

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 508 final

Brussels, 8th September 1980

PROPOSAL FOR A COUNCIL DECISION

on acceptance by the Community of a draft resolution of
the European Conference of Transport Ministers on the
introduction of an ECMT licence for international removals

(presented by the Commission to the Council)

COM(80) 508 final

1

EXPLANATORY MEMORANDUM

1. The European Conference of Ministers of Transport (ECMT) has drawn up a draft resolution aimed at the introduction of an ECMT licence for international removals. The ECMT has put back formal adoption of this draft so that it can be accepted with due regard for the procedures and obligations set out in the EEC Treaty.
2. The aim of the resolution is to introduce in all ECMT countries a multilateral licence for international removals allowing its holder to carry out freely international removal operations between all the Member States of the ECMT, including the Member States of the EEC.

Under ECMT resolutions currently applicable (1), such operations may be made subject to the issue of non-quota licences in each individual case by the countries through which the consignment passes.

3. As far as the nine Member States of the EEC (which are also members of the ECMT) are concerned, this matter is regulated by the First Council Directive of 23 July 1962 as last amended by the Directive of 20 December 1979.

Pursuant to these Directives, removals performed by carriers in the Member States are not subject to any quota system, but may still be subject to a licensing scheme (it being understood that a vehicle registered in one Member State may be used for a removal between other Member States).

A standard licence was introduced by Council Directive 65/269/EEC of 13 May 1965 as amended by Directive 73/169/EEC of 25 June 1973.

(1) See resolutions N° 16, 27, 32 and 35.

4. The resolution drafted by the ECMT will thus impinge on existing Community legislation because

- (i) it applies to carriage between Member States of the EEC in vehicles registered in one of the Member States, thus overlapping with Community measures in this sector;
- (ii) it introduces the principle of a multilateral licence valid for all traffic between the countries belonging to the ECMT, while under the Community system the carrier must apply for a licence for each pair of countries he intends to serve, in so far as a licence is still required;
- (iii) it also relates to removals between Member States of the EEC in vehicles registered in a number of non-Community countries, thus granting rights to carriers from these countries on routes between Community countries;
- (iv) it goes beyond currently applicable Community legislation in that it regulates removals between a Member State of the EEC and a non-Community country belonging to the ECMT which are not within the scope of the Community Directives.

5. Despite the above considerations, the Community has an interest in supporting the aims pursued by the ECMT draft resolution, which seeks to ensure better utilization of available transport equipment and to reduce administrative formalities; these aims are equally desirable at Community level. The Commission takes the view that such an improvement should be introduced on condition that obligations deriving from the Treaty of Rome are observed.

6. It should be pointed out that removals between Member States of the EEC will continue to be regulated solely under the provisions of the EEC Treaty, especially Article 75 and following, with a view to guaranteeing the independence of Community law, to avoiding the existence of regulations from different sources and to ensuring that the Community's institutional procedures are observed in establishing these common rules.

7. To achieve the above-mentioned aims the Commission proposes that :
 - (a) acceptance be by the Community and not by the Member States as such, for they are now longer in a position to assume individually or even collectively international commitments in respect of the subjects covered by Community measures or likely to affect the latter;

 - (b) acceptance of the ECMT resolution be coupled with an amendment of Community provisions so that removals between Member States of the EEC enjoy a regime as favourable as is applied to removals starting and ending in non-Community countries.

8. In the light of these considerations, the Commission is submitting to the Council this proposal for a Decision on acceptance by the Community of the draft resolution of the European Conference of Ministers of Transport (ECMT) on the introduction of an ECMT licence for international removals.

Thereafter the Council, acting on a proposal from the Commission, would adopt the measures necessary to transpose the arrangements covered by the draft resolution into Community law in good time.

The Commission stresses that because of the interdependence with Community law referred to above, adoption of this Decision by the Council should coincide with adoption of the amendment to the First Directive of 1962 on this matter.

5

PROPOSAL FOR A COUNCIL DECISION

on acceptance by the Community of a draft resolution of the European
Conference of Ministers of Transport on the introduction of an ECMT
Licence for international removals

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 European Conference of Ministers of Transport (ECMT) has drawn
up a draft resolution on the introduction of an ECMT licence for interna-
tional removals; whereas application of this resolution is likely to facili-
tate the performance of international removals, to permit better utilization
of transport equipment and to reduce administrative formalities;

Whereas the subject matter of this resolution is within the competence of
the Community, since it is covered by Community legislation (First Council
Directive of 23 July 1962 (1) as last amended by Directive 80/49/EEC (2),
and Directive 65/269/EEC (3) as amended by Directive 73/169/EEC (4);

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

(2) OJ No L 18, 24.1.1980, p.23.

(3) OJ No 88, 24.5.1965, p. 1469/65.

(4) OJ No L 181, 4.7.1973, p.20.

