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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2827/77

of 12 December 1977

amending Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport

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 Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport ⁽¹⁾, as amended by Regulations (EEC) No 514/72 ⁽²⁾ and (EEC) No 515/72 ⁽³⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas experience has shown that a number of the difficulties encountered in implementing Regulation (EEC) No 543/69 need to be remedied by making amendments which do not jeopardize the aims of social progress, road safety and the harmonization of conditions of competition pursued in the field of road transport;

Whereas in the case of vehicles using recording equipment as provided for in Articles 1 and 20 of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport ⁽⁶⁾ there is no need to supplement the checks on

daily driving time by a restriction on the daily distance which may be covered by such vehicles;

Whereas many road transport operations within the Community involve transport by ferryboat or by rail for part of the journey; whereas provisions regarding daily rest periods and breaks which are appropriate to such operations should therefore be inserted into Regulation (EEC) No 543/69;

Whereas, in the interests of road safety, the payment of bonuses for distance travelled and/or tonnage carried which might endanger road safety must be prohibited;

Whereas it is desirable to provide by means of a Community procedure that exemptions may be made from the provisions of the Regulation for certain national transport operations with special characteristics; whereas in the event of exemptions Member States should be obliged to organize an effective check on the transport operations in question and to ensure that the standard of social protection and road safety is not jeopardized;

Whereas, if serious difficulties in the field of transport or difficulties which could lead to a serious deterioration in the national or regional economic situation arise before 1 January 1981, it is proper that Member States should be able to be authorized to adopt measures derogating from certain provisions of Regulation (EEC) No 543/69; whereas, however, derogations granted under this Regulation should not apply after 1 January 1981,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 543/69 shall be amended as follows:

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ OJ No L 67, 20. 3. 1972, p. 1.

⁽³⁾ OJ No L 67, 20. 3. 1972, p. 11.

⁽⁴⁾ OJ No C 6, 10. 1. 1977, p. 150.

⁽⁵⁾ OJ No C 297, 16. 12. 1976, p. 12.

⁽⁶⁾ OJ No L 164, 27. 7. 1970, p. 1.

1. Article 4 shall be amended as follows:

— point 4 shall read as follows:

'4. vehicles used by the police, gendarmerie, armed forces, fire brigades, civil defence, drainage or flood prevention authorities, water, gas or electricity services, highway authorities and refuse collection, telegraph or telephone services, by the postal authorities for the carriage of mail, by radio or television services or for the detection of radio or television transmitters or receivers, or vehicles which are used by other public authorities for public services and which are not in competition with professional road hauliers;'

— point 5 shall be amended as follows:

'5. vehicles used for the carriage of sick or injured persons and for carrying rescue material, and any other specialized vehicles used for medical purposes;'

— point 7 shall read as follows:

'7. tractors and other machines used exclusively for local agricultural and forestry work;'

— the following points shall be added;

'8. vehicles used to transport circus and fun-fair equipment;

9. specialized breakdown vehicles.'

2. The following paragraph 2 shall be added to Article 6, which original text shall become paragraph 1 of Article 6:

'2. Paragraph 1 shall not apply where in these vehicles there is in use recording equipment as provided for in Article 1 or in Article 20 (1) of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport ⁽¹⁾, as last amended by Regulation (EEC) No 2828/77 ⁽²⁾.

⁽¹⁾ OJ No L 164, 27. 7. 1970, p. 1.

⁽²⁾ OJ No L 334, 24. 12. 1977, p. 5.'

3. Articles 9 and 10 shall be deleted.

4. The following Article shall be inserted:

'Article 11a

Where a crew member engaged in the carriage of goods or passengers accompanies a vehicle which is transported by ferryboat or train, the daily rest period may be interrupted not more than once, provided the following conditions are fulfilled:

— that part of the daily rest period spent on land may be taken before or after the portion of the daily rest period taken on board the ferryboat or the train,

— the period between the two portions of the daily rest period must be as short as possible and may on no account exceed one hour before embarkation or after disembarkation, customs formalities being included in the embarkation or disembarkation operations,

— during both portions of the rest period the crew member must have access to a bunk or couchette,

— where a daily rest period is interrupted in this way, it shall be increased by two hours,

— any time spent on board a ferryboat or a train and not counted as part of the daily rest period shall be regarded as a break as defined in Article 8.'

