

# COMMISSION OF THE EUROPEAN COMMUNITIES

REVISED VERSION

COM (88) 595 final/2

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13 November 1986

Brussels, 29 January 1987

Proposal for a  
COUNCIL REGULATION (EEC)  
on access to the market for the carriage of goods  
by road between Member States

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(submitted to the Council by the Commission)

## EXPLANATORY MEMORANDUM

### I. INTRODUCTION

1. Following the judgement of the Court of Justice of 22 May 1985 in Case 13/83<sup>1</sup> and the White Paper of the Commission on completing the Internal Market<sup>2</sup> which was approved on 28 and 29 June 1985 by the European Council of Heads of State and Government at its meeting on 14 November 1985, the Council of Ministers of Transport recorded its agreement on the following policy approach with regard to international road haulage :
  - creation of a free market in transport with no quantitative restrictions by 1992 at the latest ;
  - during the transition period, progressive adaptation of the bilateral quotas on a non-discriminatory basis, coupled with increases in the Community quota; and
  - elimination of distortion of competition during the transition period.
  
2. At its meeting on 30 June 1986, the Council of Ministers of Transport confirmed the above policy approach and adopted several conclusions regarding the second indent above designed primarily to :
  - maintain the system of bilateral quotas, while laying down criteria for its application ;
  - bring the annual increase in the Community quota from 15 % to 40 % with effect from 1 January 1987 ;
  - ensure as smooth a transition as possible to the market organization system that will finally come into force as from 1992.

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<sup>1</sup> O.J. No. C 144, 13.6.1985

<sup>2</sup> COM (85) 310 final

3. The object of this proposal is to set up an intra-Community road haulage market organization that conforms to the Court of Justice Judgement and the Treaty. This market organization will be one of the mainstays of the future transport policy concerned. Another equally important pillar will be the elimination of distortions of competition between undertakings in the individual Member States.

- The chief task for the future with regard to harmonization of the social legislation will be to ensure effective policing of the amended arrangements that came into force on 29 September 1986.
- The Council Decisions of 30 June 1986 have brought a solution to the technical harmonization aspects which, though perhaps not complete, is at least satisfactory.
- The Commission is also examining various issues relating to taxation and tolls.

## II. GENERAL CONSIDERATIONS

### A. ORGANISATION OF THE TRANSPORT MARKETS FOR THE TRANSITION PERIOD FROM 1987 TO 1991

4. During this period, the measures essential to the smooth functioning of the market will be taken, with the following objectives :
- to enable the Council to fulfil its obligations under the Treaty by ensuring freedom to provide services in the road haulage sector within the reasonable period stipulated by the Court of Justice in its Judgement in Case 13/83 ;
  - to enable the road haulage industry to adapt to the new system of market organization without there being damaging economic or social consequences ; in this way the industry would be in a position to make the most of the new opportunities when they come into force in 1992 ;
  - to ensure that the transition in 1992 towards an intra-Community transport market free of quantitative restrictions is carried out progressively and in accordance with the principles set out in the Commission White Paper on Completing the Internal Market, which were approved by the European Council of the Heads of State and Government (Milan, 28 and 28 June 1985) and confirmed by the Council of Ministers of Transport of 14 November 1985 and 30 June 1986.

5. In order to achieve these three objectives, the measures to be taken must introduce the necessary changes to the organization of the transport sector concerned in a progressive manner in order to avoid disturbing the market, while at the same time maintaining the confidence of the transport sector and the industry as a whole so that they will continue in business and invest.
6. As stated in the Commission Communication to the Council of 23 December 1985 on intra-Community road haulage<sup>1</sup>, the Commission believes that the best way of achieving these objectives is to progressively convert (in two stages) bilateral authorizations into Community authorizations.

The original goal was to replace the bilateral quotas - which are not in conformity with the Court Judgement - by a Community system as quickly as possible. At its most recent meetings, the Council of Ministers of Transport has shown a preference for maintaining bilateral quotas until 1991 coupled with a very large increase in the Community quota, which should eventually render the bilateral quotas insignificant in terms of the overall capacity authorized.

Following the approach set out by the Council of 14 November 1985 on the simultaneous expansion of the Community quota, the Council at its meeting of 30 June 1986 adopted conclusions concerned mainly with raising the annual increase in the Community quota from 15 % to 40 % with effect from 1987.

It decided that the system of bilateral quotas applied during the transitional phase must meet the needs of trade and transport between the Member States concerned, including the overall transit needs of all Member States.

The Council called on the Commission to submit a proposal amending Regulation (EEC) No. 3164/76 to bring the annual increase in the Community quota to 40 % (cumulative).

The Commission therefore proposes increasing the said quota by 40 % per annum with effect from 1 January 1987.

In doing so and in the light of such a substantial expansion of authorized capacity, the Commission feels that it is more necessary than ever to provide safeguards. For the same reason, it considers that the distribution of authorizations among Member States must be based on criteria reflecting as closely as possible the real needs of each Member State.

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<sup>1</sup> COM(85) 742 final

## 7. Safeguard Clause

In view of the reasons advanced below in favour of introducing qualitative criteria, a Community mechanism (safeguard clause) will have to be set up to deal with possible persistent, serious disturbances (crisis) of the intra-Community road haulage market. This mechanism should provide for corrective measures to be taken if a Community decision-making procedure establishes that the market is disturbed.

## 8. Qualitative criteria

In view of the conclusions of the Council at its meeting of 30 June 1986 providing both for the maintenance of bilateral quotas and a sizeable increase in the Community quota (40 % annually), there is a need for qualitative criteria governing access to the intra-Community road haulage market.

These criteria must ensure :

- that hauliers meet all the requirements in respect of good character, sound financial standing and professional competence to run a haulage firm properly, and
- that transport operations can be carried out only by hauliers who observe existing regulations, particularly in the field of social legislation (driving and rest periods for drivers), road safety and environmental protection.