Whereas in these circumstances it is for the Community to accept the draft resolution on behalf of its Member States,

HAS ADOPTED THIS DECISION :

Article 1

The draft resolution of the European Conference of Ministers of Transport (ECMT) on the introduction of an ECMT licence for international removals is hereby accepted on behalf of the Community with effect from 1 January 1982. The text of the draft resolution is annexed to this Decision.

Article 2

The President of the Council shall notify the European Conference of Ministers of Transport of the acceptance by the Community of the draft resolution referred to in Article 1.

Article 3

This Decision is addressed to the Member States.

Done at

For the Council
The President

CONFÉRENCE EUROPÉENNE DES MINISTRES DES TRANSPORTS
EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT

RESTRICTED

Paris, 24th April, 1980

CM(80)6

COUNCIL OF MINISTERS

DRAFT RESOLUTION ON THE INTRODUCTION OF AN
"ECMT - INTERNATIONAL REMOVALS" LICENCE

(Cover Note)

In reponse to a request made by the Federation of International Furniture Removers (FIDI), the Committee of Deputies has prepared a draft Resolution establishing a special ECMT licence for international removals by road. This draft Resolution is attached, together with the rules for its use and a model licence.

A number of administrative difficulties are indeed encountered by such traffic when crossing European frontiers, mainly owing to the diversity of licences used by the countries which require them and the relevant formalities.

The proposal set out in the attached draft Resolution with a view to introducing a standard model removals licence will help to eliminate these difficulties.

Ta.52687 - 6th May

- 3 -

Resolution No. establishing an "ECMT -
International Removals" licence

The Council of Ministers of Transport

Meeting at Bonn, on 21st and 22nd May, 1980

Having regard to Resolutions Nos. 16, 27, 32 and 35 in their co-ordinated version of 1st June, 1978 /CM(80)27 concerning the regulations governing international transport by road and the liberalisation of certain types of such transport;

Recalling its intention of finding solutions for the problems of international road transport;

Recalling that the said Resolutions contain the following provisions concerning removals carried out by contractors who have special staff and equipment for this purpose:

- (1) under item b4, bilateral transport operations are liberalised and not subject to quota, but may be subject to licence the grant of which cannot be refused;
- (2) under item c, transit is exempt from any licensing requirement(1);
- (3) under item d, multilateral transport is allowed between two countries other than the country in which the vehicle is registered(2);

Observing that some Member countries require that international removals by road be subject to licence;

Considering that the introduction of a standard multilateral licence, issued by the haulier's country of origin, could facilitate international removals by road on the routes concerned;

Considering that this Resolution does not modify the liberal system in existence on traffic routes between certain Member countries where international removals are not subject to licence;

DECIDES

- to establish an "ECMT - International Removals" licence authorising all international removals by road in all ECMT Member countries carried out by contractors who have special staff and equipment for this purpose;

- (1) This provision is accepted by 14 Member countries and not accepted by 5 (Germany, Spain, France, Turkey, Yugoslavia).
- (2) This provision is accepted by 13 Member countries and not accepted by 6 (Germany, Spain, Finland, France, Turkey, Yugoslavia).

- to adopt to this end the rules governing the issue, administration and use of "ECMT - International Removals" licences; these rules are attached to the present Resolution as Annex I and form an integral part of this Resolution.

INVITES

- the ECMT Member countries to make the necessary arrangements to introduce, as from 1st January, 1981, the "ECMT - International Removals" licence for all international removals by road between ECMT Member countries for which a licence is required.

INSTRUCTS

- the Committee of Deputies to keep under review the implementation of this Resolution by Member countries.

- 5 -
Annex I

Rules on the establishment of an "ECMT - International Removals" licence for international removals by road.

Rule 1

1. These rules set out the principles according to which furniture removal firms whose vehicles are registered in Member countries are allowed to carry out removals by road on a multi-lateral basis between any two countries or in transit through these countries.

2. They do not alter the provisions governing implementation of Resolution No. 16, approved by the Council of Ministers on 26th November, 1965, as amended by Resolutions Nos. 27, 32 and 35, concerning the regulations governing international transport by road and the liberalisation of certain types of such transport.

Rule 2

1. "ECMT - International Removals" licences shall not be subject to quota. They shall be valid as from 1st January, 1981.

2. These licences shall be printed by each Member country in accordance with the model shown in Annex II.

3. They shall be numbered by each Member country independently, this number consisting of the nationality code used by the ECMT to designate each Member country followed by a number in Arabic numerals.

Rule 3

1. "ECMT - International Removals" licences shall be issued by the responsible authority in each Member country to removal firms whose vehicles are registered in that country (country of origin).

2. The other Member countries agree that the issue of a licence by the country of origin shall be considered as authorising international removals on their territory.

Rule 4

1. "ECMT - International Removals" licences shall entitle their holders to carry out any professional international removals for which the points of loading and unloading are on the territory of different Member countries, as well as unladen runs through Member countries.

2. An "ECMT - International Removals" licence shall not authorise a removal within one Member country for unloading at another point in the same country.