5. Article 12 shall be replaced by the following Article:

'Article 12

1. In addition to the daily rest periods referred to in Article 11, every crew member shall have a weekly rest period of not less than 29 consecutive hours, which shall be immediately preceded or followed by a daily rest period.

2. The rest period referred to in paragraph 1 may be reduced to not less than 24 consecutive hours provided that a rest period equivalent to the reduction is granted to the crew member concerned during the same week.

3. However, during the period between 1 April and 30 September, the weekly rest period referred to in paragraph 1 hereof may be replaced, for crew members of vehicles used for the international road transport of passengers, by a rest period of not less than 60 consecutive hours to be taken in full before the expiry of a period not exceeding 14 consecutive days. This rest period must be immediately preceded or followed by a daily rest period conforming to the provisions of Article 11.

Subparagraph 1 shall not apply to crew members of vehicles assigned to regular passenger services.'

6. The following section shall be inserted:

*'SECTION Va**Prohibition of certain types of payment**Article 12a*

Payments to wage-earning crew members, even in the form of bonuses or wage supplements, related to distances travelled and/or the amount of goods

carried shall be prohibited, unless these payments are of such a kind as not to endanger road safety.'

7. The first sentence of Article 13 (1) shall be replaced by the following:

'1. Each Member State may apply higher minima or lower maxima than those laid down in Article 5 and Articles 7 to 12 and may refrain from applying Article 6 (2).'

8. (a) The text of Article 14a shall become paragraph 1 of that Article and is amended as follows:

the words 'and vice versa' shall be added to the phrase 'in respect of the transport of milk from farm to dairy' in subparagraph (a) (iii);

(b) The following paragraphs shall be added to Article 14 (a):

'2. Member States may, after consulting the Commission, grant exemptions from this Regulation for the following national transport operations and uses:

- (a) use of vehicles which are constructed and equipped to carry not more than 15 persons including the driver;
- (b) use of vehicles undergoing local road tests for purposes of repair or maintenance;
- (c) transport of live animals from farms to local markets and vice versa, and transport of animal carcasses or waste not intended for human consumption.

3. Member States may, after authorization by the Commission, grant exemptions from this Regulation for the following national transport operations and uses:

- (a) use of specialized vehicles at local markets, for door-to-door selling, for mobile banking, exchange or savings transactions, for purposes of worship, for the lending of books, records or cassettes, for cultural events or mobile exhibitions;
- (b) transport of milk from the farm to the dairy and vice versa.

In adopting these measures the Commission may specify the conditions and arrangements for their application which it deems necessary.

4. To enable transport services to provide assistance to the population of particular areas during temporary emergencies, Member States

may grant temporary exemptions from Sections IV and V for national transport. They shall forthwith notify the measures they have taken to the Commission, which may amend or annul them.

5. Where an exemption from this Regulation is granted, Member States shall take appropriate measures at the same time to keep an effective check on such transport so as to ensure that standards of social protection and road safety are not impaired.'

Article 2

1. If in the first three years after entry into force of this Regulation, application of Articles 7 to 12 of Regulation (EEC) No 543/69 would cause serious difficulties in the field of transport or difficulties which could lead to a serious deterioration in the national or regional economic situation, a Member State may request an authorization from the Commission to adopt protective measures involving exemptions from these Articles for national transport operations on its territory.

2. At the request of the Member State concerned, the Commission shall at once prescribe the exemptions which it considers necessary and specify the conditions and special procedure for their application, which must include a programme for a progressive return by regular stages to the provisions of Regulation (EEC) No 543/69. It shall take care to ensure that there is no regression by comparison with what has already been achieved in practice in terms of social protection and road safety under the rules existing at the time of entry into force of this Regulation.

