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Report

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

on the proposal from the Commission of the European Communities to the Council (Doc. 256/72) for a regulation amending Council Regulation (EEC) No. 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport

Rapporteur: Mr H. SEEFELD

PE 33.080/fin.

By letter of 18 December 1972 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 amending Council Regulation (EEC) No. 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport.

On 21 December 1972 the President of the European Parliament referred this proposal to the Committee on Transport as the committee responsible, and to the Committee on Social Affairs and Public Health for its opinion.

On 2 March 1973 the Committee on Transport appointed Mr Seefeld rapporteur. The new Committee on Regional Policy and Transport discussed this proposal at its meeting of 4 June 1973.

At that meeting, the committee unanimously adopted the motion for a resolution and explanatory statement.

The following were present : Mr James Hill, chairman; Mr Kollwelter, vice-chairman; Mr Seefeld, vice-chairman and rapporteur; Mr Bertrand (deputizing for Mr Pêtre), Mr Bousquet, Mr Gerlach, Mr Giraud, Mr Guldberg, Mr van der Gun, Mr Johnston, Mr Liogier, Mr Schwabe and Mr Wohlfahrt.

The opinion of the Committee on Social Affairs and Public Health is attached.

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A.

The Committee on Regional Policy 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 amending Council Regulation (EEC) No. 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council (COM(72) 1440 fin.);
 - having been consulted by the Council pursuant to Article 75 of the Treaty establishing the EEC (Doc. 256/72);
 - having regard to the report of the Committee on Regional Policy and Transport and the opinion of the Committee on Social Affairs and Public Health (Doc. 88/73);
1. Considers that it is necessary to facilitate the accelerated introduction, during the period preceding compulsory introduction, of recording equipment on vehicles used for the carriage of dangerous goods;
 2. Considers that the present non-availability on the market of recording equipment that meets Community standards necessitates the use of equipment that has received national approval;
 3. Acknowledges that those concerned should be given the opportunity to amortize such equipment, which has been made compulsory from now on by certain States;
 4. Approves, therefore, the Commission's proposal for a regulation which allows Member States to make compulsory, during the transitional period, 'national' recording equipment and then put back by 5 years the obligation to use 'Community' equipment;
 5. Urges, however, that the date for introducing the obligation to instal or to use recording equipment on vehicles used for the carriage of dangerous goods remain fixed at 1 January 1975 at the latest,

even if, for lack of 'Community' equipment on the market, it is necessary to introduce 'national' equipment;

6. Instructs its President to forward this motion for a resolution and the report of its committee to the Council and Commission of the European Communities.

B.

EXPLANATORY STATEMENT

1. The proposal under examination contains a single article, which seeks to extend a transitional derogation in respect of the date for introducing 'Community' recording equipment in road transport to cover an Article of Regulation No. 1463/70 of 20 July 1970 covering vehicles used for the carriage of dangerous goods.

2. Under that regulation (Article 4(1)), the installation and use of the Community-approved recording equipment shall be compulsory with effect from 1 January 1975:

- (a) for newly registered vehicles and
- (b) for all vehicles used for the carriage of dangerous goods.

The date is put back to 1 January 1978 for other vehicles (Article 4(2)).

Furthermore, Article 20(1) leaves Member States the option of making compulsory, during the transitional period, recording equipment of a type which has received national approval.

In that case, by way of derogation from the provisions of Article 4(2), the date for introducing the compulsory use of Community recording equipment is put back to 1 January 1980 (Article 20(2)); the date for introducing the compulsory use of Community-approved recording equipment remains fixed at 1 January 1975 for vehicles used for the carriage of dangerous goods.

3. Certain Member States, applying Article 20(1) for road safety reasons, have decided to provide for the accelerated introduction of 'national' recording equipment.

For vehicles used for the carriage of dangerous goods, the need for such equipment is extremely urgent. However, it has to date been impossible to find on the market recording equipment that meets Community standard and, in the committee's opinion, there is no certainty that such equipment will be available before 1975.

'National' equipment should therefore be introduced as it meets safety requirements and is already available.

4. However, the provisions of Article 4(1)(b) might discourage the temporary use of 'national' equipment on vehicles used for the carriage of dangerous goods, for which the date for the introduction of 'Community' equipment has

been set at 1 January 1975. It would be uneconomical to install 'national' equipment which would have to be replaced by 'Community' equipment before it has been fully amortized.

5. Subsequently, to encourage the rapid introduction of 'national' recording equipment in the absence of 'Community' equipment, vehicles used for the carriage of dangerous goods should be treated in the same way as other vehicles and should be allowed to take advantage of the derogation provided for in Article 20(2), so that 'national' equipment installed in these vehicles may be used until 31 December 1979.

6. The Committee on Regional Policy and Transport approves the Commission's proposal for extending the derogation provided for in Article 20(2) to vehicles used for the carriage of dangerous goods on the understanding that the date for introducing the obligation to install and use recording equipment remains fixed at 1 January 1975 at the latest, even where 'national' and not 'Community' equipment is concerned.

