

## EUROPEAN PARLIAMENT

# Working Documents

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28 October 1983

DOCUMENT 1-921/83

## Report

drawn up on behalf of the Committee on Transport

on the proposals from the Commission of the European Communities to the Council (Doc. 1-523/83 - COM(83) 266 final)

for

- I. a directive on the use of hired vehicles for the carriage of goods by road;
- II. amendment of the proposal for a directive on own-account carriage of goods by road between Member States (COM(78) 772 of 31 January 1979);
- III. a regulation amending Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 78(3) of the Treaty establishing the European Economic Community

Rapporteur: Mr A. BUTTAFUOCO



By letter of 1 July 1983 the Council of the European Communities consulted the European Parliament on

- I. a directive on the use of hired vehicles for the carriage of goods by road;
- II. an amendment of the proposal for a directive on own-account carriage of goods by road between Member States (COM(78) 772 of 31 January 1979);
- III. a regulation amending Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community.

The European Parliament referred these matters (Doc. 1-523/83) to the Committee on Transport as the committee responsible and to the Committee on Economic and Monetary Affairs for an opinion.

At its meeting of 22 June 1983 the Committee on Transport had appointed Mr BUTTAFUOCO rapporteur.

The Committee on Transport considered the Commission proposals and draft report at its meeting of 19 October 1983.

The committee unanimously decided at its meeting of 19 October 1983 to recommend that Parliament adopt the Commission proposals amended as follows. The committee then unanimously adopted the motion for a resolution.

The Commission stated before the committee that it was prepared to accept the Committee on Transport's amendments.

The following took part in the vote: Mr Seefeld, chairman; Mr Buttafuoco, rapporteur; Mr Albers, Mr Baudis, Mr Gabert, Mr Key, Mr Klinkenborg, Mr Loo (deputizing for Mr Ripa di Meana), Mr Marshall and Mrs Scamaroni.

The report was tabled on 21 October 1983.

C O N T E N T S

	<u>Page</u>
Amendment to the Commission's proposal	5
A. MOTION FOR A RESOLUTION	6
B. EXPLANATORY STATEMENT	8
Opinion of the Committee on Economic and Monetary Affairs	10

The Committee on Transport hereby submits to the European Parliament the following amendment and the following motion for a resolution.

Amendment by the  
Committee on Transport

Text proposed by the Commission  
of the European Communities

Proposal for a Council directive on  
the use of hired vehicles for  
the carriage of goods by road  
(Doc. 1-523/83)

Preamble  
(unchanged)

Articles 1-6  
(unchanged)

Article 7

The Member States shall adopt  
the necessary measures to comply with  
this directive within two years of  
its notification. They shall inform  
the Commission immediately they do so.

The Member States shall adopt  
the necessary measures to comply  
with this directive within six  
months of its notification. They  
shall inform the Commission  
immediately they do so.

Article 8  
(unchanged)

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposals from the Commission of the European Communities to the Council for

- I a directive on the use of hired vehicles for the carriage of goods by road;
- II an amendment of the proposal for a directive on own-account carriage of goods by road between Member States (COM(78) 772 of 31 January 1979);
- III a regulation amending Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community.

The European Parliament,

- having regard to the Commission proposal (COM(83) 266 final)<sup>1</sup>,
  - having been consulted by the Council (Doc. 1-523/82),
  - having regard to the report of the Committee on Transport and the opinion of the Committee on Economic and Monetary Affairs (Doc. 1-921/83),
- A. whereas the common transport policy seeks to promote a harmonious development of economic life within the Community,
  - B. whereas the possibility of using hired vehicles where necessary to transport goods across frontiers could enable haulage undertakings in the Community to make more efficient use of their operating capital, increase productivity and reduce running costs,
  - C. whereas permission to use hired vehicles in transfrontier own-account carriage of goods by road offers similar advantages to the undertakings concerned,

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<sup>1</sup> OJ No. C 155 of 14 June 1983, p. 4, 5, 6

- D. whereas the use of hired vehicles in no way affects competition between transport undertakings as capacity in transfrontier road transport is governed by quotas and there are in any case no restrictions on own-account carriers,
- E. whereas from the macroeconomic point of view the use of hired vehicles for transfrontier transport could reduce transport costs in some cases without detriment to the transport system;
1. Endorses the Commission proposals;
  2. Considers, however, that in view of the diversity of national statutory provisions an adequate transitional period should be provided for;
  3. Calls on the Council of Ministers to enact the proposed legislation without delay;
  4. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission proposals as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT

1. The use of hired vehicles for commercial carriage of goods by road and own-account transport is still controlled in certain Member States whereas in others it is entirely free of restrictions.
  
