

European Communities

447.21
↓ 388.1
EUROPEAN PARLIAMENT

Working Documents

1976 - 1977

27 September 1976

DOCUMENT 299/76

Report

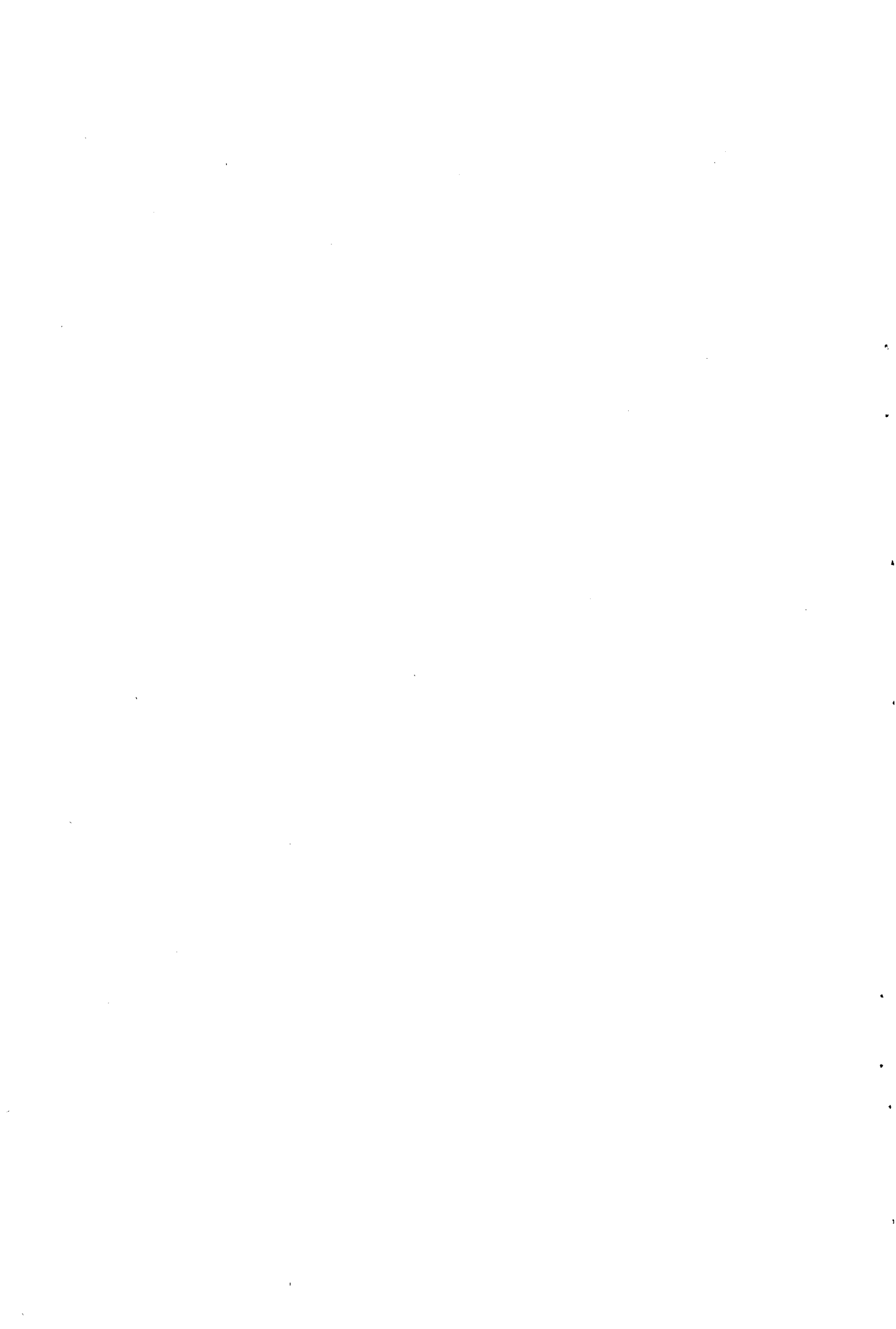
drawn up on behalf of the Committee on Regional Policy, Regional Planning and
Transport

on the proposal from the Commission of the European Communities to the
Council (Doc. 324/75/VII) for a regulation for a system of reference tariffs for
the carriage of goods by road between Member States

Rapporteur: Mr W. SCHWABE
''

PE 43.940/fin.

EP 76-77: 299



By letter of 21 October 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 75 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a regulation for a system of reference tariffs for the carriage of goods by road between Member States. The President of the European Parliament referred this proposal to the Committee on Regional Policy and Transport.

On 10 December 1975 the committee appointed Mr Schwabe rapporteur.

It considered this proposal at its meetings of 3 August and 15 September 1976.