B. FREE TRANSPORT MARKET WITH NO QUANTITATIVE RESTRICTIONS (from 1 January 1992)

9. The concept of a market free of quantitative restrictions was adopted by the Council of Ministers of Transport on 14 November 1985 and 30 June 1986 and had already featured in the proposal (COM(83)340 final) put to the Council by the Commission back on 15 June 1983<sup>1</sup>, which this proposal replaces. This new proposal adopts the same concept but adds certain measures needed for the road haulage markets between Member States to operate smoothly.

From 1 January 1992 on, the market will be organized primarily around :

- qualitative criteria which hauliers must satisfy in order to be allowed to carry goods by road between Member States ;
- continuation and expansion of the Community mechanism to deal with market disturbances (see paragraph 7 above).
- a system of fair competition.

It must be noted that the rules for the final phase will not become fully operative in every Member State until the problem of services transiting non-Community countries has been solved. Accordingly, the Commission has already set in train measures to achieve this.

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<sup>1</sup> OJ No C 179, 6.7.1983, p. 6



### III. PARTICULAR CONSIDERATIONS

#### Article 1

This article specifies the scope of the Regulation. Paragraph 2 takes account of the need, during the transition phase, to maintain the current exemptions from quantitative restrictions granted to removals, combined transport services and the carriage operations covered by the First Directive. In the final phase these will be replaced as far as possible by the uniform measures envisaged by the Regulation.

#### Article 2

##### Paragraph 1

Paragraph 1 specifies the number of Community authorizations to be allocated to the Member States as a whole in 1987. This total was obtained by :

- increasing the 1986 Community quota by 40 % ;
- allowing for the corrective factor to be applied to certain Member States' share of the Community quota, in line with the declarations entered in the minutes of the Council meeting on 20 December 1985<sup>1</sup> at which the Council Regulation (EEC) 3677/85<sup>2</sup> of 20 December 1985 amending Regulation (EEC) No. 3164/76<sup>3</sup> was adopted ; and
- taking account of the latest figures available.

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<sup>1</sup> OJ No L 354, 30.12.1985, p. 46

<sup>2</sup> Working Papers 11338/85 TRANS 213 and 10626/85 TRANS 191 + COR 1.

<sup>3</sup> OJ No. L 357, 29.12.1976, p. 1

### Paragraph 2

Paragraph 2 establishes the principle that in 1988, 1989, 1990 and 1991 the Community quota will be increased by 40 % a year, compared with the previous year's.

### Paragraph 3

Paragraph 3 sets out the criteria for sharing out between the Member States the additional Community authorizations resulting from the increase in the quota. They are identical to the criteria set out in Regulation (EEC) No. 3164/76, with 50 % allocated across the board and the other 50 % on the basis of the use made of the Community authorizations granted. The important point is that the authorizations are divided between the Member States, in proportion to the use which their carriers have made of the authorizations already available. This provides a means of channelling the authorizations to the places where they are most needed. Member States whose hauliers have made very heavy (or very little) use of the Community authorizations will receive more (or fewer) authorizations the next year than Member States where the response from carriers has been only average. In this way, an automatic correction mechanism has been built into the method of calculation.

As indicated in the comments on paragraph 1, the allocations for 1987 take full account of the declarations entered in the minutes of the Council meeting on 20 December 1985, at which Regulation (EEC) No. 3677/85 was adopted

### Paragraphs 4 and 5

These paragraphs set out the procedures.

### Article 3

The details of the Community authorizations are broadly the same as in Regulation (EEC) No. 3164/76

However, one change should be noted : the option of converting up to 30 % of the annual authorizations into short-term (30-day) authorizations. This should allow efficient, fair distribution between all carriers entitled to transport authorizations.

Article 4

To ascertain the use made of the Community authorizations, the Article repeats the clauses in Regulation (EEC) No. 3164/76 imposing an obligation on hauliers to enter details of all transport operations effected under a Community authorization on a record sheet and laying down the rules on data collection and processing.

Article 5

The safeguard clause, which will apply with effect from 1 January 1987, will provide a means of dealing with any disturbance of the market that occurs during the transition phase.

Paragraph 1

This paragraph lays down the measures to be taken in the event of a crisis. They must make it possible to limit the increase in road haulage capacity or to freeze it.

Paragraph 2

This paragraph indicates the additional measures which may be taken in the event of a crisis in only one Member State.

Paragraph 3

This paragraph defines "crisis".

Paragraph 4

This paragraph lays down the Community procedure whereby the Commission takes the decisions needed to deal with a crisis.

Article 6

This Article stipulates that the qualitative criteria which will completely replace the quantitative restrictions on access to the transport market in the final phase will be introduced as from 1 January 1987.

Article 7

This Article stipulates that the final phase will come into effect as of 1 January 1992.

Article 8

This Article provides that the performance of international road haulage services in the Community will be subject to a system of general authorizations but cannot be made subject to a quota.

Article 9

This Article sets out the details of the authorizations for the final phase. In particular, it provides for the possibility of carriers requesting copies of authorizations. This is necessary to render the safeguard clause operational in the final phase (see Article 15).

Article 10

This Article lays down the qualitative criteria governing access to the transport market.

Article 11

This Article concerns the duration (3 years) and renewal of authorizations.

Article 12

It is essential for carriers to supply information concerning the number of vehicles used for international operations, their registration numbers and their payload and for the competent authorities to draw up a list of these vehicles in order to ensure that the safeguard clause operates smoothly (see Article 15).

Article 13

This Article sets out the grounds on which an authorization can be withdrawn.

Article 14

The Member States are required to keep the Commission informed of the number of authorizations issued so that, in the event of a crisis, it can take a decision with a full knowledge of the facts.

Article 15

This is the safeguard clause for the final phase.

Paragraph 1

This paragraph lays down the measures to be taken in the event of a crisis. They must make it possible to limit the increase in road haulage capacity or freeze it.

Paragraphe 2

This paragraph indicates the additional measures which may be taken in the event of a crisis in only one Member State.

Article 16

This Article concerns the checks and penalties.

