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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 183 final

Brussels, 28 April 1975

PROPOSAL FOR A REGULATION OF THE COUNCIL

on the action to be taken to bring into force the European Agreement
concerning the
Work of Crews of Vehicles engaged in International Road Transport (AETR)

(submitted to the Council by the Commission)

COM(75) 183 final

Explanatory Memorandum

1. The European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) done at Geneva on 1 July 1970 was open until 31 March 1971 for signature and after that date for accession, particularly by Member States of the Economic Commission for Europe (ECE). The Agreement stipulates that it is to enter into force on the 180th day following deposit of the eighth instrument of ratification or of accession with the Secretary-General of the United Nations. Six countries⁽¹⁾ which are not members of the EEC have now deposited instruments of ratification or of accession. The entry into force, 180 days later, of the AETR thus requires only the deposit of instruments of ratification by Member States of the Community.
2. The Community has always expressed great interest in seeing the AETR enter into force, since it considers this to be a prerequisite for the establishment of uniform social provisions whose geographical field of application extends beyond the territory of the Community. The Agreement will be of distinct value in improving road safety and promoting social progress ; it will also enable the operation of Community social legislation relating to road transport to be more effectively supervised where transport to and from third countries is involved. This point was also made in the Council Recommendation of 23 September 1974 which requested the Member States, before 1 January 1975, to take the measures necessary to enable the AETR to enter into force immediately with the participation of all the Member States of the Community. This recommendation has unfortunately not had the desired effect, certain Member States not having followed it up so that the simultaneous deposition by all Member States of their instruments of ratification or adhesion has always been held up.

.../...

(1) Spain, Portugal, Norway, Sweden, Greece, Yugoslavia

(2) Regulation (EEC) No 543/69 of 25 March 1969 (OJ No L 77 of 29 March 1969), as amended by Regulations (EEC) Nos 514/72 and 515/72 of 28 February 1972 (OJ No L 67 of 20 March 1972)

3. As far as the application of AETR to crews from third countries is concerned, it is sufficient that Article 2 of Regulation (EEC) No 543/69 be modified by fixing the date of the entry into force of AETR for the Community. An autonomous application of this nature will give the advantage of effectively assuming the uniformity of the law applicable throughout the Community by application of AETR in all Member States in respect of vehicles from third countries which are parties to this agreement. 1 January 1976 appears to be an appropriate date for the entry into force of AETR for the Community.
4. In the meantime, the Community must take the measures necessary in view of the application of AETR to the nationals of Member States on the territory of third countries which are parties to the Agreement. Since the matters covered by the Agreement come within the scope of Community rules relating to social harmonisation in road transport, the procedure provided for in Article 228 ought therefore in principle to be applied as far as the Community is concerned ; however, the particular circumstances of the negotiations of this Agreement, which the Court of Justice has referred to in its judgement of 31 March 1971 in the 22/70 case, may exceptionally justify the application of an ad hoc procedure, such a procedure ought to provide for the concerted deposit of instruments of ratification or of adhesion of Member States acting together "in the interest and on behalf of the Community" (1).

The national procedures of the Member States necessary for this ought to be completed within time limits permitting point depositions around 1 July 1975 ; thus the time limit of 180 days provided for by AETR would be in line with the date fixed by the Community Regulation for its application to the nationals of third countries. The community nature of this concerted action will be expressed by the deposition of the instruments of Member States by a single person authorized to represent them, namely the representative of the Member State holding the Presidency of the Council.

.../...

(1) Judgement of the Court of Justice of the European Communities in Case 22/70, point 90 of the Grounds of Judgement (1971 Report)

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Proposal for a
REGULATION OF THE COUNCIL

on the action to be taken to bring into force the European Agreement
concerning the Work of Crews of Vehicles engaged in International Road
Transport (AETR)

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 the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) done at Geneva on 1 July 1970 was open until 31 March 1971 for signature and after that date for accession by Member States of the Economic Commission for Europe ; whereas that Agreement is to enter into force one hundred and eighty days after the deposit of the eighth instrument of ratification or accession with the Secretary-General of the United Nations Organization ;

Whereas only through the entry into force of the AETR can uniform rules be instituted in the social sphere which will improve road safety and promote social progress in the field of road transport in as many European countries as possible ; whereas the entry into force of the AETR will also make the operation of Council Regulation (EEC) No 543/69 of 25 March 1969, as amended by Council Regulations (EEC) Nos 514/72 and 515/72 of 28 February 1972 (*) more effective in respect of transport operations to and from third countries ; whereas the Community should therefore make an active effort to enable the Agreement to enter into force ;

Whereas it would be right to this effect to make the operation of AETR in an autonomous way in order to assure the uniform application in the whole of the Community to vehicles registered in a third country which is party to the Agreement from 1 January 1976 ; whereas the subject matter of AETR comes within the scope of Regulation (EEC) No 543/69 ; whereas the Council is accordingly competent to conclude that Agreement on behalf of the Community ;

.../...

(*) J.O. Nos L 77 of 29.3.1969, p. 49 ; L 67 of 20.3.1972, p. 1 and 11

whereas, however, the particular circumstances in which the AETR negotiations took place, to which the Court of Justice drew attention in its judgment of 31 March 1971 in Case 22/70, warrant that, exceptionally, the Member States of the Community, acting jointly in the interest and on behalf of the Community, effect the simultaneous entry into force of the AETR in respect of the whole Community so that uniformity of the law applicable in this matter may be assured ; whereas such simultaneity requires the joint deposit of the instruments of ratification or accession of the Member States on the basis of concerted action the ends of which must now be specified ;

HAS DECIDED AS FOLLOWS :

Article 1

The text of the second paragraph of Article 2 of Regulation (EEC) No 543/69 is modified as follows :

"However, from 1 January 1976 the provisions of the European Agreement on the Work of Crews of Vehicles Carrying out International Road Transport (AETR) applies to international road transport coming from or going to third countries who are parties to the Agreement, when carried out in vehicles registered in a third country which is also a party to the Agreement".

Article 2

- (1) Member States shall proceed to ratify AETR or adhere to this Agreement before 15 June 1975.
- (2) They shall send their instruments of ratification or adhesion to the Secretariat of the Council immediately after the completion of the national procedure for ratification or adhesion.
- (3) The instruments of ratification of AETR or adhesion to this Agreement of Member States will be deposited jointly with the Secretary General of the United Nations Organisation by the representative of the Member State which has the Presidency of the Council, acting on behalf of the Community, at a date as close as possible to 4 July 1975.

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

Done at Brussels,
For the Council