

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 572 final

Brussels, 27 November 1989

Proposal for a  
COUNCIL REGULATION (EEC)  
amending Regulation (EEC) No 3164/76 concerning  
access to the market in the international carriage of goods by road

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(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. In Regulation (EEC) No 1841/88,<sup>(1)</sup> the Council

- set a Community quota for the carriage of goods by road between Member States for 1988 and 1989, and
- decided to abolish all quotas, including the Community quota, on 1 January 1993.

This means that the Community quota should now be decided for 1990, 1991 and 1992.

Under Article 3(3) of Regulation (EEC) No 3164/76,<sup>(2)</sup> as amended by the above-mentioned Regulation (EEC) No 1841/88, the Council is required to decide by 31 March 1990 on an increase in the Community quota from 1990. The aim of this proposal is to enable the Council to take this decision in time, if possible before the end of 1989, as it would be preferable for Community authorizations to be fully available in practice from 1 January 1990.

In addition, under the provisions of Article 3(3) of Regulation (EEC) No 3164/76, a report on the effects of the various increases in and the allocation of the Community quota has to be attached to the proposal.

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(1) OJ No L 163, 30.6.1988, p. 1.

(2) OJ No L 357, 29.12.1976, p. 1.

2. The increase in the Community quota for 1990, 1991 and 1992 should be set at 40% per year. This rate of increase is :
- in line with the policy conclusions adopted by the Council at the meeting of 30 June 1986 and the Commission proposal presented in November 1986<sup>(1)</sup>;
  - equivalent to the Community quota increases in 1987, 1988 and 1989;
  - absolutely essential if the proportion of operations effected under Community authorizations is to be increased and complete freedom to provide road haulage services between the Member States thereby established;
  - a response to market needs since the number of tonne-kilometres performed under the Community quota increased by 37% between 1986 and 1988; and
  - necessary to ensure a smooth transition to the system which will be in force from 1 January 1993 and in which there will no longer be any quantitative restrictions on access to the market (as quotas will have been abolished).
3. The extra authorizations resulting from the increase in the Community quota are to be distributed among the Member States on a linear basis.

The linear method of allocation was used for 1989 and has the advantage of simplicity. Any other method of distributing Community authorisations aimed at ensuring that the Member States all start equal when the unrestricted system comes into force on 1 January 1993, would run into virtually insurmountable obstacles.

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(1) OJ No 65, 12.3.1987, p. 4.

4. By abolishing the present formality requiring a customs stamp on the record sheet when a lorry crosses the frontier of the country in which the transport operation is to terminate, this proposal is also in line with the objective set out in Article 8a of the Single Act. Although the formality will disappear automatically on 31 December 1992 when Regulation 1841/88 enters fully into force, it might be useful to make advance preparations for the deadline by organizing the gradual dismantling of these border formalities. Furthermore, the requirement, enshrined in Regulation 3164/76, is a barrier to the elimination of the formality by the Member States of the Schengen Group. Hence the proposal to amend Annexes II and IIA to Regulation 3164/76.

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COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 3164/76 concerning  
access to the market in the international carriage of goods by road

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,<sup>1</sup>

Having regard to the opinion of the European Parliament,<sup>2</sup>

Having regard to the opinion of the Economic and Social Committee,<sup>3</sup>

Whereas under Article 3(3) of Regulation (EEC) No 3164/76,<sup>4</sup> as last amended by Regulation (EEC) No 1841/88,<sup>5</sup> the Council is required to take a decision on the increase, from 1990, in the Community quota for the carriage of goods by road between Member States;

Whereas Article 4a of Regulation (EEC) No 3164/76 provides for abolition of all quotas, including the Community quota, from 1 January 1993;

Whereas on 30 June 1986, the Council adopted conclusions requiring the Community quota to be increased by 40% each year starting in 1987 and continuing until the implementation in 1993 of an intra-Community road transport market free of all quantitative restrictions;