Article 17

It is essential to maintain certain specific rules not included in this Regulation for the following types of carriage :

- (a) Removals, since authorizations for this type of transport can also be used in the member countries of the European Conference of Ministers of Transport (ECMT) ;
- (b) Combined transport, with the exception of Articles 2 and 4 of Directive 75/130/EEC, since, in the final phase, combined transport will also be subject to the system of quota-free authorizations provided for in Article 5. Where appropriate, the Commission will submit new proposals in order to promote combined transport ;
- (c) The transport operations defined in Annex 1 to the First Directive, since they are not covered by this Regulation.

Articles 18 and 19

No comment.

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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,

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

Whereas the establishment of a common transport policy entails, inter alia, laying down common rules applicable to the international carriage of goods by road between or through Member States in accordance with the principles of fair competition ;

Whereas the market for the carriage of goods by road between Member States is subject to the rules in the Treaty on competition, and in particular Articles 85 and 86, and to the provisions of Regulation (EEC) No 1017/68 of the Council of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway (1) ;

Whereas, following the judgment of the Court of Justice of 22 May 1985 in Case 13/83 (2) and the conclusions of the European Council of Heads of State and Government of 28 and 29 June 1985 concerning the Commission White Paper on Completing the Internal Market (3), the Council in particular recorded its agreement at its meetings on 14 November 1985 and 30 June 1986 to the creation of a free market in international road haulage services without quantitative restrictions by 1992 at the latest ;

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(1) O.J. No L 175, 23.07.1968, p. 1.

(2) O.J. No C 144, 13.06.1985, p. 4.

(3) COM (85) 310 final

Whereas in December 1985 the Commission informed the Council of its views concerning the organization of the road haulage market and the necessary developments ; (1)

Whereas the abovementioned Council agreement is based on the concept of a transitional period leading up to a final stage in 1992 ;

Whereas measures should be taken during the transitional period to enable the road haulage industry to adapt to the future system of market organization without there being damaging economic or social consequences ; whereas such measures should also make it possible to move towards the goal of freedom to provide international haulage services ;

Whereas it would seem that a 40 % annual increase in the number of Community authorizations issued in the context of the Community quota is an appropriate means of progressively moving towards the final stage in 1992 without disturbing the market ;

Whereas, in order to take account of transport needs, the Community authorizations resulting from the increase in the Community quota should be allocated among the Member States in accordance with rules which take into consideration inter alia the use made of Community authorizations by carriers ;

Whereas it is necessary to specify the field of application and period of validity of Community authorizations and to lay down all the rules regarding their issue and use ;

Whereas, during the transitional stage, the qualitative criteria which carriers must meet in order to gain access to the international haulage markets should be made more stringent ; whereas these criteria must ensure that carriers offer all the guarantees needed in order to operate a haulage business properly ;

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(1) Commission communication to the Council of 23 December 1985  
(COM (85) 742 final)



Whereas it is essential to introduce, during the transitional period, a Community safeguard mechanism for dealing with any market disturbances ;  
whereas it is appropriate, to this end, to decide upon the measures to be taken in the event of a crisis, to define what is meant by a crisis and to establish a Community decision-making procedure ;

Whereas, in order to achieve the objectives set out in the White Paper on Completing the Internal Market and in the Council agreement of 14 November 1985 and 30 June 1986, it is appropriate, in the final stage, to establish a system governing access to the transport market which is free of all quantitative restrictions ;

Whereas such a system will constitute a major step towards the establishment of a common transport market in line with the objectives of the Treaty and governed by rules to ensure fair competition ; whereas such a system will also contribute towards the complete attainment of freedom to provide intra-Community road haulage services ;

Whereas the future system of access to the intra-Community road haulage market should be based on a quota-free authorization ; whereas it is necessary to specify the conditions of issue and withdrawal of such authorizations together with their field of application, their period of validity and details of their use,

HAS ADOPTED THIS REGULATION :

## Article 1

1. This Regulation shall apply to the carriage of goods by road for hire or reward effected by means of motor vehicles registered in a Member State either between Member States, or between a Member State and a third country with regard to the transit section through one or more Member States, and to unladen journeys in connection with such carriage.
2. Until 31 December 1991, this Regulation shall not apply :
  - to the types of carriage referred to in the First Council Directive of 23 July 1962 (1),
  - to the removal transport operations referred to in Council Directive 65/269/EEC (2),
  - to the combined transport operations referred to in Council Directive 75/130/EEC (3).

## Article 2

1. For 1987 the total number of Community authorizations allocated to the Member States as a whole in the context of the Community quota shall be 11 475.
2. The total quota referred to in paragraph 1 shall be increased by 40 % each year for a period of four years starting in 1988
3. The Community authorizations resulting from the increase in the quota shall be allocated among the Member States on the basis of 50 % allocated across the board and 50 % on the basis of the use made of the Community quota authorizations by carriers established in each Member State.  
The method of calculating the utilization of Community authorizations is given in Annex VI.  
For 1987, the number of Community authorizations allocated to each of the Member States shall be as follows :

Belgium	976
Denmark	929
Germany	1.735
Greece	293
Spain	1.014
France	1.488
Ireland	341
Italy	1.424
Luxembourg	404
Netherlands	1.553
Portugal	416
United Kingdom	902

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(1) OJ No 70/62, 6.8.1962, p. 2005/62.

(2) OJ No 88, 24.5.1965, p. 1469.

(3) OJ No L 48, 22.2.1975, p. 31.

4. After consulting the Member States, the Commission shall, before 1 October of each year as from 1987 and in accordance with the criteria set out in paragraph 3, determine the allocation among the Member States of the additional authorizations resulting from the increase in the Community quota pursuant to paragraph 2.

5. If road haulage capacity for services between Member States covered by the Community quota proves to be inadequate in relation to transport demand, the Commission shall decide on an appropriate increase in the quota and the allocation thereof among Member States.

The rules laid down in paragraph 4 shall apply.

### Article 3

1. Community authorizations shall entitle their holders to carry goods by road for hire or reward on all transport links between Member States and to move their vehicles unladen over any part of the territory of the Community.
2. Community authorizations shall correspond to the model in Annex I. That Annex also lays down the conditions of use of Community authorizations.

3. Community authorizations shall be made out in the name of the carrier. They may not be transferred by the latter to third parties.

