

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 579 final

Brussels, 30 November 1990

Proposal for a

COUNCIL REGULATION (EEC)

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

Proposal for a

COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 4089/89

laying down the conditions under which non-resident carriers  
may operate national road haulage services within a Member State

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. On 30 November 1989 the Commission presented to the Council a proposal for a Council Regulation<sup>1</sup> amending Regulation (EEC) No 3184/76 on access to the market in the international carriage of goods by road.<sup>2</sup>

The main purpose of that proposal is to increase the Community quota by 40% per year in 1990, 1991 and 1992.

Council Regulation (EEC) No 1053/90<sup>3</sup> increased the Community quota for 1990 by 40%. The proposal concerning the part yet to be approved (i.e. the increase of the quota in 1991 and 1992) is still before the Council, but could shortly be the subject of a Council decision.

2. The enlargement of the Community through the unification of Germany makes it necessary to increase the Community quota for 1991 and 1992 and allocate the additional Community authorizations amongst the Member States. This should be done on the basis of the same principles as when Spain and Portugal acceded to the Community,<sup>4</sup> that is by:
  - calculating the increase in the market in the carriage of goods by road (in t-km) as a consequence of the GDR's integration into the EEC;
  - applying an additional factor of 30% to take account of the immediate impact of the Community's enlargement.

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1 COM(89) 572 final; OJ No C 316, 16.12.1989, p.6.

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

3 OJ No L 108, 28.4.1990, p.5.

4 Regulation (EEC) No 3677/85; OJ No L 354, 30.12.1985, p.46.

3 Calculations for GDR carriers are based on the following formula:

GDR quota =

$$\frac{\text{FRG quota} \times \text{t-km by GDR carriers with (EUR 12 - FRG)}}{\text{(1991) t-km by FRG carriers with (EUR 12 - FRG)}} \times 1.3$$

Explanatory Note

- Trade by GDR carriers with the FRG is excluded since this constitutes national transport within a unified Germany.
- The additional factor of 30% is 1.3.
- The FRG quota comprises 6 516 authorizations (in 1991).
- In 1989 the FRG's carriers worked 19 888 m t-km with (EUR 12 - FRG).
- In 1989 the GDR's carriers worked an estimated 548 m t-km with (EUR 12 - FRG).

Result

$$\text{GDR quota} = \frac{6\ 516 \times 548 \times 1.3}{19\ 888} = 234$$

4. The calculations for FRG carriers

FRG quota =

$$\frac{\text{FRG quota} \times \text{t-km by FRG carriers between GDR and (EUR 12 - FRG)}}{\text{(1991) t-km by FRG carriers with (EUR 12 - FRG)}} \times 1.3$$

Explanatory Note

- The FRG quota for 1991 is 6 516
- In 1989 FRG carriers worked 19 888 m t-km in (EUR 12 - FRG).
- In 1989 FRG carriers worked an estimated 225 m t-km between GDR and (EUR 12 - FRG).

Result

$$\text{Addition to FRG quota} = \frac{6\,516 \times 225 \times 1.3}{19\,888} = 96$$

Sum of points 3 and 4: 234 + 96 = 330.

5. The calculations for carriers from Member States other than Germany are based on the following formula:

$$1991 \text{ quota} \times \frac{\text{t-km by carriers (EUR 12 - FRG) with GDR}}{\text{t-km by carriers (EUR 12 - FRG) with EUR 12}} \times 1.3$$

Explanatory Note

- The 1991 quotas are 4 086 (B), 3 964 (DK), etc.
- In 1989 carriers (EUR 12 - FRG) worked an estimated 110 865 m t-km with EUR 12.
- In 1989 carriers (EUR 12 - FRG) worked an estimated 281 m t-km with the GDR.

Result

$$\text{Additional quota B} = \frac{4\,086 \times 281 \times 1.3}{110\,865} = 14$$

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5. Community quota table

Member State	Quota 1991 <sup>1</sup>	1991		1992	
		Additional authorizations	Total	Add. Auth.	Total
B	4 086	14	4 100	19	5 740
DK	3 964	14	3 978	20	5 570
D	6 516	330	6 846	462	9 585
GR	1 808	6	1 814	8	2 540
E	4 237	14	4 251	20	5 952
F	5 540	19	5 559	27	7 783
IRL	1 843	7	1 850	9	2 590
I	5 550	19	5 569	27	7 797
L	1 904	7	1 911	10	2 676
NL	5 775	20	5 795	28	8 113
P	2 399	8	2 407	11	3 370
UK	3 472	12	3 484	17	4 878
	47 094	470	47 564	658	66 594

<sup>1</sup> According to COM(89) 572 final.

Proposal for a  
Council Regulation (EEC)  
amending Regulation (EEC) No 3164/76 on  
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 the enlargement of the Community through the unification of Germany  
is reflected in an extension of the market in the carriage of goods by  
road;

Whereas the number of additional Community authorizations and their  
allocation amongst the Member States must be fixed, with effect from  
1 January 1991; whereas that allocation must afford carriers established  
in the former German Democratic Republic access to the Community market  
under the same conditions as those applicable to other carriers;

Whereas it is necessary for this purpose to amend Council Regulation (EEC)  
No 3164/76,<sup>4</sup> as last amended by Regulation (EEC) No 1053/90,<sup>5</sup>

HAS ADOPTED THIS REGULATION:

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

5 OJ No L 108, 28.4.1990, p.5.

**Article 1**

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

The following subparagraph shall be added to Article 3(1):

"In view of the enlargement of the Community through the unification of Germany, Member States shall receive the following additional allocations of Community authorizations in 1991 and 1992:

	1991	1992
Belgium	14	19
Denmark	14	20
Germany	330	462
Greece	6	8
Spain	14	20
France	19	27
Ireland	7	9
Italy	19	27
Luxembourg	7	10
Netherlands	20	28
Portugal	8	11
United Kingdom	12	17"

**Article 2**

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels,

For the Council  
The President

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

I. What is the main reason for introducing the measure?

To increase the Community quota to take account of the extension of the Community market through the unification of Germany.