3. The Commission shall without delay inform the other Member States of the exemptions which it has granted and of the detailed rules for their application. It shall report to the Council every six months on the progress made and the measures taken to ensure that at the end of the period referred to in paragraph 1 all provisions of Regulation (EEC) No 543/69 are in force in all the Member States.

4. All exemptions granted under this Article shall cease to apply from 1 January 1981.

Article 3

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 12 December 1977.

For the Council

The President

L. DHOORE

COUNCIL REGULATION (EEC) No 2828/77

of 12 December 1977

amending Regulation (EEC) No 1463/70 on the introduction of recording equipment in road transport

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 Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport ⁽¹⁾, as last amended by Regulation (EEC) No 2827/77 ⁽²⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas experience gained in the application of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport ⁽⁵⁾, as last amended by Regulation (EEC) No 1787/73 ⁽⁶⁾, as it applies to construction and operation indicates that some amendments should be made to this Regulation so as to render the text more precise and to take account of such experience;

Whereas, in the event of differences of opinion between Member States concerning cases of EEC type-approval, the Commission should be empowered to take a decision on a dispute within six months if the States concerned have been unable to reach a settlement;

Whereas it has been found desirable to postpone the date of application of Regulation (EEC) No 1463/70 to certain vehicles registered before 1 January 1975 and before 1 January 1976 for the new Member States;

Whereas technical progress necessitates rapid adaptation of the technical specifications set out in the Annexes to Regulation (EEC) No 1463/70; whereas, in order to facilitate the implementation of the measures necessary for this purpose, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within a Committee for the adaptation to technical progress of Regulation (EEC) No 1463/70;

Whereas the English version of Chapter III (c) 1.2 of Annex I to Regulation (EEC) No 1463/70 should be altered so as to bring it fully into line with the other versions,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 1463/70 shall become paragraph 1 of that Article and the following paragraphs shall be added:

2. However, after consulting the Commission, Member States may exempt from the application of this Regulation vehicles mentioned in Article 14a (2) of Regulation (EEC) No 543/69.
3. Member States may, after authorization from the Commission, exempt from the application of this Regulation vehicles mentioned in Article 14a (3) (a) of Regulation (EEC) No 543/69.

Article 2

Article 4 of Regulation (EEC) No 1463/70 shall be replaced by the following text:

Article 4

1. Without prejudice to the provisions of Annex VII, Point III, paragraph 4 of the Act of Accession, with effect from 1 January 1975 the installation and use of recording equipment shall be compulsory:

- (a) at the time of their entry into service for vehicles registered for the first time on or after that date;

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 7, 12. 1. 1976, p. 68.

⁽⁴⁾ OJ No C 50, 4. 3. 1976, p. 5.

⁽⁵⁾ OJ No L 164, 27. 7. 1970, p. 1.

⁽⁶⁾ OJ No L 181, 4. 7. 1973, p. 1.

- (b) whatever the date of their registration, for vehicles used for the carriage of dangerous goods.
2. With effect from 1 January 1978 the installation and use of recording equipment shall be compulsory for other vehicles.
3. However the date referred to in paragraph 2 shall be deferred to 1 July 1979 for vehicles used exclusively for the domestic carriage of goods, other than dangerous goods,
- which are engaged in transport operations within a radius of 50 kilometres of the vehicle's depot, including local administrative areas the centres of which are within this radius, or
 - which have a maximum authorized weight, inclusive of trailers or semi-trailers, of not more than six tonnes or a payload of not more than 3.5 tonnes.'

Article 3

Article 5 of Regulation (EEC) No 1463/70 shall be replaced by the following:

'Article 5

Articles 14 and 15 of Regulation (EEC) No 543/69 shall not apply to crew members of vehicles using recording equipment conforming to the provisions of Annexes I and II to the present Regulation.'

Article 4

The following paragraph shall be added to Article 7 of Regulation (EEC) No 1463/70:

'Any modifications or additions to an approved model must receive additional EEC type-approval from the Member State which granted the original EEC type-approval.'

