

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 8 September 1980

PROPOSAL FOR A COUNCIL DIRECTIVE AMENDING

the First Council Directive of 23 July 1962 on the establishment
of common rules for certain types of carriage of goods by road
between Member States and

Council Directive 65/269/EEC

(submitted to the Council by the Commission)

MEMORANDUM TO THE COMMISSION

With a view to :

- promoting the free provision of services, satisfying the interests of the general public, making possible a rational use of means of transport and
- extending to all types of intra-Community transport operations a situation which already exists on several routes between Member States and between some Member States and non-Community countries belonging to the ECMT,

this proposal aims at generalizing the reduction of restrictions and the simplification of administrative formalities for various types of carriage of goods by road between Member States. The system of authorizations, without quantitative restrictions, may be maintained for some types of operation. The authorization issued must, however, be valid for all routes between Member States.

The Council Directive of 13 May 1965, which lays down models for the authorizations required for the international carriage of goods by road between the Member States must therefore be amended.

PROPOSAL FOR A COUNCIL DIRECTIVE AMENDING

- (1) The First Council Directive on the establishment of common rules for certain types of carriage of goods by road between Member States;
- (2) the Council Directive concerning the standardization of certain rules relating to authorizations to carry goods by road between Member States.

EXPLANATORY MEMORANDUM

- 1. By virtue of the provisions adopted in pursuance of the First Council Directive of 23 July 1962, as last amended by the Directive of 20 December 1979, certain categories of carriage were either exempted from all quota and authorization arrangements or subjected to non-quota authorization arrangements.
- 2. To facilitate trade between Member States and at the same time enable the transport sector to function flexibly and adapt itself to market requirements, advances must be made towards a liberalization of international road transport, in particular by rendering progressively more flexible restrictive measures regulating capacity.

This step-by-step advance implies that the gradual liberalization introduced into Community regulations on the transport of goods by road between Member States should be amplified and should be applied to transport operations of a special type or requiring special handling or specific equipment.

- 3. The European Conference of Ministers of Transport (ECMT) has made similar advances covering a wider area than the European community. However, specific aspects of these advances do not correspond fully with the Community's own measures, either with regard to the transport categories exempted or to the transport authorization system which shall apply in each case. The differences between the Community and the ECMT arrangements are set out in detail in the Annex to this memorandum.

4. The provisions adopted by the ECMT are proving advantageous by comparison with the provisions existing within the Community. It is therefore necessary that transport operations carried out from or to a non-Community country by hauliers of a Member State and, a fortiori, transport operations carried out by such hauliers between Member States be subject to a system as favourable as that at present applicable to transport operations between ECMT countries. Furthermore, it is essential to avoid the uncertainty and risk of confusion regarding the provisions applicable to the transport operations in question which could arise from the coexistence of two systems.
5. The Commission therefore proposes to harmonize the Community and the ECMT arrangements. Since the latter, as already mentioned, are more favourable in principle; it also proposes to align the Community arrangements with the ECMT provisions.
6. The ECMT is considering whether to introduce a multilateral authorization for removal journeys, thus enabling the holder to carry out freely transport operations of this kind over any of the transport links between ECMT member countries. The authorization would be issued by the country in which the vehicle is registered.

The Commission's view is that, with this procedure, which is similar to that for Community authorizations for the carriage of goods by road for hire or reward between Member States, operators would no longer require an authorization for each link; the number of steps which operators have to take would therefore be cut down, and the competent national authorities would be relieved of much administrative work. This would also benefit users.

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7. The Commission takes the view that multilateral authorization should be introduced not only for removals but also for the other types of transport operation referred to in Annex II to the First Directive.

It is stressed that this is purely a matter of administrative simplification, since Community hauliers are already entitled to carry out the transport operations referred to in the First Directive departing from a Member State other than the country of registration (on condition they have an authorization for the transport operations listed in Annex II to the First Directive on the transport links where such an authorization is required).

8. The Commission wishes to seize this opportunity to bring the text of the First Directive of 1962 into line with the provisions recently adopted by the Council concerning transport operations which comply with certain conditions.

Given that the transport operations performed by an undertaking on its own account are henceforth exempt from any authorization and quota arrangements, the provision in the second indent of Article 1(1) of the First Directive is no longer warranted and must be deleted.

9. Finally, the Council Directive of 13 May 1965 concerning the standardization of certain rules relating to authorizations to carry goods by road between Member States, which lays down models for the authorizations required for the international carriage of goods by road between Member States, must be amended because of the introduction of the new multi~~l~~ateral authorization under this Directive.

