

COMMISSION

Proposal for a Council Regulation (EEC) on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport

COM(88) 800 final

(Submitted by the Commission on 23 December 1988)

(89/C 58/07)

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 Parliament,

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

Whereas achieving freedom to provide services in the field of transport is an important element of the common transport policy under the Treaty; whereas, consequently, it is the aim of the common transport policy to increase the fluidity of movement of the different means of transport within the Community;

Whereas the Community is engaged in the adoption of measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992, which comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty;

Whereas under the Commission's White Paper programme a proposal should be presented to the Council in order to abolish frontier checks and formalities related to the means of inland transport and documentation;

Whereas, pursuant to existing Community and national legislation in the field of road and inland waterway transport, Member States perform checks, verifications and inspections relating to technical characteristics, authorizations, and other documentation that vehicles and inland waterway vessels must comply with, and that these checks, verifications and inspections continue in general to be justified in order to avoid disturbances to the organization of the transport market and to ensure road safety;

Whereas, according to existing Community legislation, Member States are free to organize and perform the aforementioned checks, verifications and inspections where they wish but in practice they carry them out from time to time at their frontiers;

Whereas controls, verifications and inspections may be performed with equal efficacy within the Member States concerned,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation applies to controls carried out by Member States pursuant to Community or national legislation in the fields of road and inland waterway transport.

Article 2

For the purposes of this Regulation:

- (a) 'frontier' means either an internal frontier within the Community or an external frontier, where carriage between Member States involves crossing a third country;
- (b) 'control' means any check, inspection, verification or formality performed at the frontiers of Member States by the national authorities, which signifies a stop, or a restriction on the free movement of the vehicles or vessels concerned.

Article 3

Controls pursuant to Community or national measures in the fields of road and inland waterway transport between Member States, and in particular those specified in the Annex, shall no longer be performed at the frontiers of Member States.

Article 4

This Regulation shall enter into force on 1 January 1990.

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

ANNEX

PART I

Community legislation

DIRECTIVES

- (a) Article 1, paragraph 4 of Council Directive 86/384/EEC ⁽¹⁾ relating to proof of compliance of vehicles with Directive 85/3/EEC ⁽²⁾ on the weights, dimensions and certain other technical characteristics of certain road vehicles, as amended by Directive 86/360/EEC ⁽³⁾ and Directive 88/218/EEC ⁽⁴⁾, which provides that vehicles may be subject, as regards common standards on weights, to random checks and, as regards common standards on dimensions, only to checks where there is a suspicion of non-compliance; and Article 1 paragraph 1 of Council Directive 88/218/EEC amending Directive 85/3/EEC which refers to a series of provisions laying down controls for mechanically refrigerated equipment;
- (b) Article 5, paragraph 3 of Council Directive 77/143/EEC ⁽⁵⁾ on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers, as amended by Directive 88/449/EEC ⁽⁶⁾, which provides that each Member State recognize the proof that a vehicle has passed a roadworthiness test issued in another Member State; this act of recognition implying that a verification by national authorities be made anywhere within their territories;
- (c) Article 2, paragraph 5 of Council Directive 84/647/EEC ⁽⁷⁾ on the use of vehicles hired without drivers for the carriage of goods by road, which lays down that proof of compliance with the Directive is provided by a number of documents which must be on board the hired vehicle, the existence of the said proof implying that Member States may require checking them anywhere and at any time;
- (d) Article 3, paragraph 2 of Council Directive 65/269/EEC ⁽⁸⁾ on the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States as amended by Directives 83/572/EEC ⁽⁹⁾ and 85/505/EEC ⁽¹⁰⁾, which provides that authorizations must be carried on the vehicle and be produced at the request of any authorized national inspecting officer;
- (e) Article 3, paragraphs 3, 4 and 5 of Council Directive 76/135/EEC ⁽¹¹⁾ on reciprocal recognition of navigability licences for inland waterway vessels, which provides that, as proof of compliance with the Directive, Member States may require that the licences, certificates or authorization be produced;
- (f) Article 17, paragraph 1 of Council Directive 82/714/EEC ⁽¹²⁾ laying down technical requirements for inland waterway vessels, which provides that Member States may at any time check that a vessel is carrying a certificate valid under the terms of the Directive;

REGULATIONS

- (a) Articles 9 and 10 of Regulation (EEC) No 117/66 ⁽¹³⁾ on the introduction of common rules for the international carriage of passengers by coach and bus, which refer to documents and certificates and which entitle any authorized inspection officer to verify and control the documents and to require the presentation of the documents;
- (b) Articles 17 and 18 of Regulation (EEC) No 516/72 ⁽¹⁴⁾ on the introduction of common rules for shuttle services by coach and bus between Member States, which provide that the authorization, list of passengers and travel document as defined in the Regulation shall be carried on the vehicle and be produced at the request of any authorized inspecting officer;

⁽¹⁾ OJ No L 221, 7. 8. 1986, p. 48.