Article 5

Article 10 of Regulation (EEC) No 1463/70 shall be replaced by the following text:

'Article 10

1. If a Member State which has granted EEC type-approval as provided for in Article 7 finds that certain recording equipment or record sheets bearing the EEC type-approval mark which it has issued do not conform to the prototype which it has approved, it shall take the necessary measures to ensure that production models conform to the ap-

proved prototype. The measures taken may, if necessary, extend to withdrawal of EEC type-approval.

2. A Member State which has granted EEC type-approval shall withdraw such approval if the recording equipment or record sheet which has been approved is not in conformity with this Regulation or its Annexes or displays in use any general defect which makes it unsuitable for the purpose for which it is intended.

3. If a Member State which has granted EEC type-approval is notified by another Member State of one of the cases referred to in paragraphs 1 and 2, it shall also, after consulting the latter Member State, take the steps laid down in those paragraphs, subject to the implementation of paragraph 5.

4. A Member State which ascertains that one of the cases referred to in paragraph 2 has arisen may forbid the placing on the market and putting into service of the recording equipment or record sheets until further notice. The same applies in the cases mentioned in paragraph 1 with respect to recording equipment or record sheets which have been exempted from EEC initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Regulation.

In any event, the competent authorities of the Member States shall notify one another and the Commission, within one month, of any withdrawal of EEC type-approval or of any other measures taken pursuant to paragraphs 1, 2 and 3 and shall specify the reasons for such action.

5. If a Member State which has granted EEC type-approval disputes the existence of any of the cases specified in paragraphs 1 or 2 notified to it, the Member States concerned shall endeavour to settle the dispute and the Commission shall be kept informed.

If talks between the Member States have not resulted in agreement within four months of the date of the notification referred to in paragraph 3 above, the Commission, after consulting experts from all Member States and having considered all the relevant factors, e.g. economic and technical factors, shall within six months adopt a decision which shall be communicated to the Member States concerned and at the same time to the other Member States. The Commission shall lay down in each instance the time limit for implementation of its decision.'

Article 6

Article 11 (1) of Regulation (EEC) No 1463/70 shall be replaced by the following text:

'1. An applicant for EEC type-approval of a model record sheet shall state on his application the type or types of recording equipment on which the sheet in question is designed to be used and shall provide suitable equipment of such type or types for the purpose of testing the sheet.'

Article 7

Article 14 (1) of Regulation (EEC) No 1463/70 shall be replaced by the following text:

'1. Recording equipment may be installed or repaired only by fitters or workshops approved by the competent authorities of Member States for that purpose after the latter, should they so desire, have heard the views of the manufacturers concerned.'

Article 8

Article 16 (2) of Regulation (EEC) No 1463/70 shall be replaced by the following text:

'2. The employer shall retain record sheets for a period of at least one year after their use; the sheets for each crew member shall be produced or handed over at the request of any authorized inspecting officer.'

Article 9

Article 17 of Regulation (EEC) No 1463/70 shall be amended as follows:

1. The second sentence of the first subparagraph of paragraph 2 shall be replaced as follows:

'In particular:

- they shall ensure that the time recorded on the sheet agrees with the official time in the country of registration of the vehicle;
- they shall operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:
 - (a) driving time,
 - (b) other periods of work and of attendance at work,
 - (c) breaks from work and rest periods.

The periods of time referred to in (b) may be recorded separately on the record sheet;

- they shall make the necessary changes to the record sheets in the case of a crew of several members so that the information referred to in Chapter II (1), (2) and (3) of Annex I is recorded on the record sheet of the crew member who is actually driving.'

2. In paragraph (3) (d) the second and third indents shall be deleted.

3. Paragraph 4 shall be replaced by the following text:

'4. The equipment shall be so designed that it is possible for an authorized inspecting officer, if necessary after opening the equipment, to read the recordings relating to the nine hours preceding the time of the check without permanently deforming, damaging or soiling the sheet.

The equipment shall, furthermore, be so designed that it is possible, without opening the case, to verify that recordings are being made.'