TABLE COMPARING THE TYPES OF CARRIAGE LIBERALIZED BY THE FIRST DIRECTIVE AND ECMT RESOLUTIONS NOS 16, 27, 32 and 35

<u>Transport operation</u>	<u>EEC</u> ¹	<u>ECMT</u> ¹
1. Frontier traffic in a zone extending on each side of the frontier to a depth of 25 kilometres as the crow flies, provided that the total distance involved does not exceed 100 kilometres as the crow flies.	Exempt Q+A	Exempt Q+A
2. Occasional carriage of goods to or from airports, in the event of air services being diverted.	Exempt Q+A	Exempt Q+A
3. Carriage of luggage in trailers coupled to passenger-carrying vehicles and the carriage of luggage in all types of vehicle to and from airports.	Exempt Q+A	Exempt Q+A
4. Carriage of mails.	Exempt Q+A	Exempt Q+A
5. Carriage of damaged and broken-down vehicles.	Exempt Q+A	Exempt Q+A
6. Carriage of refuse and sewage.	Exempt Q+A	Exempt Q+A
7. Carriage of animal carcasses for quartering.	Exempt Q+A	Exempt Q+A
8. Carriage of bees and fish fry.	Exempt Q+A	Exempt Q+A
9. Funeral transport	Exempt Q+A	Exempt Q+A
10. Carriage of goods by motor vehicle, whose total permissible laden weight, including that of trailers, does not exceed 6 tonnes, or whose permitted payload, including that of trailers, does not exceed 3.5 tonnes.	Exempt Q+A	Exempt Q+A
11. Own-account transport operations.	Exempt Q+A (in certain circumstances)	Exempt Q+A

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¹Q = Quota
A = Authorization

<u>Transport operation</u>	<u>EEC¹</u>	<u>ECMT¹</u>
12. Carriage of articles needed for emergency medical care, especially after natural disasters.	Exempt Q+A	Exempt Q+A
13. Carriage of precious goods (e.g. precious metals) by special-purpose vehicles escorted by the police or other security forces.	Exempt Q+A	Exempt Q+A
14. Carriage from a Member State into the frontier zone of an adjacent Member State, and vice versa.	Exempt Q	Exempt Q
15. Carriage of objects and works of art for exhibition or for commercial purposes.	Exempt Q	Exempt Q+A
16. Occasional carriage of objects and material exclusively for publicity or information purposes.	Exempt Q	Exempt Q+A
17. Removals by undertakings having special staff and equipment for this purpose.	Exempt Q	Exempt Q
18. Carriage of material, properties and animals to or from theatrical, musical or film performances or sporting events, circuses, exhibitions or fairs, or to or from the making of radio or television broadcasts or films.	Exempt Q	Exempt Q+A
19. Carriage of spare parts for ships and aircraft. Carriage of ships' stores.	Exempt Q Not covered by the First Directive.	Exempt Q+A Exempt Q+A
20. Carriage of livestock in special-purpose vehicles.	Exempt Q	Exempt Q+A
21. Carriage of goods with exceptional dimensions or weight, provided the operator has obtained the special permits required by national rules governing road transport.	Not covered by the First Directive	Exempt Q+A

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¹Q = Quota
A = Authorization

Transport operation

EEC¹

ECMT¹

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|---|-------------------------------------|------------|
| 22. Unladen journey by a commercial vehicle in order to replace a vehicle which has been removed from service in another country and by the continuation of the transport operation by the replacement vehicle under the authorization issued for the vehicle no longer in service. | Not covered by the First Directive | Exempt Q+A |
| 23. Carriage of perishable goods. | Not covered by the First Directive | Exempt Q |
| 24. Carriage of goods by motor vehicles whose permissible payload, including that of any trailer(s) does not exceed 6 tonnes. | Not covered by the First Directive. | Exempt Q |

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ECMT provisions :-the types of transport operation listed under points 17, 23 and 24 are exempt from all authorization arrangements, where such operations are performed in transit on their territory by vehicles registered in another member country

-vehicles registered in a member country other than the country of loading or unloading may perform the transport operations included in the list, except those listed under points 1 and 14

-all transport operations between two member countries performed by vehicles registered in another member country, where the latter's territory must normally be crossed and provided such vehicles have regularly been authorized to perform transport operations between

(a) the country of loading and the other member country and

(b) between the other country and the country of unloading, are permitted.

¹Q = Quota
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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(1) 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 adoption of a common transport policy involves, inter alia, laying down
common rules for the international carriage of goods by road to or from the
territory of a Member State or passing across the territory of one or more Member
States;

Whereas, in order to facilitate trade between Member States and at the same time
enable the transport sector to function flexibly and adapt itself to market
requirements, advances must be made towards a liberalization of international road
transport, in particular by rendering progressively more flexible restrictive
measures regulating capacity; whereas this step-by-step advance implies that the
gradual liberalization introduced into Community regulations on the transport of
goods by road between Member States should be amplified and should be applied to
transport operations of a special type or requiring special handling or equipment;

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Whereas, with regard to the carriage of goods by road, the measures set out in the First Council Directive of 23 July 1962¹ should be aligned with those introduced by the European Conference of Ministers of Transport (ECMT) and whereas, in order to facilitate the gradual establishment of the common market, the measures aligned should be those which most favour the free provision of services;

Whereas, in order to facilitate the performance of the transport operations referred to in Annex II to the First Directive on all links between Member States, a standard authorization should be introduced for those transport links where an authorization is still required, which will offer the same possibilities for multilateral transport operations as the Community authorization introduced by Council Regulation (EEC) No 3164/76² as last amended by Regulation (EEC) No 2964/79³;