3. "ECMT - International Removals" licences shall be made out in the name of the removal firm, which may not transfer them to a third party. A licence may be used for only one vehicle at a time. It shall be kept in the vehicle and produced to the responsible officials on request. The word vehicle is used here to mean a single vehicle or a tractor-trailer combination specially used for removal purposes.

4. The period of validity of "ECMT - International Removals" licences shall be determined by the Member country issuing them. Such licences shall permit an unlimited number of removals during their period of validity.

5. "ECMT - International Removals" licences may be issued only to contractors authorised, in accordance with the legislation of the country of origin, to operate as professional international removers.

Rule 5

1. Member countries shall lend each other assistance in implementing and monitoring compliance with the instructions set out in these Rules.

2. Should the responsible authorities in a Member country become aware that the holder of an "ECMT - International Removals" licence issued by another Member country has failed to comply with the provisions of these Rules, the Member country on whose national territory the offence has been committed may inform the authorities of the Member country which issued the "ECMT - International Removals" licence. The responsible authorities shall communicate to each other any information they may possess about the action taken to deal with the offence.

Rule 6

These Rules shall in no way affect the provisions of Member countries' domestic legislation.

Rule 7

Annex II shall be an integral part of these Rules.

Annex II, page 1

(White card - format 21 x 29.7 cm)

(green diagonal line 3 cm wide from bottom left to top right-hand corner)

(first page of the "ECMT - International Removals" licence)

ECMT

(wording to be in the two official languages of the ECMT)

EUROPEAN CONFERENCE
OF MINISTERS OF
TRANSPORT

COUNTRY ISSUING
THE LICENCE
(nationality
code)

NAME OF THE
RESPONSIBLE
AUTHORITY OR
ORGANISATION

ECMT INTERNATIONAL REMOVALS LICENCE

No.

authorising the holder, a contractor with special removal staff and equipment, to carry out professional removals by road between loading and unloading points in different Member countries of the European Conference of Ministers of Transport(1), using a single vehicle of a tractor-trailer assembly designed for removals, and to run such vehicle or tractor-trailer assembly unladen in Member countries.

Holder(2):

The present licence is valid from(3) to

Restrictions:

A. This licence is not valid for transit through(4):
.....

B. This licence is not valid for transport between two countries not including the country of registration of the vehicle (multilateral transport) in(4):

Done at, on(5)

(1) Federal Republic of Germany (D), Austria (A), Belgium (B), Denmark (DK), Spain (E), Finland (SF), France (F), Greece (GR), Ireland (IRL), Italy (I), Luxembourg (L), Norway (N), the Netherlands (NL), Portugal (P), the United Kingdom (GB), Sweden (S), Switzerland (CH), Turkey (T), and Yugoslavia (YU).

(2) Name or trade name and full address of the contractor.

(3) In Arabic numerals.

(4) By application of Resolution No. 16, as amended by Resolutions Nos. 27, 32 and 35.

(5) Signature and stamp of the responsible authority or organisation issuing the licence in the country of registration of the vehicle.

Annex II, Page 2

(page 2 of the "ECMT - International Removals" licence)

(wording to be in the two official languages of the ECMT)(1)

GENERAL PROVISIONS

The present licence covers professional removals by road between loading and unloading points in two different Member countries of the European Conference of Ministers of Transport as listed on page 1 of this licence.

It does not apply to removals between a Member country and a third country.

The licence is personal and may not be transferred. It may only be used on each occasion for a single vehicle or tractor-trailer combination designed for removals.

It must be kept on board the vehicle and produced to the responsible officials on request.

The holder of the licence must comply with the legal and administrative regulations in force in each Member country, especially those relating to removals and road traffic.

The present licence must be returned within two weeks of expiry to the responsible authority or organisation which issued it.

(1) Member countries with one or more other official languages may provide their contractors with the necessary translation or translations of pages 1 and 2.

Annex II, page 3

(Pages 3 et seq. of the "ECMT - International Removals" licence)

(Information relating to the first page of the "ECMT - International Removals" licence to be given in Member countries' official languages when other than French and English)

This "ECMT International Removals licence" authorises its holder to carry out professional removals by road between loading and unloading points in different Member countries of the European Conference of Ministers of Transport using a single vehicle or a tractor-trailer combination designed for removals. The list of countries in which the ECMT licence is valid will be found in footnote (1) on page 1. The holder of the licence must be a removal contractor with special removal staff and equipment.

Page 1 of the licence must give the following information:

- the licence number, consisting of the nationality code of the country of registration of the vehicle followed by a number in Arabic numerals;
- at (2), the name or trade name and full address of the contractor;
- at (3), the period of validity in Arabic numerals;
- in section A, the code letters of countries in which the licence is not valid for transit purposes;
- in section B, the code letters of countries in which the licence is not valid for transport between two countries other than the country of registration of the vehicle (multilateral transport);
- at (5), the signature and stamp of the responsible authority or organisation issuing the licence in the country of registration of the vehicle.