined in accordance with the provisions of Article 14 below.

Article 7

The users shall be consulted before the rates are approved; the procedure for such consultation shall be established by the Member States.

Article 8

1. Notwithstanding the provisions of Article 2 (2) above, a carrier may conclude special contracts at rates outside the upper or lower limits of the rate bracket where such contracts are justified by special circumstances not taken into consideration when the rates were fixed, and provided that the rates agreed are commensurate with costs.

This may apply in particular where competing firms are not subject to comparable tariff regulations or in such cases as regular transport operations extending over a certain period, the carriage of exceptionally large tonnages or consignments of exceptional nature or bulk.

2. Carriers shall submit to the appropriate authorities for their approval any such special contract, stating the reasons justifying it and the rates agreed.

Such contract shall be deemed approved if the authorities make no comment within one month from submission thereof.

3. However, where the loading point and destination are within one Member State, carriers may, if commercial needs so require, conclude special contracts within the meaning of paragraph 1 above without obtaining prior approval. Immediately upon the conclusion of any such contract, they shall notify the appropriate authorities of the terms thereof, stating, in addition to the reasons referred to in paragraph 2 above, the reasons why they were unable to seek approval.

If the reasons stated do not justify the special contract, the appropriate authorities

shall forbid the carrier concerned to execute it or to continue executing it. They may make the continuation of such a contract subject to the application of rates other than those agreed and may require that these new rates shall also apply to the expired part of the contract.

The contract shall be deemed approved if the appropriate authorities make no comment within one month from the communication thereof.

4. The Commission may request the Member States to communicate to it any special contracts of the type referred to in paragraph 2 above.

Article 9

1. Notwithstanding the provisions of Article 80 of the Treaty, the Commission may, at the request of a Member State and in exceptional cases, authorize such Member State to take special tariff measures derogating from Articles 1 to 8 above if they are in the general interest and due regard is had to their effects on competition in the transport sector.

2. The Member State concerned shall make appropriate compensation in respect of any financial burden falling upon carriers as a result of the measures referred to in paragraph 1 above.

Article 10

1. The rate brackets shall be officially published in the Member States concerned and shall thereupon be compulsorily applied in them.

2. The special tariff measures referred to in Article 9 above shall be published and applied in the same way.

3. The appropriate authorities in the Member States shall publish monthly for each type of transport, and showing national transport separately from transport between Member States, the information listed below concerning contracts approved during the preceding month under paragraphs 2 and 3 of Article 8 above:

- i) Total number of contracts;
- ii) Tonnage carried and ton/kilometres, tabulating quantities carried at rates outside the brackets and broken down by class of goods (at least into industrial raw materials, industrial finished goods, agricultural product, miscellaneous);

iii) Brief statements of the special circumstances justifying rates outside the brackets.

In the case of contracts concerning transport operations between Member States the above information shall be supplied with reference to the main transport links.

4. Before 1 July 1967 the Council, acting by qualified majority on a proposal from the Commission and in accordance with Article 75 of the Treaty, shall decide whether the provisions of paragraph 3 above shall be supplemented by an obligation to publish the special contracts.

5. If the exigencies of the common transport policy so require, the Council shall, under the terms of Article 75 of the Treaty, adopt the necessary provisions to ensure publication of the rates at which such transport operations have been carried out.

Article 11

1. The rate brackets shall come into force on 1 January 1965 for transport operations whose point of departure and destination are situated in the Community.

2. On a proposal from the Commission, and no later than at the end of the transition period, the Council, acting by qualified majority, shall fix the dates for the entry into force of the rate brackets for transport operations starting from or terminating in non-member countries and for operations between non-member countries involving transit of Community territory.

Article 12

1. Before 1 January 1965 the Member States shall introduce the necessary laws, regulations and administrative provisions to implement the present regulation. These provisions shall in particular cover organization, procedure, methods of supervision and the sanctions applicable in cases of infringement.

2. The Member States shall at the appropriate time communicate to the Commission the draft statutory and administrative provisions referred to in paragraph 1 above. The Commission shall satisfy itself that the provisions contained in the Member States' drafts meet the requirements of the present regulation. It may address to the Member State concerned a recommendation or an opinion within thirty days of receiving such communication.