Each Community authorization may be used for only one vehicle at a time. In the case of a coupled combination of vehicles, it shall accompany the tractor vehicle; it shall cover the coupled combination of vehicles even if the trailer or semi-trailer is not registered or put into circulation in the name of the holder of the authorization or is registered or put into circulation in a different Member State or in another State which is a member of the European Conference of Ministers of Transport.

It must be produced whenever required by an authorized inspecting officer.

4. Community authorizations shall be valid for one calendar year. They may, however, be withdrawn before they expire by the competent authority of the Member State which issued them, inter alia if in their opinion they are under-utilized.
5. Community authorizations shall be allocated by the Commission to the Member States for the purpose of issuing them to carriers.
6. Community authorizations shall be issued by the Member States to carriers established in their territory within the limits of the number of authorizations allocated to each Member State and in accordance with the relevant national procedures and Community legislation.
7. A Member State may, before 1 January of each year, request the conversion with effect from that date of not more than 30 % of the annual Community authorizations into short-term Community authorizations valid for 30 days.  
  
An annual Community authorization may be converted into twelve short-term Community authorizations.
8. Short-term Community authorizations shall correspond to the model in Annex II. That Annex also lays down the conditions of use of such authorizations.
9. Short-term Community authorizations shall be issued by the Commission to the Member States for allocation to carriers in exchange for an equivalent number of annual Community authorizations.

Article 4

1. Transport operations effected under an annual Community authorization within the meaning of Article 3 (4) or a short-term Community authorization within the meaning of Article 3 (7) shall be entered on a transport record sheet, models of which together with the general provisions regarding the use and supply of information are set out in Annexes III and IV respectively.
2. The competent authorities of the Member States shall forward to the Commission in anonymous form the information received in respect of each quarter, in the form of a table, a model of which is contained in Annex V, within three months following the end of the quarter concerned.

The Community shall reimburse to the authorities of the Member States the cost of analyzing the statistical data and of compiling the tables referred to in the first subparagraph.

3. The information referred to in paragraphs 1 and 2 may only be used for statistical purposes. It shall not be used for tax purposes nor shall it be communicated to third parties.
4. The Commission shall forward as soon as possible to the Member States summary statements drawn up on the basis of the data supplied pursuant to paragraph 2.

Article 5

1. Where a serious disturbance which is likely to persist is found to exist in intra-Community international road haulage, the following measures may be taken as from 1 January 1987 in accordance with the procedure provided for in paragraph 4 in order to ensure balance between demand and the available transport supply:
  - reduction of or non-application of increases in the number of Community authorizations as referred to in Article 2;

- issue of Community authorizations to carriers who are new to the markets concerned only provided that, in addition:
  - there are no financial links between them and carriers already engaged in an activity on this market or markets, and
  - the financing of their vehicles is undertaken from their own funds to the extent of at least 75 %.

2. If a disturbance within the meaning of paragraph 1 occurs solely in the territory of one Member State on one or more international road haulage markets, the following measures may also be taken:

- suspension of the right to carry out national road haulage operations in the Member State concerned in accordance with Article 5 of Regulation (EEC) No... /laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State/;
- cancellation of the validity from the Member State or Member States concerned of a certain percentage of the authorizations of each Member State.

3. A disturbance within the meaning of paragraph 1 exists where:

- the average profits of carriers operating on the market in question are insufficient to ensure the profitability of a properly managed undertaking enjoying normal conditions of use of its carrying capacity,
- international road haulage capacity is substantially in excess of the demand, and the short-term and medium-term forecasts for the market concerned do not indicate that there will be a lasting improvement in the near future,
- the incidence of bankruptcy amongst carriers has increased significantly,
- there has been an appreciable increase in unemployment in the road haulage sector,
- the environment is seriously threatened by congestion on certain routes.

4. The Commission shall make a finding as to market disturbance at the request of a Member State after consulting the Member States; the Commission shall take a decision determining the temporary restrictions on market access within two months, laying down the geographical field of application, the duration and the scope of those restrictions. The duration of such restrictions may not initially exceed twelve months, but if the crisis persists this period may be extended at the request of a Member State in accordance with the above procedure.

The Commission's decision shall apply 30 days after its notification.

5. The measures adopted in accordance with paragraph 4 shall be implemented by the competent authorities of the Member States.

#### Article 6

With regard to the issue of Community authorizations to carriers, the conditions provided for in Article 10(1) shall apply with effect from 1 January 1987.

Article 7

As from 1 January 1992, Community quotas and bilateral quotas shall be abolished and access to the transport market to which this Regulation applies shall be governed by the following Articles.

Article 8

The types of carriage to which this Regulation applies, excluding the types of carriage covered by the First Directive of 23 July 1962, shall be subject to a system of quota-free authorizations which permit their holders to have access to the transport markets without quantitative restrictions.

Article 9

1. Authorizations and certified copies thereof shall be issued by the competent authorities of the Member State in which the carrier is established within the meaning of Article 52 of the Treaty. The carrier may request a number of certified copies of the authorization corresponding to the number of vehicles he wishes to use for international transport operations.
2. Authorizations shall correspond to the model in Annex VII. That Annex also lays down the conditions of use of authorizations.
3. Authorizations shall be made out in the name of the carrier. They may not be transferred by the latter to third parties.

Each authorization or a certified copy thereof may be used for only one vehicle at a time. In the case of a coupled combination of vehicles, it shall accompany the tractor vehicle; it shall cover the coupled combination of vehicles even if the trailer or semi-trailer is not registered or put into circulation in the name of the holder of the authorization or is registered or put into circulation in a different Member State or in another State which is a member of the European Conference of Ministers of Transport.

The authorization or a certified copy thereof must be produced whenever required by an authorized inspecting officer.



Article 10

1. The authorization shall be issued provided that the carrier:
  - satisfies the conditions governing admission to the occupation of road haulage operator in national and international transport provided for by Council Directive 74/561/EEC (1); and
  - has not been convicted in the last three years of serious and repeated infringements of the provisions governing transport and traffic, and in particular the rules concerning driving periods and rest periods for drivers, road safety and the highway code; and
  - has been engaged for at least three years in the activity of road haulage operator on domestic routes or is already engaged, on 1 January 1987, in international transport; and
  - substantiates his request with information to prove that he genuinely requires an authorization or the renewal thereof.
  