II. Features of the businesses in question. In particular:

- Are there many SMEs?

Yes.

- Have any mergers been noted in any regions which are:

(a) eligible for regional aid in the Member States?

No.

(b) eligible under the ERDF?

No.

III. What direct obligations does this measure impose on businesses?

None.

IV. What indirect obligations are local authorities likely to impose on businesses?

None.

V. Are there any special measures in respect of SMEs? Please specify.

No.

VI. What is the likely effect on:

(a) the competitiveness of businesses?

- a reduction in administrative formalities,
- road hauliers being better able to respond to market needs,
- rationalization of services,
- a corresponding reduction in costs.

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(b) employment?

None.

VII. Have both sides of industry been consulted?

No.

## EXPLANATORY MEMORANDUM

Council Regulation (EEC) No 4059/89:<sup>1</sup>

- established a quota comprising 15 000 authorizations for the carriage of goods by road within Member States by carriers established in other Member States, and
  - allocated these authorizations amongst the Member States.
2. The enlargement of the Community through the unification of Germany makes it necessary to increase the cabotage quota and allocate the additional quota authorizations amongst the Member States.
  3. The integration of the GDR into the Community will increase the sum of the Twelve's national markets<sup>2</sup> by 16 395 m t-km,<sup>3</sup> namely:
    - the national market in the GDR, and
    - the FRG/GDR market, which will form part of the national market of a unified Germany.

This represents a 3.88% increase in the sum of the Community's national markets.

Since no account will be taken of the impact of German unification before 1 January 1991 and the current cabotage quota applies only to the first half of 1991, only half of 3.88%, i.e. 1.94%, or an additional 298 authorizations, need be added to the cabotage quota.

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1 OJ No L 390, 30.12.1989, p.3.

2 The total volume of these markets was 423 070 m t-km in 1988.

3 Estimate for 1988.

4. The additional authorizations must be allocated amongst the Member States in such a way that the distribution of the cabotage quota for the six months from 1 January 1991 to 30 June 1991 exactly matches that of the 1991 Community quota allocation.<sup>1</sup> On this basis, the allocation is as follows:

CABOTAGE QUOTA

Member States	2nd half 1990	1st half 1991	addition
B	651	672	21
DK	631.5	652.5	21
D	1 036.5	1 121.5	85
GR	286.5	297.5	11
E	675	697	22
F	883.5	911.5	28
IRL	292.5	303.5	11
I	883.5	912.5	29
L	303	314	11
NL	921	950	29
P	382.5	394.5	12
UK	553.5	571.5	18
	7 500	7 798	298

<sup>1</sup> See amended proposal to take account of German unification.

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Proposal for a  
COUNCIL REGULATION (EEC)  
amending Regulation (EEC) No 4059/89  
laying down the conditions under which non-resident carriers  
may operate national road haulage services within a Member State

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 the enlargement of the Community through the unification of Germany  
is reflected in an extension of the market in the carriage of goods by  
road;

Whereas it is therefore necessary to increase, with effect from  
1 January 1991, the quota referred to in Article 2 of Regulation (EEC)  
No 4059/89 and allocate the additional cabotage authorizations amongst the  
Member States; whereas that allocation must afford carriers established in  
the former German Democratic Republic access to the Community market under  
the same conditions as those applicable to other carriers,

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HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 4059/89 is hereby amended as follows:

1. The following subparagraph shall be added to Article 2(1):

"With effect from 1 January 1991, the number of cabotage authorizations shall be increased by 298 to 15 298."

2. The following subparagraph shall be added to Article 2(3):

"With effect from 1 January 1991, the additional authorizations shall be allocated amongst the Member States as follows:

Belgium	21
Denmark	21
Germany	85
Greece	11
Spain	22
France	28
Ireland	11
Italy	29
Luxembourg	11
Netherlands	29
Portugal	12
United Kingdom	18"

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels,

For the Council  
The President

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

I. What is the main reason for the measure?

To increase the cabotage quota to take account of the increase in the Community market through the unification of Germany.

II. Features of the businesses in question. In particular:

- Are there many SMEs?

Yes.

- Have any mergers been noted in any regions which are?

(a) eligible for regional aid in the Member States?

No.

(b) eligible under the ERDF?

No.

III. What direct obligations does this measure impose on businesses?

None.

IV. What indirect obligations are local authorities likely to impose on businesses?

None.

V. Are there any special measures in respect of SMEs? Please specify.

No.

VI. What is the likely effect on:

the competitiveness of businesses?

- the opening-up of national markets and road hauliers being better able to respond to market needs,
- rationalization of services,
- a corresponding reduction in costs.

employment?

None.

VII. Have both sides of industry been consulted?

No.





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# DOCUMENTS

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