By agreement with the Member State concerned, the Commission may extend this time-limit.

3. On the request of a Member State, or if the Commission considers it advisable, the Commission shall confer with the Member States concerned on the drafts referred to in paragraph 2 above.

4. The Member States shall not give effect to the provisions referred to in paragraph 1 above until the Commission has formulated its recommendation or opinion or until the time-limit referred to in paragraph 2 above has expired.

Article 13

From 1 January 1967 onwards the Council, acting in accordance with Article 75 of the Treaty, shall take measures to ensure that before the end of the transition period the national rules in force in the field covered by the present regulation shall be progressively standardized.

Article 14

Before 1 July 1964 the Council, acting in accordance with Article 75 of the Treaty, shall institute arrangements for permanent co-operation between the Member States concerned; it shall further lay down the powers of the Member States and the Commission respectively concerning the establishment of tariffs and the conclusion of special contracts for international transport operations, their supervision, and sanctions in cases of infringement.

Article 15

Before 1 July 1964 the Council, acting in accordance with Article 75 of the Treaty, shall decide as to the necessity of setting up a special body under the aegis of the Commission for the purpose of ensuring, without prejudice to the powers of the Community institutions, the proper functioning of the tariff system. The Council shall determine the powers, composition and rules of procedure of such a body.

Article 16

The provisions of the present regulation shall apply to transport coming within the scope of the Treaty establishing the European Coal and Steel Community in so far as that Treaty or its implementing instruments do not make special provisions.

Article 17

Negotiations with non-member countries which appear necessary for the implementation of the present regulation shall be undertaken at the appropriate time in conformity with Articles 111 and 228 of the Treaty.

Article 18

The present regulation shall not apply to :

- a) The carriage of goods not exceeding 5 tons in weight sent by a consignor to a single consignee;
- b) Goods transport effected over a total distance not exceeding 50 kilometres;
- c) Goods transport as defined in Article 9 of Regulation No. 11 concerning the abolition of discrimination in transport charges and conditions, made in pursuance of Article 79 (3) of the Treaty;
- d) The carriage of goods by an enterprise for its own needs using means of transport placed at its exclusive disposal for at least one year, provided the conditions laid down in the third, fourth and fifth paragraphs

of Article 9 of the above-mentioned Regulation No. 11 are fulfilled.

If it does not satisfy the conditions laid down in the preceding paragraph, the making available of means of transport shall be subject to the tariff system established under the present regulation.

Article 19

In the light of the results obtained by the implementation of the present regulation the Commission shall, where appropriate, submit proposals to the Council for the adoption, in conformity with Article 75 of the Treaty, of measures to extend or modify the tariff system established by the present regulation.

Article 20

1. The present regulation shall be binding in all its parts and directly enforceable in all Member States.
2. The present regulation shall come into force on 1 January 1964.

Proposal for a Council regulation on the institution and operation of a Community quota for the transport of goods by road within the Community

(Submitted by the Commission to the Council on 20 May 1963)

The Council of the European Economic Community,

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

Having regard to the proposal of the Commission;

Having regard to the opinion of the Economic and Social Committee;

Having regard to the opinion of the European Parliament;

Whereas the adoption of a common transport policy requires amongst other things the establishment of common rules applicable to international transport of goods by road effected to or from the territory of a Member State or across the territory of one or more Member States;

Whereas these rules must be designed to facilitate the development of road transport according to Common Market needs and to promote the establishment of a transport market on a Community scale, to which carriers from Member States may have access on an equal footing and without distinction of nationality;

Whereas owing to the special aspects of transport these aims must be pursued within the framework of a transport market organization which includes a system of regulating road haulage capacity;

Whereas the most appropriate way of attaining these objectives as regards traffic between Member States is to introduce a Community quota superseding the present system of unilateral regulations and bilateral and multilateral agreements and thus make it possible for carriers in Member States to transport goods on all routes

within the Community; and whereas the admission of non-resident carriers to national transport services within Member States should also be subject to regulation in this context;

Whereas the introduction of these new rules must not however cause any disturbance to the transport market; and the Community quota must therefore be instituted gradually during the transition period concurrently with the abolition of bilateral quotas;