⁽²⁾ OJ No L 2, 3. 1. 1985, p. 14.

⁽³⁾ OJ No L 217, 5. 8. 1986, p. 19.

⁽⁴⁾ OJ No L 98, 15. 4. 1988, p. 48.

⁽⁵⁾ OJ No L 47, 18. 2. 1977, p. 47.

⁽⁶⁾ OJ No L 222, 12. 8. 1988, p. 10.

⁽⁷⁾ OJ No L 335, 22. 12. 1984, p. 72.

⁽⁸⁾ OJ No 88, 24. 5. 1965, p. 1469.

⁽⁹⁾ OJ No L 322, 28. 11. 1983, p. 33.

⁽¹⁰⁾ OJ No L 309, 21. 11. 1985, p. 27.

⁽¹¹⁾ OJ No L 21, 29. 1. 1976, p. 10.

⁽¹²⁾ OJ No L 301, 28. 10. 1982, p. 1.

⁽¹³⁾ OJ No 147, 9. 8. 1966, p. 2688.

⁽¹⁴⁾ OJ No L 67, 20. 3. 1972, p. 13.

- (c) Article 17 of Regulation (EEC) No 517/72 ⁽¹⁾ on the introduction of common rules for regular and special regular services by coach and bus between Member States, which provides that the authorization provided for in Article 3 of the Regulation shall be carried on the vehicle and be produced at the request of any authorized inspecting officer;
- (d) Article 17 of Regulation (EEC) No 3820/85 ⁽²⁾ on the harmonization of certain social legislation relating to road transport, which entitles Member States to adopt measures which cover, *inter alia*, the organization of, procedure for and means of a control system to ensure that the provisions of the Regulation have been complied with;
- (e) Article 19 of Regulation (EEC) No 3821/85 ⁽³⁾ on recording equipment in road transport which entitles Member States to adopt measures which cover, *inter alia*, the organization of, procedure for and means of carrying out, checks on whether the equipment complies with the provisions of the Regulation.
- (f) Article 2 of Regulation (EEC) No 3164/76 on the Community quota for the carriage of goods by road between Member States ⁽⁴⁾ as last amended by Regulation (EEC) No 1841/88 ⁽⁵⁾ which provides that the Community authorization should be presented at the request of any authorized inspecting officer.

PART II

National legislation

Controls on driving licences of persons driving vehicles, on the carriage of goods and of persons and on the insurance certificates of vehicles.

⁽¹⁾ OJ No L 67, 20. 3. 1972, p. 19.

⁽²⁾ OJ No L 370, 31. 12. 1985, p. 1.

⁽³⁾ OJ No L 370, 31. 12. 1985, p. 8.

⁽⁴⁾ OJ No L 357, 29. 12. 1976, p. 1.

⁽⁵⁾ OJ No L 163, 30. 6. 1988, p. 1.

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1785/81 on the common organization of the markets in the sugar sector

COM(89) 67 final

(Submitted by the Commission on 21 February 1989)

(89/C 58/08)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Portugal's white sugar requirements have traditionally been met by the refining of imported raw sugar; whereas to that end Article 303 of the Act of Accession of Spain and Portugal lays down appropriate measures which are to apply during the transitional period for ensuring the supply of raw sugar to Portuguese refineries, drawing firstly on raw sugar imported from certain ACP countries and raw sugar produced in the Community and secondly, where this is insufficient, raw

sugar imported from third countries at a reduced levy in order to bring its price to the level of the Community intervention price for raw sugar;

Whereas in the Joint Declaration attached to the Act of Accession on supplies to the sugar refining industry in Portugal it is stated that the sugar in question is to be supplied under price conditions similar to those for preferential sugars; whereas the arrangements for import at a reduced levy enabled the sugar thus imported to comply with those conditions;

Whereas Article 9 (4) (b) of Council Regulation (EEC) No 1785/81 ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, introduces an aid scheme for the refining of preferential raw sugar;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.