

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 17th July 1980

PROPOSALS FOR COUNCIL DIRECTIVES AMENDING

- Council Directive 74/561/EEC on admission to the occupation of road haulage operator in national and international transport operations,
- Council Directive 74/562/EEC on admission to the occupation of road passenger transport operator in national and international transport operations,
- Council Directive 77/796/EEC aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment.

(presented by the Commission to the Council)



PROPOSALS FOR COUNCIL DIRECTIVES AMENDING

- (i) Council Directive 74/561/EEC on admission to the occupation of road haulage operator in national and international transport operations,
 - (ii) Council Directive 74/562/EEC on admission to the occupation of road passenger transport operator in national and international transport operations,
 - (iii) Council Directive 77/796/EEC aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment.
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EXPLANATORY MEMORANDUM

1. The two Council Directives of 12 November 1974 on admission to the occupation of road haulage operator (1) and passenger transport operator (2) respectively, which make the exercise of these occupations conditional on the operator's good repute, sound financial standing and professional competence, took full effect in the present Member States on 1 January 1978.

The Council Directive of 12 December 1977 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for operators in connection with the exercise of the abovementioned occupations (3) became applicable on 1 January 1979.

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(1) Council Directive 74/561/EEC - OJ No L 308 of 19th November 1974, pp. 18 to 22.

(2) Council Directive 74/562/EEC - OJ No L 308 of 19th November 1974, pp. 23 to 27.

2. The three Directives contain transitional provisions to enable the Member States to adapt their national arrangements to the Community scheme and to ensure that rights acquired by operators engaging in their operations before the new arrangements were applied are safeguarded.

3. Under the terms of Annex XII to the Act appended to the Treaty of Accession of the Hellenic Republic, the latter must apply the three Directives from 1 January 1984.

Furthermore, under the terms of Annex II of that Act, the two Directives of 12 November 1974 on admission to the occupations must be adapted, in accordance with the procedure laid down in Article 146 of the Act, so that in the case of Greece the dates before which operators must have been engaged in their occupations in order to be exempted from certain obligations can be deferred, thus ensuring in that country that the rights acquired by operators are respected under conditions comparable to those which were enjoyed by operators in the present Member States when the Directives were first applied.

Annex II to the Act also omits to provide for the adaptation of the Directive of 12 December 1977 on the mutual recognition of diplomas, although that Directive, which, incidentally, only covers the same activities as the two 1974 Directives, also sets a deadline for the recognition of certain acquired rights.

4. Article 5(1) and (2) of the Directive of 12 November 1974 on admission to the occupation of road haulage operator and Article 4(1) and (2) of the Directive on admission to the occupation of passenger transport operator provide that operators who were authorized to engage in their occupation before 1 January 1978 shall be exempt from the requirement to furnish proof that they satisfy the conditions as to good repute, financial standing and professional competence, it being understood however that those so authorized after 31 December 1974 and before 1 January 1978 should furnish proof of their professional competence before 1 January 1980, if they have not done so previously.

To provide comparable conditions in the case of Greece, the various deadlines mentioned above should, in view of the date when the Hellenic Republic will apply the Directives in question (1 January 1984), be postponed until 1 January 1984, 31 December 1980, 1 January 1984 and 1 January 1986 respectively.

5. As for the Directive of 12 December 1977 on mutual recognition (applicable from 1 January 1979), Article 5(1) thereof lays down special conditions for the recognition by a Member State of the professional competence of operators who were authorized to exercise their occupation in another Member State before 1 January 1975.

Where Greece is concerned, and for the same reasons as those set out in paragraph 4 above, this date should be replaced by 1 January 1981.

PROPOSAL FOR A COUNCIL DIRECTIVE

AMENDING DIRECTIVE 74/561/EEC ON ADMISSION TO THE OCCUPATION
OF ROAD HAULAGE OPERATOR IN NATIONAL AND INTERNATIONAL TRANSPORT OPERATIONS

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Greece ,
and in particular Article 146 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 74/561/EEC⁽¹⁾ must be amended
with a view to ensuring that in Greece the existing
rights of operators already engaged in their occupation in that country are
safeguarded under conditions comparable to those which have been enjoyed by
operators in the present Member States,

Whereas, under the terms of Article 22 of the abovementioned Act, the afore-
said Directive must be amended in accordance with the guidelines laid down
in Annex II to the Act, and whereas such amendment must take into account
the time limit provided for in Annex XII to the Act for the introduction by
Greece of the measures required for the application of the Directive concerned,

HAS ADOPTED THIS DIRECTIVE :

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(1) OJ No L 308 of 19 November 1974, p. 18.