Whereas this implies that bilateral quotas shall not be increased further after they have been established at a level appropriate to all routes within the Community either by agreement between Member States or, failing such agreement, by the Commission, due regard being had to the special position of Member States of the Benelux Economic Union;

Whereas in order to promote the rational use of road vehicles restrictions upon international return loads must be abolished;

Whereas transport between Member States must not be impeded by restrictions imposed by a Member State on traffic in transit through its territory; and whereas such restrictions must be abolished without causing either difficulty or disturbance, in view of the establishment of bilateral quotas for all routes and the ban on their increase;

Whereas the size of the Community quota must be determined every year in relation to the development of the demand for transport, capacity utilization and the probable effects of the concurrent reduction of bilateral quotas;

Whereas during the transition period the Community quota will be distributed among Member States and this distribution may be reviewed in the light of the development of trade between Member States, the effective use made of Community licences, and transport costs in the different Member States; and whereas the possibility of issuing licences at a later stage direct to carriers should be provided for;

Whereas, for the purpose of fixing the size of the Community quota and its distribution among Member States in the manner described above, close co-operation will be needed between Member States and the Commission through a Committee;

Whereas the Commission should be provided with means of meeting developments

which could not be taken into account when the Community quota was established and distributed, and also of coping with occasional inadequacies of transport supply and with exceptional and temporary traffic requirements;

Whereas for the satisfactory operation of the Community quota system information must be available on the use made of licences issued under the Community quota and under bilateral quotas;

Whereas the possibility must be provided for of taking steps to modify the Community quota system before the end of the transition period in the light of the experience gained and of the development of the common transport policy;

Whereas it is unnecessary to apply the Community quota arrangements either to the transport referred to in the first directive of the Council of 23 July 1962 (establishment of certain common rules for international transport) or to the transport of goods by road between Member States effected by undertakings for their own needs with vehicles which belong to them or have been placed at their exclusive disposal for a certain period; and whereas transport in this latter category may be exempted from any form of quota or licensing system since most Member States impose no restrictions on such transport operations; and whereas such exemption must however be subject to appropriate controls, for which purpose it must be stipulated that a document issued by the competent authorities in Member States be carried in such vehicles,

Has made the present regulation :

Article 1

1. From the end of the transition period, the transport of goods by road between Member States shall, subject to the provisions of Article 8 *b*), be effected solely under Community licences issued within the framework of a Community quota.

2. To achieve the aim set forth in paragraph 1 above, the following steps shall be taken during the transition period :

a) In accordance with the conditions and procedures provided under the present regulation a Community quota shall be instituted as of 1 January 1964;

b) From 1 January 1965 quotas existing between Member States under agreements concerning the transport of goods by road,

hereinafter referred to as "bilateral quotas", shall be progressively abolished in accordance with the provisions of Article 5.

Article 2

1. Bilateral quotas shall be established between the Member States concerned, including Member States whose territory may be used in transit, at a level appropriate to the demand for transport.

This applies both to routes subject to quantitative restrictions at the time the present regulation comes into force and to those where no such restrictions are in operation at that date.

Belgium, Luxembourg and the Netherlands may establish quotas for transport between their respective territories by common agreement, comprising licences valid on all international traffic routes within the Benelux Economic Union.

2. Member States shall inform the Commission not later than 1 July 1964 of bilateral quotas established in accordance with the provisions of paragraph 1.

If the Member States concerned fail to reach agreement before that date bilateral quotas shall be fixed by decision of the Commission after consultation with the States concerned.

3. Bilateral quotas may not exceed the levels at which they have been established in accordance with paragraphs 1 and 2.

Article 3

1. From 1 January 1964 no restrictions may be imposed by a Member State on the freedom of carriers from other Member States to transport goods by road to their country of origin following a transport operation terminating in the said Member State.

2. Member States may however require that a transport operation provided for in paragraph 1 be effected from the original point of arrival only, or from some other point situated between that and the frontier exit-point.

Article 4

From 1 January 1965 Member States shall exempt from any quota or licensing system goods transported between Member States in transit through their territory.

Article 5

On 1 January of each succeeding year from 1965 to 1969 inclusive, bilateral quotas shall be reduced by 20 % of their amount at 31 December 1964, such reduction to apply uniformly to each category of licence included under the bilateral quotas.

