REGULATION (EEC) No 3255/74 OF THE COUNCIL

of 19 December 1974

extending and amending Regulation (EEC) No 1174/68 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States

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 (1);

Having regard to the Opinion of the Economic and Social Committee (2);

Whereas by virtue of its Article 17, Council Regulation (EEC) No 1174/68 (3) of 30 July 1968 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States, as last amended by Regulation (EEC) No 2826/72 (4), is valid until 31 December 1974 and may be extended for a period of one year in the event of the Council failing to decide by that date on the tariff system to be applied subsequently;

Whereas the Commission, in its communication to the Council of 25 October 1973 concerning the development of the common transport policy, envisaged reviewing the tariff system for the carriage of goods by road; whereas this communication was the subject of a resolution adopted by the European Parliament on 25 September 1974 and has not yet been fully examined by the Council; whereas in the meantime the tariff system established by Regulation (EEC) No 1174/68 should be extended for one year;

Whereas the system in force is of an experimental and provisional nature; whereas significant difficulties have been encountered in applying the provisions of the above Regulation to journeys involving the embarkation of a road vehicle onto a seagoing vessel for all or part of its journey; whereas, in view of these difficulties and in so far as the tariffs in question have not been fixed, it seems justifiable to make an exception and not to apply the provisions of the Regulation to such transport for the extension period laid down by this Regulation.

Whereas, in the light of experience, the system of publicizing special contracts must be improved and greatly simplified; whereas monthly returns have proved too cumbersome and have not had the desired effect of rendering the contracts in question more transparent; whereas such simplification must, however, be counterbalanced by making it possible for the Commission to obtain all the information it considers necessary or relevant regarding such contracts;

Whereas carriage of live animals should not be subject to this system; whereas prices for such carriage are fixed according to specific rules,

HAS ADOPTED THIS REGULATION:

Article 1

1. The period of validity of Council Regulation (EEC) No 1174/68, as last amended by Council Regulation (EEC) No 2826/72, is hereby extended until 31 December 1975.

2. By way of an exception and in so far as the tariffs in question have not yet been fixed, the provisions of the abovementioned Regulation, as amended by this Regulation, shall not apply during the extension period laid down in paragraph 1 above to the carriage of goods for which all or part of the itinerary followed by the road vehicle is by sea.

Article 2

Regulation (EEC) No 1174/68 shall be amended as follows:

1. The following paragraph shall be added to Article 5:

'9. Member States shall send to the Commission a copy of any special contract requested by it, together with the supporting evidence relating thereto and any other information the Commission considers necessary or useful for the purpose of checking measures taken.'

2. The first part of Article 8 (2) should read as follows:

'Each such body shall make available to the parties concerned the particulars of all special contracts notified to it relating to any transport operation whose loading point is situated within the area for which it is responsible:'

3. The second and third subparagraph of Article 8 (2) shall be deleted.

(1) OJ No C 85, 18. 7. 1974, p. 4.
(2) OJ No C 109, 19. 9. 1974, p. 48.
(3) OJ No L 194, 6. 8. 1968, p. 1.
(4) OJ No L 298, 31. 12. 1972, p. 12.

4. The second sentence of the first subparagraph of Article 11 (4) shall be deleted.

5. Article 16 (c) shall be worded as follows :

'(c) to the types of carriage listed in Annexes I and II to the First Council Directive (1) on the establishment of certain common rules for international transport (carriage of goods by road for hire or reward), as last amended by the Directive of 4 March 1974 (2),'

'(2) OJ No L 84, 28. 3. 1974, p. 8.'

6. Article 16 shall be supplemented by a point (e) worded as follows :

'(e) to the carriage of live animals.'

Article 3

This Regulation shall enter into force on 1 January 1975.

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

Done at Brussels, 19 December 1974.

For the Council

The President

J. P. FOURCADE