

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 9 December 1980

Proposal for a

COUNCIL REGULATION

amending Regulation (EEC) No 3164/76 on the Community quota for
the carriage of goods by road between Member States

Proposal for a

COUNCIL DIRECTIVE

amending the Directive 65/269/EEC on the standardization of certain
rules relating to authorizations for the carriage of goods by road
between Member States

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. Council Regulation (EEC) No 3164/76 of 16 December 1976 on the Community quota for the carriage of goods by road between Member States¹ provides inter alia that :

- (i) the authorization is personal and may not be transferred to a third person;
- (ii) it may be used for only one vehicle at a time (this may be a single vehicle or a coupled combination of vehicles).

These provisions sometimes cause difficulties for hauliers who use a Community authorization for haulage by their own tractor of trailers or semi-trailers which are not registered in their name. Some authorities require the holder of a Community authorization to prove that the load-carrying vehicle belongs to him as well and, if it does not, he is required to produce a Community authorization for this vehicle too.

2. The Council Directive of 13 May 1965 on the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States², provides inter alia that :

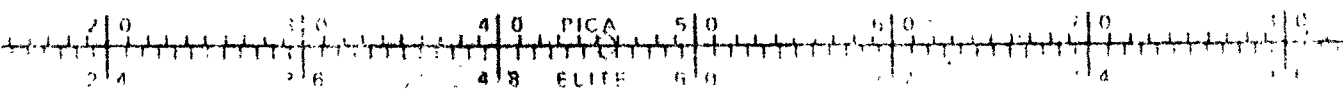
- (i) authorizations required for the international carriage of goods by road to or from the territory of a Member State or passing across the territory of one or more Member States shall be issued by the competent authorities of the Member State in which the vehicle to be used for such carriage is registered;

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¹ OJ No L 357, 29 December 1976, p. 1.

² OJ No 88, 24 May 1975, p. 1469.

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(ii) these authorizations shall apply to a single vehicle or a coupled combination of vehicles.

As in the case of Community authorizations, the use of a coupled combination of vehicles sometimes causes problems when the tractor and the load-carrying vehicle do not belong to the same firm or are registered in different countries. Some Member States require a bilateral authorization for the load-carrying vehicle and have regard only to the movement of goods while others disregard the vehicle in which the transport is effected and only require an authorization for the tractor. Yet other States are concerned with both the means of transport and the goods transported and so require authorizations for both the tractor and the load-carrying vehicle if these are registered in the names of two firms or in different Member States.

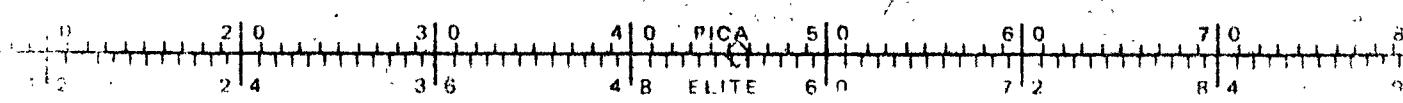
3. In view of these differing practices, measures should be taken to standardize procedures. To issue authorizations only in respect of the tractor would introduce a simple and uniform arrangement for effecting goods transport by road in those cases where the authorization system for transport between Member States is still in use.

4. To issue transport authorizations in respect of the tractor would also have the following additional advantages :

- (i) the tractor is the only part of the coupled combination whose nationality, a function of its registration, is established in the same way by every Member State;

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- (ii) trailers and articulated trailers are not registered in some Member States; like containers and swap bodies they are being hired to an increasing extent; they may be regarded as no more than packing-cases;
- (iii) from the legal point of view, the tractor offers greater security and clarity;
- (iv) checking the transport operations would be simpler and frontier crossings made easier;
- (v) roll-on/roll-off transport will be eased if the tractor only is considered for the final stage of the journey;
- (vi) the individual transport operations would be more efficiently organized;
- (vii) firms would find their operating efficiency and profitability increased;
- (viii) the inter-firm cooperation which is essential in individual transport operations between Member States would be encouraged.

5. As far as the issuing of transport authorizations is concerned, Regulation (EEC) No 3164/76 on the Community quota for the carriage of goods by road between Member States should therefore be amended; a draft Regulation is attached.