Article 6

The Community quota shall be made up as follows:

- a) For 1964, 750 licences;
- b) From 1965 onwards the amount shall be fixed for each succeeding year, not later than 1 November of the preceding year, in accordance with the procedure laid down in Article 12.

In fixing the Community quota under b) above, particular account shall be taken of the development of the demand for transport, capacity utilization and the estimated effects of reducing bilateral quotas during the year in question.

Article 7

1. During the transition period the Community quota shall be distributed among Member States.

For the years 1964 and 1965 the respective shares of Member States shall be as follows:

Belgium	13 %
Federal Republic of Germany	25 %
France	25 %
Italy	15 %
Luxembourg	3 %
Netherlands	19 %

For each year from 1966 onwards this distribution shall be either confirmed or reviewed not later than 1 December of the preceding year. For the purposes of such confirmation or review particular account shall be taken of the development of trade between Member States, the use made of Community licences as disclosed in the data collected in pursuance of Article 10, and transport costs in the different Member States after allowing for the effects of harmonizing competitive conditions.

Community licences shall be issued to carriers by the competent authorities in the Member States within the limits of the number of licences allocated to each Member State and by the procedure in operation in that State.

2. Before the end of the transition period, the Council shall decide in accordance with Article 75 of the Treaty whether the system for distributing the Community quota and issuing Community licences set out in paragraph 1 shall be maintained, or whether, and if so to what extent and by what procedure, Community licences may be issued direct to carriers.

Article 8

In order to meet developments which could not be taken into account when the Community quota was established and distributed, and to cope with occasional inadequacies in transport supply and exceptional and temporary traffic requirements, the Commission, acting on its own initiative or at the request of a Member State may, after consulting the Committee provided for in Article 12, authorize the issue of:

a) Supplementary Community licences. The total number of licences issued in these circumstances in the course of any one year may not exceed 5 % of the total Community quota as fixed in accordance with Article 6;

b) Supplementary licences valid for traffic between two Member States, the Commission stipulating:

(i) The number of supplementary licences and their period of validity;

ii) Where appropriate, the geographical limits within which such licences may be used, and also the class of goods for the transport of which they are valid.

Article 9

1. Community licences shall entitle their holders to transport goods on all traffic routes between Member States and to move their vehicles unloaded throughout Community territory.

2. Community licences shall take the form set out in Annex I, which may be amended by decision of the Commission.

3. Community licences shall be made out in the name of a carrier and shall not be transferable except by consent of the issuing authority.

4. Community licences shall be valid up to the end of the year in which they are issued.

5. Each licence shall relate to one vehicle only. It must be carried in that vehicle

and be produced for official inspection as required.

“Vehicle” shall be understood to mean either a single vehicle or a vehicle train.

Article 10

1. From 1 September 1964 Member States shall send the Commission twice yearly reports on the use made over the preceding six months of the licences they have issued within the framework of bilateral quotas and the Community quota. Such reports shall contain at least the following particulars, listed according to traffic routes and categories of licence:

- a) Number of licences covered by report;
- b) Tonnages and ton/kilometres effected;
- c) Number of journeys, showing loaded journeys;
- d) Average pay load of vehicles.

2. Reports shall be sent to the Commission at latest two months after the end of each six-month period.

Article 11

Conditions under which carriers holding Community licences may be permitted to operate in a member country other than their own shall be laid down by the Council before 1 January 1966 in conformity with Article 75 of the Treaty.

Article 12

1. To assist the Commission in the administration of the Community quota, a Committee shall be set up consisting of representatives of Member States under the chairmanship of a representative of the Commission.

2. In pursuance of Articles 6 and 7, the Chairman shall inform the Committee of draft measures of the Commission establishing the size of the Community quota and its distribution. The Committee shall give an opinion on such drafts within a time-limit set by the Chairman, which may not be less than twelve clear days.

The votes of Member States in the Committee shall be weighted as provided under Article 148 (2) of the Treaty, and the Committee shall act by a majority of at least twelve votes. The Chairman shall not vote.

The Commission shall fix the amount of the Community quota for the succeeding

year, in accordance with the provisions of Article 6, not later than 1 October in each year, and, not later than 1 November, the distribution of the quota in accordance with Article 7.

