

# European Communities

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EUROPEAN PARLIAMENT

# Working Documents

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## Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and Transport

**on the proposal from the Commission of the European Communities to the Council (Doc. 628/78) for a directive on own-account carriage of goods by road between Member States**

**Rapporteur: Mr K. JUNG**



By letter of 13 February 1979, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 75 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on own-account carriage of goods by road between Member States.

The President of the European Parliament referred this proposal to the Committee on Regional Policy, Regional Planning and Transport.

On 23 February 1979 the Committee on Regional Policy, Regional Planning and Transport appointed Mr Jung rapporteur.

It considered the proposal at its meeting of 27 March 1979.

At the same meeting the committee adopted the motion for a resolution and explanatory statement by 8 votes to 2.

Present: Lord Bruce of Donington, chairman; Mr Nyborg, vice-chairman; Mr Jung, rapporteur; Mr Brugger, Mr Corrie, Mr Fuchs, Mrs Kellett-Bowman, Mr l'Estrange (deputizing for Mr MacDonald), Mr Osborn and Mr Tolman.

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The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement :

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on own-account carriage of goods by road between Member States

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. 628 / 78 ),
  - having regard to the report of the Committee on Regional Policy, Regional Planning and Transport (Doc. 50 / 79 ),
1. Notes with satisfaction that the Commission is now proposing to liberalize the international own-account carriage of goods by road within the Community;
  2. Considers that precautionary measures are absolutely essential to ensure that carriage for hire or reward is not undertaken under the guise of own-account carriage;
  3. Expresses its agreement, therefore, with the proposed control measures and the provision of penalties for any breach of the regulations;
  4. Takes the view, nonetheless, that there should be a reasonable degree of uniformity where breaches and penalties are concerned, and with this in view, urges the Commission to issue an appropriate recommendation at an early date;
  5. Approves the Commission's proposal.

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<sup>1</sup> OJ No. C 41, 14.2.1979, p.10

EXPLANATORY STATEMENT

1. On 4 March 1974 the Council adopted a Directive amending the first Directive on the establishment of certain common rules for international transport<sup>1</sup>. Amongst other things, this Directive added to the basic 1962 Directive<sup>2</sup> a subparagraph pursuant to which each Member State should liberalize the types of international own-account carriage of goods by road with other Member States where such carriage is performed to or from its territory or passes in transit across its territory (Article 2 of the 1974 Directive).

On 19 September 1973 the European Parliament had approved the relevant proposal for a directive on the basis of a report submitted by Mr James Hill on behalf of the then Committee on Regional Policy and Transport<sup>3</sup>.

2. Since then, good progress has been made in liberalizing the international own-account carriage of goods by road. Your rapporteur learned from a Commission representative that some 80% of all traffic links have now been freed from all quantitative or other restrictions. Restrictions only apply now in the case of 14 out of the 72 traffic links in the Community, viz :

- on the traffic links in both directions between Denmark and France; Denmark - Italy; France - Italy; France - Ireland; France - United Kingdom; Italy - United Kingdom;
- on the traffic links from Denmark to Ireland and from Denmark to Luxembourg.

3. The present proposal for a directive therefore aims at liberalizing the carriage of goods on these traffic links as well.

4. The liberalization of one specific type of transport, namely own-account transport, might, of course, lead to certain carriers who undertake carriage of goods of a different type, i.e. for hire or reward, attempting to enjoy the advantages of the liberalized type. It is, of course, axiomatic that steps must be taken to prevent unfair competition from carriers for hire or reward who in theory are operating for own account but who in practice are undertaking transport operations on behalf of third parties.

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<sup>1</sup> Directive No. 74/149/EEC, OJ No. L 84, 28.3.1974, p.8

<sup>2</sup> Directive of 23 July 1962, OJ No. 70, 6.8.1962, p.2005

<sup>3</sup> Doc. No. 127/73, OJ No. C 83, 11.10.1973

5. In order to ensure that this does not occur, in its proposal the Commission has :

- (a) given a precise definition to the term 'own-account carriage' (Article 1 of the proposal for a directive);
- (b) prescribed that the appropriate supporting documents which prove that the goods are being carried for own account must be carried on the vehicle (Article 4 of the proposal for a directive);
- (c) provided for the notification of breaches and of any penalty imposed by the Member State on whose territory the breach was committed to the Member State in which the vehicle is registered (Article 5 of the proposal for a directive).

The Committee on Regional Policy, Regional Planning and Transport is in complete agreement with the proposed control measures.

6. Your committee feels, nonetheless, that there should be a certain degree of uniformity within the Community where the definition of breaches and the penalties is concerned. Such uniformity could be achieved, for example, by the issue of a Commission recommendation similar to that relating to the Community transport authorizations system. In 1969 the Commission actually issued a recommendation which included both a list of possible breaches and a list of recommended penalties according to the seriousness of the breach<sup>1</sup>. The Committee on Regional Policy, Regional Planning and Transport therefore requests the Commission of the European Communities to draw up a similar recommendation at the earliest opportunity.

7. In view of the fact that a liberalization of own-account transport satisfied the requests made by the European Parliament in the past, and subject to everything being done to prevent abuse of the system, the Committee on Regional Policy, Regional Planning and Transport is able to approve the proposal for a directive as it stands.

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<sup>1</sup> Recommendation of the Commission of the European Communities of 9 June 1969, OJ No. L 165, 5.7.1969, p.7