2. Member States may, with the agreement of the Commission, impose more stringent conditions than those set out in paragraph 1 in respect of carriers established in their territory, provided that these additional conditions do not result in quantitative restrictions and that they are compatible with the principle of freedom to provide services and fair competition.

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(1) OJ No L 308, 19.11.1974, p. 18.

Article 11

1. The authorization shall be issued for a specified period. The period of validity shall not exceed three years.
2. An authorization which is due to expire shall be renewed in whole or in part at the request of the holder for a period not exceeding three years.

Article 12

1. When submitting the application for an authorization and thereafter by 1 June of each year, the carrier shall notify the competent authorities of the Member State in which he is established of the number of vehicles used for international transport operations, their registration numbers and their payload.
2. At the request of the carrier, the competent authorities shall issue, for each authorization and certified copy thereof, a list of such vehicles with their registration numbers.

Article 13

The competent authorities shall withdraw the authorization where the carrier:

- has supplied incorrect information about particulars which were of importance in connection with the issue of the authorization;
- is convicted, after the authorization has been issued, of serious and repeated infringements of the provisions governing transport and traffic, and in particular the rules concerning driving periods and rest periods for drivers, road safety and the highway code.

Article 14

By 31 December of each year, Member States shall inform the Commission of the number of authorizations issued and of notifications received pursuant to Article 12 (1).

Article 15

1. Where a disturbance within the meaning of Article 5(1) is found to exist the following measures may be taken in accordance with the procedure provided for in Article 5(4) and (5):

- prohibition of transport operations using vehicles not on the list referred to in Article 12 (2); this list must accompany each vehicle;
- refusal to issue copies of authorizations for vehicles which are not on the List referred to in Article 12 (2) at the time when the crisis is recognized in accordance with Article 5 (4);
- issue of authorizations to carriers who are new to the markets concerned only provided that, in addition:
  - there are no financial links between them and carriers already engaged in an activity on this market or markets, and
  - the financing of their vehicles is undertaken from their own funds to the extent of at least 75%.

2. If a disturbance within the meaning of paragraph 1 occurs solely in the territory of one Member State on one or more international road haulage markets, the measures set out in Article 5 (2) may also be taken.

Article 16

1. Member States shall assist one another with a view to implementing and monitoring the implementation of this Regulation.
2. If the competent authorities of a Member State are aware of an infringement of this Regulation committed by the holder of an authorization issued in another Member State, the Member State in whose territory the infringement has been discovered shall report it to the authorities of the Member State which issued the authorization. The competent authorities shall notify one another of all information in their possession about penalties in respect of these infringements.

Article 17

1. Regulation (EEC) No 3164/76, as amended, is hereby repealed.
2. The following are hereby repealed with effect from 1 January 1992:
  - Articles 2 and 4 of Directive 75/130/EEC;
  - the First Directive of 23 July 1962, except as regards the types of carriage defined in Annex I thereto;
  - Directive 65/269/EEC, except as regards the international removals referred to therein;
  - Decision 80/48/EEC.

Article 18

Member States shall adopt in good time the measures rendered necessary by the adoption of this Regulation.

They shall inform the Commission thereof.

Article 19

This Regulation shall enter into force on 1 January 1987.

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

Done at Brussels,

For the Council  
The President

Annex I

(a)

(Thick orange paper - format 15 x 21 cm)

(First page of Community authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translations in the other official languages of the Community to be given on pages (e) and (f))

COMMISSION OF THE EUROPEAN COMMUNITIES	(Impressed stamp of the Commission of the European Communities	State issuing the authorization international distinguishing sign	Competent authority or agency
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COMMUNITY AUTHORIZATION (1) No.....

for the carriage of goods by road for hire or reward between the Member States of the European Economic Community

This authorization entitles .....  
.....  
.....(2)

to carry goods by road for hire or reward, by means of a single vehicle or a coupled combination of vehicles from any Member State of the European Economic Community by any route to any other Member State thereof and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community.

This authorization is valid from ..... to.....

Issued at ....., date.....(3)

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- (1) International distinguishing signs of Member States: Belgium (B), Denmark (DK), Germany (L), Spain (E), Greece (GR), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (GB).
  - (2) Name, or registered business name, and full address of carrier.
  - (3) Signature and stamp of the competent authority or agency issuing the authorization.

(b)

(Second page of Community authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translation in the other official languages of the Community to be given on pages (c) and (d))

#### GENERAL PROVISIONS

This authorization permits the international carriage of goods by road for hire or reward from any Member State of the European Economic Community by any route to any other Member State.

It is not valid for transport operations between a Member State and a non-member State, nor is it valid on the territory of a non-member State for transport in transit through that non-member State.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it.

It may be used for only one vehicle at a time (1). In the case of a coupled combination of vehicles, it shall accompany the tractor vehicle; it shall cover the coupled combination of vehicles even if the trailer or semi-trailer is not registered or put into circulation in the name of the holder of the authorization or is registered or put into circulation in a different Member State, or in another State, a member of the European Conference of Ministers of Transport.

It must be carried in the vehicle and be accompanied by a book of record sheets for international transport operations effected under it.

The authorization and book of record sheets for international transport operations must be produced whenever required by an authorized inspecting officer.

The holder is required to comply in the territory of each Member State with the laws, regulations and administrative provisions of that State, and in particular with those concerning transport and road traffic.

This authorization must be returned to the competent issuing authority or agency within 15 days following its date of expiry.

---

(1) "Vehicle" means a single vehicle or a coupled combination of vehicles.