4. In paragraph 5 'fourteen' shall be replaced by 'seven'.

Article 10

In Article 18 (1), third subparagraph, the reference to 'Article 21' shall be replaced by a reference to 'Article 23'.

Article 11

In Chapter VI of Regulation (EEC) No 1463/70, Article 21 shall become Article 23 and shall be preceded by the following provisions:

'Article 21

The amendments necessary to adapt the Annexes to this Regulation to technical progress shall be adopted in accordance with the procedure laid down in Article 22.

Article 22

1. A Committee for the adaptation of this Regulation to technical progress (hereinafter called "the Committee") is hereby set up; it shall consist of representatives of the Member States, and a representative of the Commission shall be chairman.

2. The Committee shall adopt its own rules of procedure.

3. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by the chairman, either on his own initiative or at the request of the representative of a Member State.

4. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on that draft within a time limit set by the chairman having

regard to the urgency of the matter. Opinions shall be delivered by a majority of 41 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

5. (a) The Commission shall adopt the envisaged measures where they are in accordance with the opinion of the Committee.
- (b) Where the measures envisaged are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.
- (c) If the Council has not acted within three months of the proposal being submitted to it, the proposed measures shall be adopted by the Commission.'

Article 12

In Chapter I (a) of Annex I to Regulation (EEC) No 1463/70, the phrase 'equipment installed in road vehicles' shall be replaced by the phrase 'equipment intended for installation in road vehicles'.

Article 13

In Chapter I (d) and (e) of Annex I to Regulation (EEC) No 1463/70, the heading 'Chapter VI (c)' shall be replaced by the heading 'Chapter VI (4)'.

Article 14

Chapter III of Annex I to Regulation (EEC) No 1463/70 shall be amended as follows:

1. The text under point (a) 3.2 shall be replaced by the following text:
 - '3.2. Any modification in a constituent part of the equipment or in the nature of the materials used for its manufacture must, before being generally applied in manufacture, be submitted for approval to the authority which granted type-approval for the equipment.'
2. The text under point (a) 6.3 shall be deleted.
3. The following sentence shall be added to point (b) 1.1:

'Figures showing hectometres must be clearly distinguishable from those showing whole kilometres.'

4. The text under point (b) 1.2 shall be replaced by the following:

'1.2. The figures on the distance recorder must be clearly legible and must have an apparent height of at least 4 mm.'

5. The following point shall be added to section (b):

'3. *Time indicator* (clock)

The time indicator must be visible from outside the equipment and give a clear, plain and unambiguous reading.'

6. In point (c) 1.1, the word 'exactly' shall be deleted.

7. The text under point (c) 1.2 shall be replaced by the following:

'1.2. The mechanism moving the record sheet must be such as to ensure that the latter moves without play and can be freely inserted and removed.'

8. Under point (c) 3.1 the second indent shall be replaced by the following:

'— the ratio between the radius of curvature of the trace drawn by the stylus and the width of the area reserved for speed recording must be not less than 2.4 to 1 whatever the form of the record sheet.'

9. The text under (c) 4.1 shall be replaced as follows:

'4.1. Recording equipment must be so constructed that it is possible, through the operation where necessary of a switch device, to record automatically and separately four periods of time as indicated in Article 17 including a possible separation of category (b) into two periods of time.'

10. The text under point (e) 1 shall be replaced as follows:

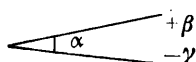
'1. The following markings must appear on the instrument face of the equipment:

- close to the figure shown by the distance recorder, the unit of measurement of distance, indicated by the abbreviation "km",
- near the speed scale, the marking "km/h",
- the measurement range of the speedometer in the form " V_{\min} ... km/h, V_{\max} ... km/h". This marking is not necessary if it is shown on the descriptive plaque of the equipment.

However, these requirements shall not apply to recording equipment approved before the entry into force of this Regulation.'