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1 OJ

2 OJ

3 OJ

4 OJ No L 357, 29.12.1976, p. 1.

5 OJ No L 163, 30.6.1988, p. 1.

Whereas, pursuant to those conclusions the Community quota was indeed increased by 40% in 1987, 1988 and 1989;

Whereas to ensure that the changeover to the new system applicable from 1993 is as smooth as possible and does not disturb the market, and to ensure that there is complete freedom to provide road haulage services between Member States, the Community quota should be increased by 40% also in 1990, 1991 and 1992;

Whereas, as in 1989, the number of authorizations resulting from the increase in the Community quota should be allocated to the Member States on a linear basis; whereas this method is particularly appropriate because of its simplicity;

Whereas, with a view to the abolition of checks at the Community's internal frontiers the requirement for the customs to stamp the transport record sheet should be abolished; whereas, consequently certain technical amendments are needed to Regulation (EEC) No 3164/76,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 3164/76 is hereby amended as follows:

1. Article 3(1) and (2) are replaced by the following:

"1. For 1990, 1991 and 1992 the total number of Community authorizations allocated to the Member States as a whole in the context of the Community quota shall be 33 635, 47 094 and 65 936 respectively.

The number of Community authorizations allocated to each of the Member States shall be as follows:

	1990	1991	1992
Belgium	2918	4086	5721
Denmark	2831	3964	5550
Germany	4654	6516	9123
Greece	1291	1808	2532
Spain	3026	4237	5932
France	3957	5540	7756
Ireland	1316	1843	2581
Italy	3964	5550	7770
Luxembourg	1360	1904	2666
Netherlands	4125	5775	8085
Portugal	1713	2399	3359
United Kingdom	2480	3472	4861"

2. In Annex II and Annex II bis :

a) the following are deleted:

- point 7 on page (b);
- the last sentence on page (c);
- the footnote appearing under "NB" at the foot of page (d);  
and
- the text on page (e);

b) the following sentence is added to point 3 on page (b):

"However, the book has no longer to be checked at the frontiers of the Member States."

#### Article 2

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels ,

For the Council  
The President

Assessment of the impact on SMEs and employment of the proposal for a Council Regulation amending Regulation (EEC) No 3164/76 on access to the market in the international carriage of goods by road

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1. Administrative obligations arising out of the implementation of the proposed Regulation

The proposal will result in businesses having fewer administrative formalities to complete:

- each Community authorization will replace a large number of bilateral and transit authorizations;
- Community authorizations are valid for a full year and for all transport links between the Member States whereas bilateral authorizations are valid only for one journey on one bilateral link;
- frontier formalities (customs stamp on the record sheet) will be abolished.

2. Advantages for undertakings

The increase in the Community quota will result in:

- road hauliers being able to respond even better to market needs;
- rationalization of services;
- a corresponding reduction in costs;
- a reduction in administrative formalities (see point 1).

3. Disadvantages for undertakings

The increase in transport capacity is likely to result in greater competition between road hauliers.



4. Effects on employment

The proposal does not seem likely to affect employment levels in the sector in question.

5. Has there been prior consultation of the social partners?

Not on this proposal, but consultations were held on the previous proposal, COM(86)595 final/2 (OJ C 65 of 12 March 1987, p. 4), part of which (the 40% per year increase in the Community quota) has been included in this proposal.

In connection with the earlier proposal the ESC<sup>1</sup> drew attention to the danger of overcapacity. This reflected the views of the road hauliers, trade unions, railways and transport auxiliaries but the users approved the proposal.

6. Is there an alternative involving less constraint?

No.

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1 Opinion of 1 June 1987 (OJ 232 of 31.8.1987, p. 34).



ISSN 0254-1475

COM(89) 572 final

# DOCUMENTS

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Catalogue number : CB-CO-89-546-EN-C

ISBN 92-77-55152-6

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Office for Official Publications of the European Communities  
L-2985 Luxembourg