Whereas the Council Directive 65/269/EEC of 13 May 1965 concerning the standardization of certain rules relating to authorizations to carry goods by road between Member States⁴ must be amended to take account of the provisions of this Directive as regards the introduction of a multilateral authorization;

Whereas the provisions of the First Directive in respect of own-account transport must be adapted in the light of the provisions of Council Directive 80/49/EEC⁵ since these have a more general application and no longer refer to specific types of transport;

HAS ADOPTED THIS DIRECTIVE :

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¹ OJ No 70, 6.8.1962, p. 2005/62

⁵ OJ No L 18, 24.1.1980, p. 23

² OJ No L 357, 29.12.1976, p. 1

³ OJ No L 336, 29.12.1979, p. 12

⁴ OJ No 88, 24.5.1965, p. 1469

Article 1

1. The following points are hereby added to Annex I to the First Directive of 23 July 1962:

"14. Carriage of spare parts and supplies for sea-going vessels and aircraft.

15. Carriage of live animals in special vehicles; special vehicles for the carriage of live animals shall be understood to mean vehicles which have been constructed or permanently modified specially for the carriage of live animals and are recognized as such by the relevant authorities in the Member State of registration.

16. Carriage of goods of abnormal size or weight where the carrier has obtained the special authorizations required by national road traffic laws.

17. Unladen journey by a commercial vehicle in order to replace a vehicle which has been removed from service in another country and continuation of the transport operation by the replacement vehicle under the authorization issued for the vehicle no longer in service.

18. Carriage of objects and works of art for exhibition or for commercial purposes.

19. Occasional carriage of objects and material exclusively for publicity or information purposes.

20. Carriage of material, properties and animals to or from theatrical, musical or film performances or sporting events, circuses, exhibitions or fairs or to or from the making of radio or television broadcasts or films."

11

2. Annex II to the First Directive of 23 July 1962 shall be amended as follows:

(a) points 2, 3, 5, 6 and 7 shall be deleted;

(b) the following points shall be inserted:

"2. Carriage of perishable goods.

3. Carriage of goods by motor vehicles the permissible payload of which, including that of trailers, does not exceed 6 tonnes."

Article 2

The following subparagraphs shall be added to Article 1(3) of the First Directive of 23 July 1962:

"Where such transport operations are subject to authorization, they shall be performed under a multilateral authorization, the model for which is contained in Annex III to this Directive.

The multilateral authorization shall be issued by the Member State in which the vehicle assigned to the said transport operations is registered. It can be a "journey authorization" or a "period authorization" and shall entitle its holder to perform the transport operations listed in Annex II on all transport links between the Member States, with the exception of all internal traffic within the territory of a Member State, and to move the vehicle in an unloaded condition to and from any point within the territories of the Member States of the Community."

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Article 3

1. The second indent of Article 1 (1) of the First Directive of 23 July 1962 is hereby deleted.

2. Article 1 (4) of the First Directive of 23 July 1962 is hereby replaced by the following :

"4. The three Annexes shall be an integral part of this Directive."

Article 4

The following text should be added to Article 2 of Directive 65/269/EEC :

"However, the authorizations referred to in Annex II to the First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road between Member States, as last amended by Directive / /EEC¹ must correspond to the model contained in Annex III to the latter Directive."

Article 5

Member States shall take the measures necessary to comply with this Directive not later than 1 January 1982. They shall inform the Commission thereof before 1 July 1981.

Article 6

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX III

MODEL AUTHORIZATION

(White form with diagonal band of colour - front)

To be worded in the seven official languages of the Community

Issuing State

(International distinguishing sign) (Competent agency)

Period authorization

EEC multilateral authorization n°
for certain types of international carriage of goods by road.

This authorization is issued to

(Name or business name and full address of carrier)

for the carriage of ¹

(type of carriage)

on routes between the Member States of the European Economic Community
by means of a single vehicle or a coupled combination of vehicles, and
to effect unladen journeys with these vehicles throughout the Community.

This authorization is valid from
to

Restrictions, if any:

Issued at Date

(Signature and stamp of
agency issuing authorization)

¹Mention at least one, and if appropriate, several of the types of international carriage of goods for hire or reward listed in Annex II to the First Council Directive of 23 July 1962, as last amended by the Directive of 20 December 1979. This list is given on the back.

(Back of form)

I. General conditions

This authorization must be carried on the vehicle and be produced at the request of any authorized inspecting officer.

It authorizes only the international carriage of goods. It is not valid for national transport.

It is not transferable.

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

This authorization must be returned to the issuing agency within fifteen days of the date of expiry.

II. Transport operations which can be the subject of an EEC multilateral authorization

1. Carriage from a Member State into the frontier zone of an adjacent Member State, and vice versa.
2. Carriage of perishable goods.
3. Carriage of goods by motor vehicles, the permissible payload of which, including that of trailers, does not exceed six tonnes.