Article 1

There is added to Article 5 of Directive 74/561/EEC a paragraph 3 as follows:

"3. With regard to Greece, the dates in paragraphs 1 and 2 shall be replaced as follows:

- in paragraph 1, "1 January 1978" is replaced by "1 January 1984";
- in paragraph 2, "31 December 1974", "1 January 1978" and "1 January 1980" are replaced by "31 December 1980", "1 January 1984" and "1 January 1986" respectively.

Article 2

This Directive is addressed to the Member States and shall apply with effect from the date of the accession of Greece.

Done at Brussels,

For the Council

The President

PROPOSAL FOR A COUNCIL DIRECTIVE
AMENDING DIRECTIVE 74/562/EEC ON ADMISSION
TO THE OCCUPATION OF ROAD PASSENGER TRANSPORT OPERATOR
IN NATIONAL AND INTERNATIONAL TRANSPORT OPERATIONS

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Greece,
and in particular Article 146 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 74/562/EEC⁽¹⁾ must be amended
with a view to ensuring that in Greece the existing
rights of operators already engaged in their occupation in that country are
safeguarded under conditions comparable to those which have been enjoyed
by operators in the present Member States,

Whereas, under the terms of Article 22 of the abovementioned Act, the afore-
said Directive must be amended in accordance with the guidelines laid down
in Annex II to the Act, and whereas, such amendment must take into account
the time limit provided for in Annex XII of the Act for the introduction by
Greece of the measures required for the application of the Directive concerned,

HAS ADOPTED THIS DIRECTIVE :

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(1) OJ No L 308 of 19 November 1974, p. 23.

Article 1

There is added to Article 4 of Council Directive 74/562/EEC a paragraph 3 as follows:

"3. With regard to Greece, the dates in paragraphs 1 and 2 shall be replaced as follows:

- in paragraph 1, "1 January 1978" is replaced by "1 January 1984",
- in paragraph 2, "31 December 1974", "1 January 1978" and "1 January 1980" are replaced by "31 December 1980", "1 January 1984" and "1 January 1986" respectively.

Article 2

This Directive is addressed to the Member States and shall apply with effect from the date of the Accession of Greece.

Done at Brussels,

For the Council

The President

PROPOSAL FOR A COUNCIL DIRECTIVE
 AMENDING DIRECTIVE 77/796/EEC AIMING AT
 THE MUTUAL RECOGNITION OF DIPLOMAS, CERTIFICATES AND
 OTHER EVIDENCE OF FORMAL QUALIFICATIONS FOR GOODS HAULAGE OPERATORS AND ROAD
 PASSENGER TRANSPORT OPERATORS, INCLUDING MEASURES INTENDED TO ENCOURAGE THESE
 OPERATORS EFFECTIVELY TO EXERCISE THE RIGHT TO FREEDOM OF ESTABLISHMENT

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Greece ,
 and in particular Article 146 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 77/796/EEC⁽¹⁾ must be
 amended with a view to ensuring
 the mutual recognition in Greece of transport operators' professional
 competence under conditions comparable to those applied in the present Member
 States,

Whereas such amendment must take into account the time limit laid down in
 Annex XII of the abovementioned Act for the introduction by Greece of the
 measures required for the application of the Directive concerned,

HAS ADOPTED THIS DIRECTIVE :

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(1) OJ No L 334 of 24 December 1977, p. 37.

Article 1

There is added to Article 5 of Directive 77/796/EEC a paragraph 3 as follows:

"3. In the case of natural persons and undertakings which have been authorized in Greece to exercise the profession of carrier, the date "1 January 1975" in paragraph 2 is replaced by "1 January 1981"."

Article 2

This Directive is addressed to the Member States and shall apply with effect from the date of the accession of Greece.

Done at Brussels,

For the Council

The President