11. In paragraph (e) 2:

- in the fourth indent, the words 'given to not less than two decimal places and' shall be deleted;
- an additional indent shall be added as follows:
 - should the sensitivity of the instrument to the angle of inclination be capable of affecting the readings given by the equipment beyond the permitted tolerances, the permissible angle expressed as:



where α is the angle measured from the horizontal position of the front face (fitted the right way up) of the equipment for which the instrument is calibrated, while β and γ represent respectively the maximum permissible upward and downward deviations from the angle of calibration α .

12. (a) The text of point (f) 1 (a) shall be replaced as follows:
- '(a) distance travelled: 1% more or less than the real distance, where that distance is at least 1 kilometre'.
- (b) The text of point (f) 1 (b) shall be replaced as follows:
- '(b) speed: 3 km/h more or less than the real speed'.
- (c) The text of point (f) 2 (a) shall be replaced as follows:
- '(a) distance travelled: 2% more or less than the real distance, where that distance is at least 1 kilometre'.
- (d) The text of point (f) 2 (b) shall be replaced as follows:
- '(b) speed: 4 km/h more or less than the real speed'.
- (e) The text of point (f) 3 (a) shall be replaced as follows:
- '(a) distance travelled: 4% more or less than the real distance, where that distance is at least 1 kilometre'.
- (f) The text of point (f) 3 (b) shall be replaced as follows:
- '(b) speed: 6 km/h more or less than the real speed'.

Article 15

Chapter IV of Annex I to Regulation (EEC) No 1463/70 shall be amended as follows:

1. The first sentence of (a) (1) shall be replaced as follows:
 - '1. The record sheets must be such that they do not impede the normal functioning of the instrument and that the records which they contain are indelible and easily legible and identifiable.'
2. The second sentence of (a) (1) shall be replaced as follows:

'The record sheets must retain their dimensions and any records made on them under normal conditions of humidity and temperature.'

Article 16

Chapter V of Annex I to Regulation (EEC) No 1463/70 shall be amended as follows:

1. The second subparagraph of paragraph 3 shall be replaced as follows:

'After every inspection by an approved fitter or workshop requiring a change in the setting of the installation itself, a new plaque must be affixed in place of the previous one.'
2. The first line of the third subparagraph of paragraph 3 shall be amended to read as follows:

'The plaque must show at least the following details:'.
3. In the second indent of paragraph 3, the phrase 'to three decimal places' shall be deleted.
4. The text of paragraph 4 (a) shall be replaced as follows:

'(a) the installation plaque, unless it is attached in such a way that it cannot be removed without the markings thereon being destroyed.'

Article 17

In Annex I to Regulation (EEC) No 1463/70, Chapter VI shall be deleted and replaced by the following:

'VI. CHECKS AND INSPECTIONS

The Member States shall nominate the bodies which shall carry out the checks and inspections.

1. Certification of new or repaired instruments

Every individual device, whether new or repaired, shall be certified in respect of its correct operation and the accuracy of its readings and recordings, within the limits laid down in Chapter III (f) 1, by means of sealing in accordance with Chapter V (4) (f).

For this purpose the Member States may stipulate an initial verification, consisting of a check on and

confirmation of the conformity of a new or repaired device with the type-approved model and/or with the requirements of the Regulation and its Annexes, or may delegate the power to certify to the manufacturers or to their authorized agents.

2. Installation

When being fitted to a vehicle, the equipment and the whole installation must comply with the provisions relating to maximum tolerances laid down in Chapter III (f) 2.

The inspection tests shall be carried out by the approved fitter or workshop on his or its responsibility.

3. Periodic inspections

(a) Periodic inspections of the equipment fitted to vehicles shall take place at least every two years and may be carried out in conjunction with roadworthiness tests of vehicles.

These inspections shall include the following checks:

- that the equipment is working correctly,
- that the equipment carries the type-approval mark,
- that the installation plaque is affixed,
- that the seals on the equipment and on the other parts of the installation are intact,

— the actual circumference of the tyres.

(b) An inspection to ensure compliance with the provision of Chapter III (f) 3 on the maximum tolerances in use shall be carried out at least once every six years, although each Member State may stipulate a shorter interval for such inspections in respect of vehicles registered in its territory. Such inspections must include replacement of the installation plaque.