The consequential amendment of Council Directive of 13 May 1965 on the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States is also the subject of an annexed proposal for a Directive.

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PROPOSAL FOR A COUNCIL REGULATION

amending Regulation (EEC) No 3164/76 on the Community quota for the carriage
of goods by road between Member States

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, by Regulation No 3164/76¹, as last amended by Regulation (EEC) No²
the Council established a system of Community authorizations for the carriage
of goods by road between Member States;

Whereas the application of the abovementioned Regulation has revealed
difficulties in the use of such authorizations in the case of certain
coupled combinations of vehicles;

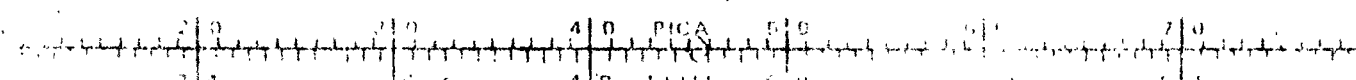
Whereas the system of issuing authorizations in respect of tractors has
administrative, economic and legal advantages and should, in the light
of experience, be extended to cover the use of coupled combinations of
vehicles;

Whereas Community-level uniform rules for the issuing of such authorizations
are needed;

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¹ OJ No L 357, 29.12.1976, p.1

² OJ No L



Whereas Regulation (EEC) No 3164/76 should therefore be amended,

HAS ADOPTED THIS REGULATION :

Article 1

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

1. The following is added to Article 2(3):

"In the case of a coupled combination of vehicles, the Community authorization shall be issued in respect of the tractor; it may also be used to cover haulage of a trailer or semi-trailer which is not registered in the name of the holder of the Community authorization or which is registered in a different Member State. Such authorization shall cover the coupled combination of vehicles."

The following is added to the fifth paragraph of Annex 1(b):

"In the case of a coupled combination of vehicles, the Community authorization shall be issued in respect of the tractor; it may also be used to cover haulage of a trailer or semi-trailer which is not registered in the name of the holder of the Community authorization or which is registered in a different Member State. Such authorization shall cover the coupled combination of vehicles."

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27 December 1976.

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3. The following is added to the fifth paragraph of Annex Ia(b):

"In the case of a coupled combination of vehicles, the Community authorization shall be issued in respect of the tractor; it may also be used to cover haulage of a trailer or semi-trailer which is not registered in the name of the holder of the Community authorization or which is registered in a different Member State. Such authorization shall cover the coupled combination of vehicles."

Article 2

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels,

For the Council,
The President

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PROPOSAL FOR A COUNCIL DIRECTIVE

amending Directive 65/269/EEC on the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States



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 by its Directive of 65/269/EEC¹ as amended by the Directive 73/169/EEC², the Council established a system of authorizations for the carriage of goods by road between Member States;

Whereas the application of Directive 65/269/EEC has revealed difficulties in the use of these authorizations in the case of certain coupled combinations of vehicles;

Whereas the system of issuing authorizations in respect of tractors has administrative economic and legal advantages and should, in the light of the experience acquired, be extended to cover the use of coupled combinations of vehicles;

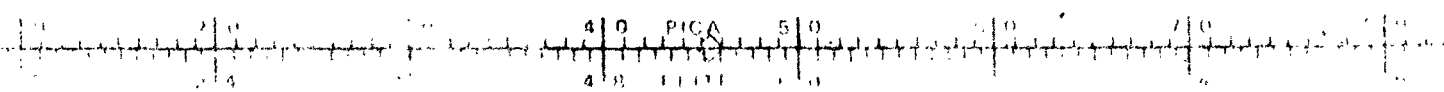
Whereas Community-level uniform rules for the issuing of such authorizations are needed;

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¹ OJ No 88, 24.5.1965, p. 1469.

² OJ No L 181, 4.7.1973, p. 20.



Whereas Directive 65/269/EEC should therefore be amended,

HAS ADOPTED THIS DIRECTIVE :

Article 1

The following subparagraph shall be added to Article 1 of
Directive 65/269/EEC:

" If the transport operation is carried out by a coupled combination
of vehicles, the authorizations required shall be issued by the competent
authorities of the Member State in which the tractor is registered.
Such authorizations shall cover the coupled combination of vehicles."

Article 2

The Member States shall inform the Commission before 1 January 1982
of the measures taken to implement this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

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