On 15 September 1976 the committee unanimously adopted the motion for a resolution and the explanatory statement.

Present: Mr Evans, chairman; Mr Nyborg, vice-chairman; Mr Gerlach (deputizing for the rapporteur); Mr Ariosto, Mr Bangemann, Mr Delmotte, Mr Fletcher, Mr Giraud, Mr Hamilton, Mrs Kellett-Bowman, Mr Knud Nielsen, Mr Noè and Mr Osborn.

The opinion of the Committee on Economic and Monetary Affairs is attached.

C O N T E N T S

	<u>Page</u>
A - MOTION FOR A RESOLUTION	5
B - EXPLANATORY STATEMENT	9
Opinion of the Committee on Economic and Monetary Affairs	13

The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation for a system of reference tariffs for the carriage of goods by road between Member States

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. 324/75);
 - having regard to the report of the Committee on Regional Policy, Regional Planning and Transport and the opinion of the Committee on Economic and Monetary Affairs (Doc. 299/76);
1. Approves the Commission's proposal;
 2. Invites the Commission, however, to adopt the following amendments in accordance with the second paragraph of Article 149 of the EEC Treaty;
 3. Urges that the Commission be given powers to take action against unfair competition;
 4. Also urges that the Commission should make proposals as soon as possible for a schedule of rates applicable to the transport of goods by road within the Member States;
 5. Calls for further progress in the harmonization of road transport costs.

¹ OJ No C1, 5.1.1976, p.37

Articles 1 and 2 unchanged

Article 3

1. The system of reference tariffs shall include bilateral and multi-lateral tariffs.
2. The reference tariffs shall be established either in the form of general tariffs or in the form of special tariffs. They can be differentiated under any of the criteria which contribute to their function as reference tariffs.
3. The tariffs shall incorporate price schedules and all the other rules required for calculating the transport rate (transport rate proper and associated costs).

Article 3

1. unchanged
2. The reference tariffs shall be established either in the form of general tariffs or in the form of special tariffs. They should be differentiated as widely as possible to allow for the distinctive features of the various types of transport and to prevent excessive fluctuations in the fixing of rates in individual cases.
3. unchanged

Articles 4 - 7 unchanged

Article 8

1. If the negotiations, either for drawing up or modifying the reference tariffs, cannot end in agreement, the interested organizations shall inform the Commission of the disagreement. In this case, the decision concerning the difficulty shall be drawn up following a procedure similar to that referred to in Article 6.

Article 8

1. unchanged

2. The Commission may itself set the interested organizations a time-limit for the completion of the negotiations; if no agreement has been reached by the end of this period, the Commission shall as of right initiate the procedure outlined in paragraph 1, second sentence.

Article 9 unchanged

Article 9a

The reference tariffs may provisionally be declared compulsory, when and insofar as this is necessary to avert persistent disturbances on the markets concerned or to overcome exceptional crises.

Articles 10 - 15 unchanged

EXPLANATORY STATEMENTIntroduction

1. The Commission's proposal to introduce a system of reference tariffs for the carriage of goods by road between Member States stems from the realization that previous attempts to introduce a system of compulsory bracket tariffs applicable throughout the Community, in which the tariffs were to be negotiated by the governments of the Member States in bilateral discussions, have met with failure. Where tariffs of this kind, applicable to part of the international carriage of goods by road between the Member States, have been introduced, they have failed to produce the expected results from the transport policy and economic points of view.
2. The Commission's view is that another attempt should now be made, with the difference that the tariffs established by the transport organizations themselves would have reference value only. They will not therefore be compulsory and will simply provide a pointer to freight rates in individual cases, which may then be freely negotiated between the transport undertakings and their customers.
3. It is quite possible that this new attempt will be more successful than previous efforts. However, for a number of Member States which apply a fairly strict state system of internal road transport tariffs, the new system will create a considerable difference between the internal and the trans-frontier tariff system. As a result, the internal tariff level may be different from the transfrontier tariff level.
4. It is obvious, therefore, that great importance has been attached to the submission of proposals in the immediate future for a schedule of rates for the carriage of goods by road between the Member States. Persistent disparity between the schedule of rates for trans-frontier transport within the Community and the national tariff system can produce major disadvantages, even discrimination. It should also be pointed out that some Community ports are linked to their hinterland by transfrontier transport and others mainly by internal transport. As a result of tariff differences, those ports whose hinterland can be served mainly by transfrontier transport will enjoy a competitive edge.
5. Another point that must be borne in mind is that harmonization of the conditions of competition must go hand in hand with greater flexibility in the organization of the markets. The Community institutions, and especially the Council, must strive for further progress towards harmonization, particularly in the social, fiscal and technical sectors and in all other problem

areas which influence transport costs. At the moment harmonization tends to be falling off, since some Member States are refusing to implement European Community harmonization regulations already enacted (450-km rule etc.).