4. Measurement of errors

The measurement of errors on installation and during use shall be carried out under the following conditions, which are to be regarded as constituting standard test conditions:

- vehicle unladen, in normal running order,
- tyre pressures in accordance with the manufacturer's instructions,
- tyre wear within the limits allowed by law,
- movement of the vehicle: the vehicle must proceed, driven by its own engine, in a straight line and on a level surface, at a speed of 50 ± 5 km/h; provided that it is of comparable accuracy, the test may also be carried out on an appropriate test bench.

Article 18

This Regulation shall enter into force on 1 January 1978.

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

Done at Brussels, 12 December 1977.

For the Council

The President

L. DHOORE

COUNCIL REGULATION (EEC) No 2829/77

of 12 December 1977

on the bringing into force of 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 ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) of 1 July 1970 was open at Geneva until 31 March 1971 for signature and after that date for accession by Member States of the Economic Commission for Europe; whereas, after the deposit of the eighth instrument of ratification, the Agreement entered into force on 5 January 1976;

Whereas the AETR Agreement lays down rules governing specific conditions of work in international road transport between the Contracting States which are fundamental to the social protection of the crews of vehicles and to road safety; whereas the Agreement is thus an instrument for creating uniform working conditions favouring social progress and improved safety in road transport between European countries; whereas it covers the same fields as Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport ⁽³⁾, as last amended by Regulation (EEC) No 2827/77 ⁽⁴⁾, and thus constitutes a useful supplement to the internal Community rules; whereas the Agreement should therefore enter into force in all Member States as soon as possible;

Whereas the AETR Agreement should be brought into force in such a way as to ensure that its provisions apply uniformly from 1 January 1978 at the latest throughout the Community to the crews of all vehicles

which effect international carriage operations between Member States and third countries which are Contracting Parties; whereas the provisions of the Agreement should also as far as possible be applied to transport operations with third countries which are not Contracting Parties; whereas Article 2 of Regulation (EEC) No 543/69 must be amended accordingly;

Whereas, since the subject matter of the AETR Agreement falls within the scope of Regulation (EEC) No 543/69, from the date of entry into force of that Regulation the power to negotiate and conclude the Agreement has lain with the Community; whereas, however, the particular circumstances in which the AETR negotiations took place warrant, by way of exception, a procedure whereby the Member States of the Community individually deposit the instruments of ratification or accession in a concerted action but nonetheless act in the interest and on behalf of the Community;

Whereas, in order to ensure the supremacy of Community law in intra-Community transport, Member States should enter a reservation when depositing their instruments of ratification or accession whereby international transport operations between Member States are not to be regarded as international transport operations within the meaning of the Agreement;

Whereas the possibilities provided for in the Agreement itself for bilateral agreements between Contracting Parties derogating from the said Agreement as regards frontier zone and transit transport operations are a matter which in principle fall within the competence of the Community;

Whereas, if an amendment to the internal Community rules in the field in question necessitates a corresponding amendment to the Agreement, the Member States will act jointly to obtain such an amendment to the Agreement in accordance with the procedure laid down therein,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 543/69 shall be replaced by the following text:

⁽¹⁾ OJ No C 157, 14. 7. 1975, p. 92.

⁽²⁾ OJ No C 263, 17. 11. 1975, p. 75.

⁽³⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽⁴⁾ See page 1 of this Official Journal.

Article 2

1. This Regulation applies to carriage by road by means of vehicles registered in a Member State or in a third country for any journey made within the Community.
2. However, as from 1 January 1978:
 - the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) shall apply to international road transport operations to and/or from third countries which are contracting parties to that Agreement, or in transit through such countries, for the whole of the journey where such operations are effected by vehicles registered in a Member State or in one of the said third countries.
 - transport operations to and/or from a third country effected by vehicles registered in a third country which is not a contracting party to the Agreement shall be subject to the Agreement for any journey made within the Community.’.

Article 2

1. In ratifying or acceding to the AETR the Member States, having regard to the Council recommendation of 23 September 1974, shall act on behalf of the Community.

