

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 816 final

Brussels, 8 December 1982

Proposal for a
COUNCIL DIRECTIVE

on the conditions under which non-resident carriers may operate
certain national transport services within a Member State

(submitted to the Council by the Commission)

COM(82) 816 final

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EXPLANATORY MEMORANDUM

I. GENERAL CONSIDERATIONS

1. The present economic situation which is characterized by uncertainty and weak growth rates makes it necessary to rationalise the utilisation of transport equipment. Road haulage which depends heavily on energy prices, labour and equipment costs, is facing increasing internal and external competition and is therefore likely in the coming years to experience costs which will rise relatively faster than the evolution of road transport rates. This is emphasised by the fact that there has already been a decrease in overall freight transport demand.
2. Under these circumstances it is probable that especially those carriers who engage in long distance transport, such as international carriage of goods, will become less competitive and may experience a deterioration of their cost/revenue ratio.

Therefore these carriers need to rationalise their economic behaviour, in particular by improving vehicle productivity.

In fact, the productivity of equipment in the carriage of goods between Member States is unsatisfactory at present. One of the reasons for this situation is that a substantial number of international return journeys are carried out empty. This anomaly, which could be tolerated in a period of expanding demand for transport and abundant and cheap energy, is unacceptable for the obvious reasons that, as a result, energy is wasted, roads are congested unnecessarily, and above all, damage is done to the road transport economy and the competitive position of road haulage.

3. The situation can be remedied by permitting non-resident carriers, under some conditions, to carry out certain national transport operations. It should be stressed that this measure is not aimed at the creating of a general admission of non-resident carriers into a Member State.

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Its specific purpose is to permit carriers, when they have executed an international carriage of goods, to follow up transport operations in a Member State in which they are not residents by carrying out one or two internal operations in that State in the same vehicle, on condition that the place of origin and destination for this internal operation lie on a route between the final destination of the original international transport operation and either one of the frontier exits to the Member State where the vehicle is registered, or the Member State in which the international transport operation began.

Such a measure will help international carriers to reduce the number of their empty runs.

4. It should be emphasised that this action will be a first step towards implementing Article 75 (1)(b) which calls for laying down the conditions under which non-resident carriers may operate transport services within a Member State.

The Commission, following its obligation arising out of the Treaty, had already submitted, in 1967, a proposal for a Council Regulation ⁽¹⁾ which included among other ideas, the admission of cabotage for road transport. The Council did not, however, adopt the provisions concerning cabotage although, according to the wording of the Treaty, it had to do so before the end of the second stage of the transitional period.

5. Today the persistence of the difficult economic situation, with all its unfavourable implications for road haulage, does not leave any doubt that the implementation of cabotage, under the conditions presented above, will constitute an important element of flexibility to increase road haulage productivity and promote a better financial performance in the profession.
6. Therefore, taking account of these considerations, the Commission once more introduces its cabotage proposal and the Council is asked to proceed with its adoption as soon as possible.

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(1) O.J. No. 254 of 20.10.67

II. PARTICULAR CONSIDERATIONS

Article 1

- Specifies the transport operations covered by the Directive and the conditions under which they are permitted.
- Because the principal idea is to help carriers to reduce their empty runs which begin on leaving the Member State which was the destination of their international operation, internal transport is justified only if its origin and destination lie on the route towards either the country of a vehicle's registration or the country where the international operation started. No other transport, apart from these directions, is admitted.
- The proof that such internal transport follows an international operation can be assured on presentation by the relevant carrier of the proper documents accompanying the international transport.
- Moreover since one of the purposes of the Directive is to avoid a disturbance of the present organisation of national transport markets, which also experience the repercussions of the unfavourable economic climate, the internal transport which could be carried out by a non-resident carrier is limited to a maximum of two operations.
- In order that the admission of non-resident carriers in the national transport market will not lead to any distortion of the conditions of internal competition, the rates charged will be based on the market considerations of the Member State concerned and will be in line with tariffs applied in this Member State.

Article 2

No comments

Article 3

No comments

Article 4

No comments

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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 Parliament¹,

Having regard to the opinion of the Economic and Social Committee²,

Whereas, pursuant to Article 75(1) (b) of the Treaty the adoption of a common
transport policy involves laying down the conditions under which non-resident
carriers may operate transport services within a Member State

Whereas, within the general framework of the transport economy, it is important
to make rational use of vehicles;

Whereas, a reduction in the large number of unladen journeys in road haulage
operations between Member States is essential in order to improve the productivity
of the undertakings concerned,

Whereas unladen journeys mainly occur on the return trip of vehicles to their
country of registration or to the country where the international transport
began,

HAS ADOPTED THIS DIRECTIVE:

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Article 1

Member States shall take the necessary measures to ensure that carriers of goods by road for hire or reward established in other Member States may carry goods between two points situated on their territory, hereinafter referred to as "national carriage", in accordance with the conditions laid down by this Directive.

Article 2

The conditions for national carriage shall be as follows:

- it shall follow the carriage of goods between two Member States which is performed by virtue of an authorization or without an authorization where the transport is liberalized;
- it shall be carried out in the course of a return journey to the Member State in which the vehicle is registered or where the original carriage began;
- not more than two national carriage operations may be performed in the course of the return journey;
- the carrier shall comply with the relevant provisions in force in the Member State concerned, in particular any provisions relating to the formation of transport rates.

Article 3

A carrier may not perform a national carriage operation by virtue of this Directive which he would not be authorized to perform in the Member State where he is established, but shall not be subject to any quantitative or qualitative restrictions in force in the Member State where the national carriage operation is performed.

Article 4

Member States may require documentary proof that the national carriage operation follows carriage between two Member States.

Article 5

Member States shall, after consulting the Commission, take the measures necessary to comply with this Directive not later than 31 May 1984.

Article 6

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President