Should the Committee not approve the measures taken by the Commission, the latter shall forthwith communicate them to the Council. In such case the Council, acting by qualified majority, may take other measures within one month of the Commission's communication.

3. As regards the implementation of Article 6, the Chairman shall consult the Committee, but such consultation shall not give rise to any voting.

Article 13

1. Member States shall introduce the necessary laws, regulations and administrative provisions to implement the present regulation. Such provisions shall relate *inter alia* to organization, procedure and arrangements for supervision and also the sanctions applicable in cases of infringement.

2. Member States shall transmit to the Commission the draft laws, regulations and administrative provisions referred to in paragraph 1. The Commission shall satisfy itself that the drafts meet the requirements of this regulation, and may send a recommendation or an opinion on the drafts to any Member State within thirty days of receiving them.

The Commission may, by agreement with the Member State concerned, extend this time-limit.

3. At the request of a Member State, or if it considers this course expedient, the Commission may consult all Member States or the Member States concerned on the drafts referred to in paragraph 2.

4. Member States shall not bring into force the provisions referred to in paragraph 1 until the Commission has formulated its recommendation or opinion or until the expiry of the time-limit provided for in paragraph 2.

Article 14

Before the end of the transition period the Commission shall, where appropriate, and taking into account the experience gained and the development of the common transport policy, make proposals to

the Council for the adoption in accordance with Article 75 of the Treaty of any measures required to modify the Community quota system instituted under the present regulation.

Article 15

Articles 1 to 14 shall not apply to the transport of goods by road between Member States where such transport :

a) Fulfils the conditions laid down in Article 9 of Regulation No. 11 of 27 June 1960 on the abolition of discrimination in transport rates and conditions, made in pursuance of Article 79 (3) of the Treaty; or

b) Falls under the provisions of Annexes I and II to the first directive of the Council of 23 July 1962 concerning the establishment of certain common rules for international transport.

Article 16

1. Between Member States the transport referred to in Article 15 a) shall from 1 January 1964 be exempt from all quota and licensing systems.

2. Vehicles used for the transport operations referred to in paragraph 1 must be supplied by the competent authorities of the Member States in which they are registered with a document conforming to the model given in Annex II hereto. This document must be carried in the vehicle and be produced for official inspection as required. Annex II may be amended by decision of the Commission.

Article 17

For the purposes of the present regulation the following shall be treated as transport falling under Article 15 a): the carriage of goods by an undertaking for its own needs by means of vehicles placed at its exclusive disposal for a period of at least one year, in so far as such transport operations satisfy the conditions laid down in the third, fourth and fifth paragraphs of Article 9 of Regulation No. 11 of the Council of 27 June 1960 concerning the abolition of discrimination in transport rates and conditions, made in pursuance of Article 79 (3) of the Treaty.

Article 18

The present regulation is binding in all respects and directly enforceable in all Member States.

ANNEX I

(Name of country issuing licence)
(Name of issuing authority)

Community licence for the transport of goods by road between Member States of the European Economic Community.

(Name or firm of carrier and address in full)

is hereby authorized to carry goods by road between all member countries of the EEC ⁽¹⁾ and to move an empty vehicle anywhere in Community territory. It is valid only for a single vehicle or vehicle train.

While in the territory of any Member State the carrier is bound by the laws, regulations and administrative provisions in force in that State concerning transport and traffic movement.

This licence is valid until -----

Issued at -----, on -----

Signature and seal
of issuing authority

This licence must be carried in the vehicle and be produced for official inspection as required.

⁽¹⁾ Belgium, Federal Republic of Germany, France, Italy, Luxembourg, Netherlands.

ANNEX II

Transport document for transport of goods by road on own account
(to be drawn up in the four official languages of the EEC)

Vehicle

1. Registration No.
2. Engine No.
3. Chassis No.
4. Registered in the name of (1)
5. Placed at the disposal of (1)

for the period from to

is employed for the transport of goods by road on own account between the member countries of the EEC.

Signature of declarant

This document is valid until

It must be carried in the vehicle and be produced for official inspection as required.

Issued at on

Signature and seal
of issuing authority

(1) Name of firm, address in full and nature of business.