

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 38 final/B

Brussels, 8 February 1978

Proposal for a
COUNCIL DECISION

- authorizing the Commission, acting within the Economic Commission for Europe, to negotiate for the road transport sector the proposed revision of Resolution No 212 relating to the facilitation of health and quality inspection applicable in the international carriage of goods by road as regards traffic between the Community and non-member countries represented in the Economic Commission for Europe

(submitted to the Council by the Commission)

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The facts

1. In 1969 the Inland Transport Committee of the Economic Commission for Europe in Geneva adopted Resolution No 212 relating to the facilitation of health and quality inspection. The Resolution applies to the three modes of inland transport.
2. The years following the adoption of this Resolution showed that its recommendations - also the problem of non-recognition of health certificates - do not entirely meet the needs of the railway sector. The ECE's Inland Transport Committee therefore called upon its Working Party on Rail Transport to investigate the problems involved so that, where this sector is concerned, the Resolution could be revised. Following a proposal by the Working Party on Rail Transport, the Inland Transport Committee, at its 36th meeting (31 January to 4 February 1977) approved the proposal for Resolution No 212 (revised).
3. As the revision of the above Resolution concerns only the railways, the Inland Transport Committee called upon the Working Party on Road Transport to study the same question as it affected road transport. There was a preliminary exchange of views on the subject at a meeting of the Working Party on Road Transport held on 18 to 22 July 1977 in Geneva.
4. In this connection it should be made clear that, for the purposes of implementing Resolution No 212 (revised), the territories of the Member States of the Community are considered a single territory, notably because of the customs union established by them. In other words, acceptance and implementation of Resolution No 212 (revised) by the Community can cover only the carriage of goods between the Community and those non-Community countries signatories to the Resolution.
5. Since this matter is within the competence of the Community¹, the Member States are no longer in a position to act individually and take on an international commitment concerning the implementation of Resolution No 212 (revised) on the carriage of goods by road.

¹See Articles 43, 75 and 100

6. Being a matter within the competence of the Community, it is essential that the Commission should receive a directive empowering it to negotiate on behalf of the Community the revised version of Resolution No 212 as it concerns the road transport sector.

7. It is proposed that the Council approves the proposal for a Council Decision authorizing the Commission, acting within the Economic Commission for Europe, to negotiate for the road transport sector the planned revision of Resolution No 212 relating to the facilitation of health and quality inspection applicable to the international carriage of goods by road as regards traffic between the Community and those non-Community countries represented in the Economic Commission for Europe.

Proposal for a Council Decision

authorizing the Commission, acting within the Economic Commission for Europe, to negotiate for the road transport sector the proposed revision of Resolution No 212 relating to the facilitation of health and quality inspection applicable in the international carriage of goods by road as regards traffic between the Community and non-member countries represented in the Economic Commission for Europe

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Whereas, as concerns the road transport sector, it is desirable to recast Resolution No 212 of the Economic Commission for Europe at Geneva of 1969 relating to the facilitation of health and quality inspection in the international carriage of goods, in order to make the crossing of national borders easier by eliminating any unnecessary or superfluous interruption in the movement of perishable goods, originating in non-Community countries and imported into or in transit through the Community;

Whereas the subject concerned by this revised Resolution, namely veterinary, plant-health and quality inspections in trade with third countries is within the competence of the Community ; whereas the matter is already partially covered by Community rules;

whereas on 12 December 1972 the Council adopted Directive No 72/462/EEC concerning health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (1) ; whereas on the basis of Article 23 (1) of this Directive the Member States ensure that, immediately upon its arrival in Community territory, fresh meat is submitted to a health inspection by the competent authority ;

(1) O.J. No L 302 from 31.12.1972

Whereas it should be recalled that the Community is based on its customs union; whereas this union covers all trade in goods and prohibits as between Member States customs duties, quantitative restrictions and measures having equivalent effect; whereas there also exists Community provision concerning veterinary, plant-health and quality inspections within the Community;

Whereas by virtue of the relevant provisions of the Treaty of Rome the territories of the Member States are therefore regarded as one unit; and whereas the scope of a resolution aiming to establish uniform rules relating to the facilitation of veterinary, plant-health and quality inspections applicable in international road transport can therefore be envisaged only for traffic between the Community and non-Community countries;

Whereas, consequently, the Community as such should take part in the negotiations within the Economic Commission for Europe on the revision of Resolution No 212 as it relates to the international carriage of goods by road;

Whereas it would be appropriate to empower the Commission to conduct any negotiations to these ends which prove necessary within the Economic Commission for Europe;

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorized to negotiate on behalf of the Community with the non-member countries represented at the Economic Commission for Europe the revision of Resolution No 212 on the facilitation of health and quality inspection applicable in international carriage of goods by road.

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The Commission shall conduct the negotiations in consultation with the representatives of the Member States in accordance with the directives annexed to this Decision.

Done at

For the Council

The President

Negotiating Directives

The ECE's Resolution No 212 must be redrafted in order to facilitate veterinary, plant-health and quality inspection so as to meet the requirements of international road transport between the Community and non-member countries.