



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.02.2004
COM(2004) 47 final

2004/0017 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the establishment of common rules for certain types of carriage of goods by road

(Codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

¹ COM(1987) 868 PV.

² See Annex 3 to Part A of the Conclusions.

4. The purpose of this proposal is to undertake a codification of the First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of the First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex III to the codified Directive.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex II, Part A of this proposal.

↓ 881/92 Art. 13, pt. 1
2004/0017 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the establishment of common rules for certain types of carriage of goods by road

(Codified version)

(Text with EEA relevance)

↓ 62/2005/EEC (adapted)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article ~~71~~ ~~(1)~~ thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁷,

Whereas:



- (1) The First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road⁸ has been substantially amended several times⁹. In the interests of clarity and rationality the said Directive should be codified.

↓ 62/2005/EEC Recital 1
(adapted)

- (2) ~~A~~ ~~common~~ transport policy involves *inter alia* laying down common rules for the international carriage of goods by road to or from the territory of a Member State or passing across the territory of one or more Member States.

⁵ OJ C [...], [...], p. [...].

⁶ OJ C [...], [...], p. [...].

⁷ OJ C [...], [...], p. [...].

⁸ OJ 70, 6.8.1962, p. 2005/62. Directive as last amended by Regulation (EEC) No 881/92 (OJ L 95, 9.4.1992, p. 1).

⁹ See Annex II, Part A.

↓ 62/2005/EEC Recital 2
(adapted)

- (3) It is necessary to ensure a progressive expansion of the international carriage of goods by road, bearing in mind developments in trade and movement of goods within the Community.

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- (4) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B,

↓ 62/2005/EEC

HAVE ADOPTED THIS DIRECTIVE:

↓ 881/92 Art. 13, pt. 2 (adapted)

Article 1

1. Under the conditions laid down in paragraph 2, Member States shall liberalise the types of international carriage of goods by road for hire or reward and on own account listed in Annex ~~⊗~~ I ~~⊗~~ where such carriage is performed to or from or in transit through their territory.
2. The types of carriage and unladen journeys made in conjunction with the carriage listed in Annex ~~⊗~~ I ~~⊗~~ shall be exempted from Community authorisation and from any carriage authorisation.

↓ 62/2005/EEC Art. 3

Article 2

This Directive shall not affect the conditions under which any Member State authorises its own nationals to engage in the activities mentioned in this Directive.

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Article 3

The First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road, as amended by the acts listed in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 4

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

↓ 62/2005/EEC Art. 4

Article 5

This Directive is addressed to the Member States.

Done at Brussels, [...]

For the European Parliament
The President

For the Council
The President

ANNEX I

Types of carriage to be exempted from any Community authorization and from any carriage authorization

1. Carriage of mail as a public service.
2. Carriage of vehicles which have suffered damage or breakdown.
3. Carriage of goods in motor vehicles the permissible laden weight of which, including that of trailers, does not exceed six tonnes or the permissible payload of which, including that of trailers, does not exceed 3,5 tonnes.
4. Carriage of goods in motor vehicles provided the following conditions are fulfilled:
 - (a) the goods carried must be the property of the undertaking or must have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;
 - (b) the purpose of the journey must be to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own requirements;
 - (c) motor vehicles used for such carriage must be driven by employees of the undertaking;
 - (d) the vehicles carrying the goods must be owned by the undertaking or have been bought by it on deferred terms or hired provided that in the latter case they meet the conditions of Directive .../.../EC of the European Parliament and of the Council of [...] on the use of vehicles hired without drivers for the carriage of goods by road¹⁰.

This provision shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used;
 - (e) carriage must be no more than ancillary to the overall activities of the undertaking.
5. Carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters.

¹⁰ OJ C [...], [...], p. [...].



ANNEX II

Part A

Repealed Directive with its successive amendments (referred to in Article 3)

First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road

(OJ 70, 6.8.1962, p. 2005/62)

Council Directive 72/426/EEC

(OJ L 291, 28.12.1972, p. 155)

Council Directive 74/149/EEC

(OJ L 84, 28.3.1974, p. 8)

Council Directive 77/158/EEC

(OJ L 48, 19.2.1977, p. 30)

Council Directive 78/175/EEC

(OJ L 54, 25.2.1978, p. 18)

Council Directive 80/49/EEC

(OJ L 18, 24.1.1980, p. 23)

Council Directive 82/50/EEC

(OJ L 27, 4.2.1982, p. 22)

Council Directive 83/572/EEC

(OJ L 332, 28.11.1983, p. 33)

Council Directive 84/647/EEC

(OJ L 335, 22.12.1984, p. 72)

Council Regulation (EEC) No 881/92

(OJ L 95, 9.4.1992, p. 1)

only Article 2

only Article 6

only Article 13

Part B

List of time-limits for transposition into national law and application (referred to in Article 3)

Directive	Time-limit for transposition	Date of application
First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road	31 December 1962	
72/426/EEC	—	
74/149/EEC	—	1 July 1974
77/158/EEC	1 July 1977	
78/175/EEC	1 July 1978	
80/49/EEC	—	1 July 1980
82/50/EEC	1 January 1983	
83/572/EEC	1 January 1984	
84/647/EEC	30 June 1986	

ANNEX III

CORRELATION TABLE

First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road	This Directive
Article 1	Article 1
Article 2	—
Article 3	Article 2
—	Article 3
—	Article 4
Article 4	Article 5
Annex	Annex I
—	Annex II
—	Annex III