2. In certain cases transport undertakings could make more effective use of their operating capital, improve productivity and cut operating costs by using hired vehicles. This applies in particular to
  - short-term or peak demand;
  
  - seasonal transport demand;
  
  - short-term demand for specialized vehicles (refrigerated transporters, tankers, vehicles with special lifting equipment, etc.);
  
  - the replacement of vehicles which are not available because of breakdown, maintenance or inspections required by law;
  
  - to test other (more efficient, more modern and less polluting) vehicles,
  
3. There is no danger that authorization to use hired vehicles in transfrontier transport will adversely affect the balance of road haulage markets. In the field of commercial road haulage, capacities are governed by Community and bilateral quotas so that the use of hired vehicles would not increase capacity but only lead to a more rational use of existing quotas. Moreover, in its Resolution of 27 April 1979<sup>1</sup> the European Parliament advocated complete liberalization of road transport and own-account carriage, so that there is no reason to maintain restrictions on the use of hired vehicles in this sector.

<sup>1</sup> OJ No. C 127, 21.5.1979, p. 82



4. The three Commission proposals on which the European Parliament has been consulted contain the necessary technical legal provisions to eliminate restrictions on the use of hired vehicles in transfrontier transport in the field of road haulage and own-account transport. There is a proposal for a specific directive on the use of hired vehicles, an amendment to a draft directive on own-account carriage of goods and a proposal to amend Regulation No. 11 of 1960.
5. The legislation proposed affects neither the provisions relating to access to the market for commercial goods traffic and own-account carriage of goods nor existing national legislation relating to the hiring of road vehicles.
6. Article 2 of the draft directive imposes certain restrictions: the hired vehicle is to be at the sole disposal of the undertaking using it and only driven by the staff of that undertaking throughout the period of hire. This is to avoid abuses of the provisions relating to the transport of goods involving the use of hired vehicles and staff provided by the hirer in own-account transport. The European Parliament attached great importance to preventing such abuses in its resolution of 27 April 1979.
7. The Commission proposals therefore generally reflect the guidelines established by the European Parliament for the development of a common policy in the field of road haulage. However, account should be taken of the difficulties faced by some Member States in implementing this directive. In the explanatory note to the proposal the Commission recognises that in some countries the use of hired vehicles for the carriage of goods by road is at present not permitted. The future directive should thus provide for an adequate transitional period. The Commission's proposals can therefore be approved with an amendment to the time-limit for implementing the directive.

Opinion  
(Rule 101 of the Rules of Procedure)  
of the Committee on Economic and Monetary Affairs  
Draftsman of the opinion: Mr CAROSSINO

On 19 and 20 September 1983, the Committee on Economic and Monetary Affairs appointed Mr Carossino draftsman of the opinion.

The Committee considered the draft opinion at its meeting of 17, 18 and 19 October 1983. It adopted the conclusions contained in the draft opinion unanimously.

The following took part in the vote: Mr J. Moreau, chairman; Mr Bonaccini, draftsman of the opinion (deputizing for Mr Carossino); Mr von Bismarck, Mr I. Friedrich, Mr Herman, Mr Leonardi, Mrs T. Nielsen (deputizing for Mr Delorozoy), Mr Nordmann, Mr Van Rompuy, Mr Vetter (deputizing for Mr Mihr) and Mr Welsh.

1. The Commission's three proposals are intended to remove certain limitations on own-account carriage or carriage for hire or reward within or between Member States, without prejudice to national regulations concerning the carriage of goods by road with regard to entry into the profession, access to the market and hire charges.

2. The Committee on Economic and Monetary Affairs recognises that the use of hired vehicles for the carriage of goods by road would enable certain undertakings in the sector to increase their productivity and reduce their fixed costs, particularly in those special cases referred to in the Commission's explanatory memorandum<sup>1</sup>.

3. It should also be stressed that the use of hired vehicles would not involve changes to the present conditions of competition in the road haulage industry or disturb the balance of that market. In fact because the sector of carriage of goods by road for hire or reward is subject to Community and bilateral quotas, the introduction of hired vehicles would not involve increasing capacity but using such quotas in a different manner, which would take more account of individual requirements. Own-account carriage of goods by road is not subject to any restrictions, and the European Parliament has already called for it to be fully liberalized in its resolution of 27 April 1979<sup>2</sup>.

4. However, account should be taken of the fact that, as the Commission recognizes in this document, the implementation of these provisions could involve certain technical problems for those countries which do not at present allow hired vehicles to be used for the carriage of goods by road. It would therefore be advisable for the 6 months' deadline within which the Member States are required to comply with the provisions of the directive under Article 7 of the directive to be replaced by a longer period of at least one year.

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<sup>1</sup> See Doc. 1-523/83, p. 2

<sup>2</sup> OJ C 127 of 21 May 1979, p. 82

## CONCLUSIONS

### 5. The Committee on Economic and Monetary Affairs:

- (a) approves the contents of the three proposals from the Commission under consideration;
- (b) recommends that the committee responsible propose an amendment to Article 7 of the proposal for a directive on the use of hired vehicles for the carriage of goods by road to extend the period within which the Member States are required to implement the provisions of the directive from six months to a year.