6. An overall assessment of the proposed tariff system therefore depends on what progress may be expected in harmonizing costs.

Comments on the individual articles

Article 1

It has already been said that the restriction to international transport can only be a provisional arrangement. Rules for national transport must follow in the not too distant future.

Article 2

Even though they have not been made generally binding, the reference tariffs, if properly set, can serve as recommendations and thus help to some extent to stabilize freight rates. They can also be of assistance especially to smaller undertakings, in calculating freight rates. Finally they may also be regarded as an instrument for monitoring the market.

Article 3

Paragraph 2 has been reworded so that it is self-explanatory.

Article 4

As the tariffs are to be based on costs, greater importance must be attached to further progress in the harmonization of costs.

Article 8

Article 8 provides for an arbitration procedure in which the Commission will arbitrate between the carriers' trade organizations which are appointed.

This article does not cover the case, however, where the appointed organizations do not undertake any negotiations at all or, following a break-down of negotiations, none of the organizations refers the matter to the Commission.

New article

At a suitable place in the proposal, a provision or new article should be inserted providing for a return to national fixed tariffs or bracket tariffs or some other appropriate arrangement in the event of a persistent and abnormal disturbance of the transfrontier road haulage market. The Committee on Regional Policy and Transport explained the reasons for this in points 162 and 163 of its report on the principles of the common transport policy and on the communication from the Commission to the Council of 1973 (Doc. 215/74, rapporteur: Mr Mursch).

A clause of this kind should be built into the Community system. The transition to virtually free rate fixing proposed by the Commission would be more readily acceptable in many quarters if a cushioning device could be operated in the event of a crisis without the need for time-consuming legislation.

For the moment your committee would like to leave open the question of who is to decide when a crisis situation exists and who is to fix the compulsory tariffs that may then become necessary. The relevant procedure should be laid down in an implementing provision. The Commission, the Council and the Member States will have to cooperate under as expeditious a procedure as possible and the market monitoring system will also have to be assigned an important role in determining when a crisis situation exists.

On the question of legislation for crisis situations, the Commission has said that it agrees in principle with Parliament's proposal, but intends to submit for all forms of transport a regulation on emergency measures covering not only pricing policy but also capacity policy and other aspects of the common transport policy. For this reason the Commission does not feel that there is any need for an addition to Article 8, as was proposed by Parliament.

Your committee still maintains its own proposal, however, since it has not seen the contents of the Commission's proposal for comprehensive crisis legislation and does not know whether this proposal will be submitted early enough to be considered by the Council at the same time as the present regulation. If it is not, then your committee feels that the Council should amend Article 8, as proposed in this report. If at a later stage a comprehensive regulation for coping with crisis situations were to be adopted, the proposed new second paragraph of Article 8 could obviously be dropped.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter from the chairman of the Committee on Economic and Monetary Affairs to Mr J. Evans, chairman of the Committee on Regional Policy, Regional Planning and Transport

29 June 1976

Dear Mr Chairman,

At its meeting of 24 June 1976, the Committee on Economic and Monetary Affairs considered the second group of proposals¹ contained in the series of eight proposals on the operation of the markets in surface goods transport within the Community (Doc. 324/75).

In the main, these proposals are designed to facilitate the progressive introduction of a common goods transport market based on a market economy.

Aware that the common transport policy can make a decisive contribution to the economic integration of the Community, the Committee on Economic and Monetary Affairs approved these initial progressive measures contemplated by the Commission as regards the establishment of through tariffs in international goods transport by rail and reference tariffs in international goods transport by road. It also recognized the need to set up a system for the observation of these markets at Community level.

¹ Doc. 324/75 (I-V-VII and VIII)

However, the committee stressed that there is little point in envisaging a transport market organized as closely as possible on the principles of the market economy unless effective and parallel progress is made in coordinating infrastructure investments and the allocation of costs for the use of infrastructures and, in general, harmonizing the conditions of competition in the social, technical and fiscal fields.

With these reservations, the committee unanimously approved the proposals submitted to it.

Please accept this letter as the committee's opinion on the proposals mentioned above (Doc.324/75).

(sgd) Arie van der HEK

Present: Mr van der Hek, chairman, Mr Achenbach, Mr Albertsen, Lord Ardwick, Mr Artzinger, Mr De Broglie, Mr Cifarelli, Mr Cousté, Mr Dykes, Mr Guldberg, Mr Lange, Mr Mitchell (deputizing for Lord Gordon Walker), Mr Mitterdorfer, Mr Normanton, Mr Nyborg.