(c) and (d)

(Third, fourth and fifth pages of short-term Community authorization)

(Translation in the other official languages of the Community of the text on page (b))

(e) and (f)

(Sixth, seventh and eighth pages of short-term Community authorization)

(Translation in the other languages of the Community of the text on page (a))

Annex II

(a)

(Thick blue paper - format 15 x 21 cm)

(First page of short-term Community authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translations in the other official languages of the Community to be given on pages (e) and (f))

COMMISSION OF THE EUROPEAN COMMUNITIES	(Impressed stamp of the Commission of the European Communities)	State issuing the authorization international distinguishing sign	Competent authority or agency
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COMMUNITY AUTHORIZATION (1) No...../ 1 to (12)

for the carriage of goods by road for hire or reward between the Member States of the European Economic Community

This authorization entitles .....  
.....  
.....(2)

to carry goods by road for hire or reward, by means of a single vehicle or a coupled combination of vehicles, from any Member State of the European Economic Community by any route to any other Member State thereof and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community.

This authorization is valid for 30 days (3), i.e.....  
.....to.....  
Issued at .....date.....  
(coloured strip)

- 
- (1) International distinguishing signs of Member States: Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IFL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (GB).
  - (2) Name, or registered business name, and full address of carrier.
  - (3) Signature and stamp of the competent authority or agency issuing the authorization.



(b)

(Second page of short-term Community authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translation in the other official languages of the Community to be given on pages (c) and (d))

#### GENERAL PROVISIONS

This authorization permits the international carriage of goods by road for hire or reward from any Member State of the European Economic Community by any route to any other Member State.

It is not valid for transport operations between a Member State and a non-member State, nor is it valid on the territory of a non-member State for transport in transit through that non-member State.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it.

It may be used for only one vehicle at a time (1). In the case of a coupled combination of vehicles, it shall accompany the tractor vehicle; it shall cover the coupled combination of vehicles even if the trailer or semi-trailer is not registered or put into circulation in the name of the holder of the authorization or is registered or put into circulation in a different Member State or in another State, a member of the European Conference of Ministers of Transport.

It must be carried in the vehicle and be accompanied by a book of record sheets for international transport operations effected under it.

The authorization and the book of record sheets for international transport operations must be produced whenever required by an authorized inspecting officer.

The holder is required to comply in the territory of each Member State with the laws, regulations and administrative provisions of that State, and in particular with those concerning transport and road traffic.

This authorization must be returned to the competent issuing authority or agency within 2 days following its date of expiry.

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(1) "Vehicle" means a single vehicle or a coupled combination of vehicles.

(c) and (d)

(Third, fourth and fifth pages of authorization)

(Translation in the other official languages of the Community of the text on page (b))

(e) and (f)

(Sixth, seventh and eighth pages of authorization)

(Translation in the other official languages of the Community of the text on page (a))

ANNEX III

(a)

(format 30 x 21 cm)

(Front cover of book of record sheets)

(Text in the official language or languages of the Member State issuing the book of record sheets - translations in the other official languages of the Community to be given overleaf)

STATE ISSUING THE BOOK  
OF RECORD SHEETS

Competent authority or agency

International distinguishing sign  
of Member State (1)

Book No.....

BOOK OF RECORD SHEETS FOR INTERNATIONAL TRANSPORT OPERATIONS  
CARRIED OUT UNDER (ANNUAL) COMMUNITY AUTHORIZATION

No.....!

This book is valid until .....(2)  
Issued at ....., date .....(3)

- 
- (1) International distinguishing signs of Member States: Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (GB).
  - (2) Period of validity may not exceed that of the Community authorization.)
  - (3) Stamp of the competent authority or agency issuing the book.

(b)

(Inside front cover of book of record sheets)

1. (Translation in the other official languages of the Community of text overleaf)
2. (Text in the official language or languages of issuing Member State)

#### GENERAL PROVISIONS

1. This book of record sheets contains 50 detachable sheets, numbered 1 to 50, on which details must be given, at the time of loading, of all goods transported under the Community authorization to which they relate. Each book is numbered and that number is marked on every page of the book.
2. The carrier is responsible for the proper completion of the records of international transport operations.
3. The book must accompany the Community authorization to which it relates and be kept on board the vehicle travelling laden or unladen under the said authorization. It must be produced whenever required by an authorized inspecting officer.
4. Record sheets must be used in numerical order and the successive loading operations must be entered in chronological order.
5. Each item in the record sheet must be completed accurately and legibly by printing in indelible ink.
6. Not later than two weeks after the end of the month to which the sheet relates, each completed record sheet must be returned to the competent authority or agency of the Member State which issued this book. Where an operation spans two census periods, the date of loading determines the period which the record must cover (e.g. an operation beginning towards the end of January and ending in the early part of February should be included in the January return).

(c)

(Front of the page inserted before the 50 detachable sheets)

(Text in the official language of the issuing Member State)

EXPLANATORY NOTES

The information to be given on the following sheets relates to all goods transported under the Community authorization to which this record book relates.

A separate line on this sheet must be completed for each consignment of goods loaded

Column 2 Give, where appropriate, the information requested by the issuing Member States.

Column 3 Give the day (01, 02, ...31) of the month indicated at the top of the sheet during which the vehicle departed under load.

Column 4 Specify the place and, if necessary to make this clear, the department, province, Land, etc.

Column 5 Use the following distinguishing signs:

Belgium	: B	Ireland	: IRL
Denmark	: DK	Italy	: I
Germany	: D	Luxembourg	: L
Greece	: GR	Netherlands	: NL
Spain	: E	Portugal	: P
France	: F	United Kingdom	: GB

Column 6 and 7 As for columns 4 and 5.

Column 8 State the distance travelled between the place of loading and the place of unloading.

Column 9 Give the weight in tonnes to one decimal point (e.g. 10.0 t) of the consignment of goods in the same way as for the customs declaration; do not include the weight of containers or pallets.

Column 10 In addition, describe as accurately as possible the goods in the consignment.

Column 11 For official use only.



ANNEX IV

(a)

(Coloured paper - format 30 x 21 cm)

(Front cover of book of record sheets)

(Text in the official language or languages of the Member State issuing the book of record sheets - translations in the other official languages of the Community to be given overleaf)

STATE ISSUING THE BOOK  
OF RECORD SHEETS

Competent authority or agency

International distinguishing sign  
of Member State (1)

Book No.....