Opinion of the Committee on Social Affairs and Public Health

Draftsman: Miss A. Lulling

The Committee on Social Affairs and Public Health appointed Miss Lulling draftsman of the opinion on 23 January 1973.

The committee discussed the draft opinion at its meeting of 2 March 1973 and adopted it unanimously with one abstention.

The following were present : Miss Lulling, acting chairman and draftsman of the opinion; Mr Berkhouwer, Mr Christensen, Baroness Elles, Mr John Hill, Mr Lucius, Mr McDonald (deputizing for Mr Schuijt), Mr Marras, Mrs Orth, Mr Pêtre and Mr Vermeylen.

1. The Commission's proposed amendment of Council Regulation No. 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport aims at postponing for five years, namely from 1 January 1975 to 1 January 1980, the date by which the installation and use of recording equipment with EEC type approval will become compulsory for vehicles used for the carriage of dangerous goods and fitted with recording equipment prescribed by the national authorities.
2. Article 4 of Council Regulation No. 1463/70 of 20 July 1970 lays down the datelines for the introduction of recording equipment in road transport for the different vehicle categories.

Article 4 reads:

- '1. With effect from 1 January 1975, the installation and use of recording equipment shall be compulsory, at the time of their entry into service, for:
 - (a) vehicles registered for the first time on or after that date;
 - (b) vehicles used for the carriage of dangerous goods, whatever the date of their registration.
2. With effect from 1 January 1978, the installation and use of recording equipment shall be compulsory for other vehicles.'

Article 20 of the regulation contains the following transitional provisions:

- '1. Without prejudice to the provisions of Article 14(4) and (5) of Regulation (EEC) No. 543/69, any Member States may, for vehicles registered in its territory, prescribe during the period preceding the compulsory introduction of the recording equipment provided for in Article 4 of the present Regulation, the installation and use of recording equipment of a type which has received national approval.
2. By way of derogation from the provisions of Article 4(2) of this Regulation, the installation and use of recording equipment conforming to the provisions of Annexes I and II to this Regulation shall become compulsory only from 1 January 1980 for vehicles fitted with recording equipment of the type permitted under paragraph 1 of this Article.'

3. The proposed amendment aims at extending the derogation from Article 4 provided for in Article 20 to include vehicles used for the carriage of dangerous goods and fitted before 1 January 1975 with recording equipment complying with national regulations.

4. The Commission's reasons for proposing this amendment are that in the interests of road transport various Member States, Belgium in particular, now wish to fit certain categories of vehicles with recording equipment as soon as possible, i.e. before 1 January 1975. For this purpose they intend to make use of the possibility offered by Article 20(1) of Regulation No. 1463/70 of introducing recording equipment of a type which has received national approval. The problem would then arise, however, that such recording equipment, where its installation is prescribed in vehicles used for the carriage of dangerous goods, would have to be replaced, pursuant to Article 4(1)(b) of Regulation No. 1463/70, on 1 January 1975 by recording equipment conforming to Community standards. Such a time-limit, however, would by no means suffice to allow reasonable depreciation of this equipment.

Besides, it was not yet known for certain, 'whether equipment conforming to Community regulation will be available on the market before 1 January 1975, which would have made it possible to install and use this equipment before that date and thus avoid premature replacement'. In any case, recording equipment conforming to the provisions of Regulation No. 1463/70 was not yet available on the market. This disadvantage mattered all the more since it affected vehicles used for the carriage of dangerous goods, for which the installation and use of recording equipment was considered particularly necessary and urgent in the interests of road safety and work supervision. The Commission felt that 'some of the equipment currently available on the market permits fairly effective supervision and could therefore be approved for these vehicles during a transitional period (until 31 December 1979)'.

The Commission therefore proposes that the date by which recording equipment with national type approval must be replaced by 'Community recording equipment' should be deferred from 1 January 1975 to 1 January 1980.

5. In considering the proposed amendment, the Committee on Social Affairs and Health Protection wondered how the Commission's assertion that recording equipment conforming to Community regulations might not be available before 1 January 1975 could be reconciled with its 1969 statement that in the current state of technical knowledge manufacturers could offer recording equipment at reasonable prices capable of recording reliably the most important data.

6. In the interests of improving road safety and work supervision as soon as possible, the committee welcomes the intention of certain Member States to introduce recording equipment for which they have granted national type approval. Experts confirm that this would constitute a vast improvement on the current system, in which driving crews are required to record all data in individual log-books.

The committee therefore approves the Commission's proposed amendment. It does, however, urge the Commission to check whether the recording equipment already or about to be prescribed by some Member States satisfies the practical requirements for ensuring road safety and work supervision. In other words: are the requirements placed on the recording equipment provided for in Regulation No. 1463/70 not too high for technology to keep pace with them in such a very short time? It might therefore be advisable, under certain circumstances, to allow a transitional period during which equipment which has been granted national type approval could be used under the same simplified conditions as recording equipment with Community type approval, provided that it meets the basic requirements of Community equipment.

7. The Transport Committee, as the committee responsible, is requested to consider the demands of the Committee on Social Affairs and Public Health contained in this opinion.