BOOK OF RECORD SHEETS FOR INTERNATIONAL TRANSPORT OPERATIONS  
CARRIED OUT UNDER (MONTHLY) SHORT-TERM COMMUNITY AUTHORIZATION

No.....

This book is valid until .....(2)

Issued at ....., date.....(3)

- 
- (1) International distinguishing signs of Member States: Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (GB).
  - (2) Period of validity may not exceed that of the Community authorization.
  - (3) Stamp of the competent authority or agency issuing the book.

(b)

(Inside front cover of book of record sheets)

1. (Translation in the other official languages of the Community of text overleaf)
2. (Text in the official language or languages of issuing Member State)

#### GENERAL PROVISIONS

1. This book of record sheets contains 10 detachable sheets, numbered 1 to 10, on which details must be given, at the time of loading, of all goods transported under the Community authorization to which they relate. Each book is numbered and that number is marked on every page of the book.
2. The carrier is responsible for the proper completion of the records of international transport operations.
3. The book must accompany the Community authorization to which it relates and be kept on board the vehicle travelling laden or unladen under the said authorization. It must be produced whenever required by and authorized inspecting officer.
4. Record sheets must be used in numerical order and the successive loading operations must be entered in chronological order.
5. Each item in the record sheet must be completed accurately and legibly by printing in indelible ink.
6. Not later than two weeks after the end of the month to which the sheet relates, each completed record sheet must be returned to the competent authority or agency of the Member State which issued this book. Where an operation spans two census periods, the date of loading determines the period which the record must cover (e.g. an operation beginning towards the end of January and ending in the early part of February should be included in the January return).



(c)

(Front of the page inserted before the 10 detachable sheets)

(Text in the official language of the issuing Member State)

### EXPLANATORY NOTES

The information to be given on the following sheets relates to all goods transported under the Community authorization to which this record book relates.

A separate line on this sheet must be completed for each consignment of goods loaded

- Column 2 Give, where appropriate, the information requested by the issuing Member State.
- Column 3 Give the day (01, 02, ...31) of the month indicated at the top of the sheet during which the vehicle departed under load.
- Column 4 Specify the place and, if necessary to make this clear, the department, province, Land, etc.
- Column 5 Use the following distinguishing signs:
- |         |      |                |       |
|---------|------|----------------|-------|
| Belgium | : B  | Ireland        | : IRL |
| Denmark | : DK | Italy          | : I   |
| Germany | : D  | Luxembourg     | : L   |
| Greece  | : GR | Netherlands    | : NL  |
| Spain   | : E  | Portugal       | : P   |
| France  | : F  | United Kingdom | : GB  |
- Column 6 and 7 As for columns 4 and 5.
- Column 8 State the distance travelled between the place of loading and the place of unloading.
- Column 9 Give the weight in tonnes to one decimal point (e.g. 10.0 t) of the consignment of goods in the same way as for the customs declaration; do not include the weight of containers or pallets.
- Column 10 In addition, describe as accurately as possible the goods in the consignment.
- Column 11 For official use only.



ANNEX V

Transport operations carried out in .....(quarter) .....(year)  
 under cover of Community transport authorizations issued by .....  
 (international distinguishing sign of the country)

Member State of		Number of	
Loading	Unloading	Tonnes carried	Tonnes-kilometres worked (thousand)
D	F I NL B L GB IRL DK GR E P Total		
F	D I NL B L GB IRL DK GR E P Total		
I  etc.	D F NL B L GB etc.		
	Grand total		

## ANNEX VI

### Method of calculating the utilization of Community authorizations

Utilization of Community authorizations is measured on the basis of the number of tonnes-kilometres worked under cover of Community authorizations (average per authorization).

The "utilization of authorizations" coefficient is equal to the percentage represented by the level of utilization of the carriers of a particular Member State in relation to the total utilization of the carriers of the 12 Member States.

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Annex VII

EUROPEAN ECONOMIC COMMUNITY

(a)

(Thick coloured paper - format 15 x 21 cm)

(First page of authorization)

(Text to be worded in the official language or languages of the Member States issuing the authorization; translation in the other official languages of the Community to be given on pages (e) and (f))

State issuing the authorization- international distinguishing sign	Competent authority or agency
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COMMUNITY AUTHORIZATION (1) No.....

for the carriage of goods by road for hire or reward between the Member States of the European Economic Community

This authorization entitles .....  
.....  
.....(2)

to carry goods by road for hire or reward, by means of a single vehicle or a coupled combination of vehicles, from any Member State of the European Economic Community by any route to any other Member State thereof and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community.

This authorization is valid from .....to .....  
Issued at ....., date .....(3)

- 
- (1) International distinguishing signs of Member States: Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL); Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (GB).
  - (2) Name, or registered business name, and full address of carrier.
  - (3) Signature and stamp of the competent authority or agency issuing the authorization.

(Second page of authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translation in the other official languages of the Community to be given on pages (c) and (d))

#### GENERAL PROVISIONS

This authorization permits the international carriage of goods by road for hire or reward from any Member State of the European Economic Community by any route to any other Member State between a Member State and a non-member State, for transport in transit by one or more Member States.

It is not valid on the territory of a non-member State.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it if the carrier:

- has supplied incorrect information about particulars which were of importance in connection with the issue of the authorization;
- is convicted, after the authorization has been issued, of serious and repeated infringements of the provisions governing national and international transport and traffic, and in particular the rules concerning driving periods and rest periods for drivers, road safety and the highway code.

It may be used only for one vehicle at a time (1). In the case of a coupled combination of vehicles, it shall accompany the tractor vehicle; it shall cover the coupled combination of vehicles even if the trailer or semi-trailer is not registered or put into circulation in the name of the holder of the authorization or is registered or put into circulation in a different Member State, or in another State, a member of the European Conference of Ministers of Transport. It must be carried in the vehicle.

The authorization must be produced whenever required by an authorized inspecting officer.

The holder is required to comply in the territory of each Member State with the laws, regulations and administrative provisions of that State, and in particular with those concerning transport and road traffic.

This authorization must be returned to the competent issuing authority or agency within 15 days following its date of expiry.

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(1) "Vehicle" means a single vehicle or a coupled combination of vehicles.

(c) and (d)

(Third, fourth and fifth pages of Community authorization)

(Translation in the other official languages of the Community of the text on page (b))

(e) and (f)

(Sixth, seventh and eighth pages of Community authorization)

(Translation in the other official languages of the Community of the text on page (a))

## FICHE FINANCIERE

relative à une proposition de Règlement du Conseil  
concernant l'accès au marché des transports  
de marchandises par route entre Etats membres

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### 1. Ligne budgétaire concernée

Article 584 :

Observation et fonctionnement des marchés des transports de  
marchandises.

### 2. Référence

Traité CEE - Article 75 :

Règlement (CEE) n° 3164/76 du Conseil du 16 décembre 1976 relatif  
au contingent communautaire pour les transports de marchandises par  
route effectués entre Etats membres (J.O. n° L 357 du 29.12.1976,  
page 1), modifié en dernier lieu par le Règlement (CEE) n° 3677/85  
(J.O. n° L 354 du 30.12.1985, page 46).

Communication de la Commission au Conseil concernant le progrès  
vers une politique commune des transports - Transports terrestres -  
Doc. COM (83) 58 final du 9.02.1983 ; en particulier les paragraphes  
3.3.1., 5.3.2. et 5.3.7.

Communication de la Commission au Conseil - Transports routiers  
intracommunautaires - Doc. COM (85) 742 final du 23.12.1985.

Conclusions du Conseil concernant les transports routiers intra-  
communautaires de marchandises (session du 30.06.1986).



### 3. Description de l'action : objectifs, personnes concernées, autres.

#### 3.1. Objectifs de l'action

##### 3.1.1. Objectifs généraux

Cette action s'inscrit dans le cadre des mesures transitoires à mettre en place pour arriver à l'organisation définitive du marché intracommunautaire des transports routiers de marchandises devant être instauré en 1992 et vise la réalisation d'un marché libre des transports, conformément aux conclusions du Conseil européen des 28 et 29.06.1985, aux Résolutions du Conseil des Transports des 14.11.1985 et 30.06.1986 et à la mise en oeuvre du Livre blanc de la Commission sur l'achèvement du marché intérieur.

##### 3.1.2. Objectifs plus spécifiques

L'action prévoit, en particulier, la récolte et l'exploitation des données statistiques devant servir à établir l'utilisation qui est faite des autorisations communautaires attribuées aux Etats membres dans le cadre du Règlement n° 3164/76 ou du Règlement dont le texte auquel la présente fiche est annexée constitue la proposition.

#### 3.2. Personnes concernées à l'extérieur des institutions

Les pouvoirs publics et les transporteurs routiers internationaux.

#### 3.3. Autres éléments descriptifs essentiels non repris ailleurs

L'utilisation des autorisations communautaires de la part des transporteurs des Etats membres représente un des paramètres fixés par le Conseil pour la répartition du contingent communautaire.

#### 4. Justification de l'action

##### 4.1. Justification du type d'action proposée

Aucune autre action n'est envisageable eu égard au but à atteindre. En effet, l'utilisation des autorisations communautaires ne peut être mesurée qu'au moyen d'une récolte de statistiques appropriées dans chaque Etat membre et de leur exploitation.

##### 4.2. Explication de l'intérêt d'une action au niveau communautaire

La récolte des statistiques relatives aux contingents communautaires permet la fixation des quotas communautaires soit entre les Etats membres, soit entre les transporteurs routiers d'un Etat membre.

#### 5. Incidence financière de l'action sur les crédits d'interventions

5.1. Il s'agit d'une action à durée limitée de cinq années. Les coûts totaux sont estimés à 3.250.000 ECU.

5.2. Le coût de cette action est entièrement pris en charge par le budget de la Communauté.

##### 5.3. Echéance quinquennale des crédits nécessaires

5.3.1. Crédits d'engagement et crédits de paiement si la distinction existe ou doit être envisagée :

Néant.

##### 5.3.2. Crédits non dissociés

Besoin de crédits (non dissociés) en ECU :

1986	1987	1988	1989	1990	1991
350.000*	450.000	550.000	650.000	750.000	850.000

\* couvert par l'article 586 en 1986

#### 5.4. Mode de calcul

Les crédits demandés se basent, d'une part, sur les dépenses constatées en 1986 (350.000 écus) et, d'autre part, sur la précision d'augmentation des autorisations et de l'évolution des méthodes d'échantillonnage.

#### Justification

Les coûts de l'action correspondent au remboursement, par la Communauté, des frais d'exploitation des autorités compétentes des Etats membres des statistiques du contingent communautaire.

Sur la base du Règlement n° 3164/76, où la Communauté a supporté les coûts de l'action à 100 %, ces coûts sont estimés à 350.000 ECU en 1986.

Compte tenu de l'adaptation des contingents communautaires décidée par le Conseil, le nombre des autorisations augmentera, pour une période de cinq ans, d'un pourcentage annuel de 40 % (pourcentage cumulatif). Les coûts de l'action pour les années 1987 à 1991 sont estimés sur base d'une réduction progressive de l'échantillonnage et d'un taux d'inflation estimé à 6,5 % par an.

#### 6. Incidence financière sur les crédits de personnel et de fonctionnement courant (pour les actions nouvelles)

Il ne s'agit pas d'une proposition d'action nouvelle.

#### 7. Financement des dépenses d'interventions

Crédits à inscrire au budget.

#### 8. Incidence éventuelle sur les ressources

Néant.

9. Régime de contrôle prévu

Le contrôle de l'action concernant les statistiques du contingent communautaire s'exerce par la transmission de celles-ci par les Etats membres au moyen du modèle indiqué à l'annexe au Règlement (CEE) n° 3024/77, modifié par l'annexe au Règlement (CEE) n° 3677/85. L'analyse établie sur la base de ces statistiques est communiquée par la Commission aux Etats membres une fois par an conformément à l'article 4, alinéa 4 du Règlement n° 3164/76.