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

Done at Brussels, 12 December 1977.

The Member States shall inform the Secretary-General of the United Nations in writing that in their case ratification or accession was in accordance with this Regulation.

These measures shall be implemented as soon as possible and not later than 1 January 1978.

2. The instruments of ratification or accession shall be accompanied by the following reservation:

‘Transport operations between Member States of the European Economic Community shall be regarded as national transport operations within the meaning of the AETR in so far as such operations do not pass in transit through the territory of a third State which is a Contracting Party to the AETR.’.

3. Where amendments to Community provisions in the matter necessitate an adjustment to the Agreement, the Member States will initiate the amendment procedure provided for in Article 23 of the Agreement.

Article 3

Agreements to be reached with third countries pursuant to Article 2 (2) of the AETR shall be concluded by the Community. The measures provided for under Article 3 (2) of the AETR shall be adopted by the Council on a proposal from the Commission.

For the Council

The President

L. DHOORE

COUNCIL REGULATION (EEC) No 2830/77

of 12 December 1977

on the measures necessary to achieve comparability between the accounting systems and annual accounts of railway undertakings

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 Council Decision 75/327/EEC of 20 May 1975 on the improvement of the situation of railway undertakings and the harmonization of rules governing financial relations between such undertakings and States ⁽¹⁾, and in particular Article 8 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the harmonization of rules concerning financial relations between States and railway undertakings should be based as far as possible on the financial and accounting principles applicable to industrial and commercial undertakings; whereas this harmonization requires the implementation of the necessary measures to achieve comparability between the annual accounts of railway undertakings;

Whereas comparability of the annual accounts of railway undertakings should contribute towards improving the transparency of the financial results of such undertakings and of the financial interventions of the State;

Whereas comparability of these annual accounts may be established by transposing the annual results of railway undertakings to a standard form;

Whereas an advisory committee should be set up to assist the Commission in improving the comparability and the harmonization of the annual accounts of railway undertakings,

HAS ADOPTED THIS REGULATION:

Article 1

The aim of this Regulation is to make the annual accounts of railway undertakings comparable. For the purpose of this Regulation annual accounts shall mean the balance sheet and the profit and loss account drawn up in accordance with Articles 3 and 4.

Article 2

This Regulation shall apply to the following railway undertakings:

- Société nationale des chemins de fer belges (SNCF)/Nationale Maatschappij der Belgische Spoorwegen (NMBS),
- Danske Statsbaner (DSB),
- Deutsche Bundesbahn (DB),
- Société nationale des chemins de fer français (SNCF),
- Coras Iompair Éireann (CIE),
- Azienda autonoma delle ferrovie dello Stato (FS),
- Société nationale des chemins de fer luxembourgeois (CFL),
- Naamloze Vennootschap Nederlandse Spoorwegen (NS),
- British Railways Board (BRB),
- Northern Ireland Railways Company Ltd (NIR).

Article 3

Railway undertakings shall, each year taking effect for the first time for the accounting year 1977, transpose their annual results, established in accordance with national regulations, to the forms of annual accounts shown in Annexes I and III.

Article 4

1. The balance sheet shall be transposed in accordance with Annex I on the basis of the elements of the nomenclature set out in Annex II.

⁽¹⁾ OJ No L 152, 12. 6. 1975, p. 3.

⁽²⁾ OJ No C 163, 11. 7. 1977, p. 33.

⁽³⁾ OJ No C 180, 28. 7. 1977, p. 34.

2. The profit and loss account transposed in accordance with Annex III shall be drawn up on the basis of the elements of the nomenclature set out in Annex IV.

3. Railway undertakings shall add explanatory notes to the transposed annual accounts. These notes shall indicate in particular:

- deviations from the nomenclature arising in drawing up the transposed accounts, as well as the reasons for such derogations, and possible repercussions which such derogations may have on the comparability of the transposed accounts;
- the methods of evaluation used for items the value of which is estimated, such as depreciation work in progress and fixed assets.

In order to achieve the objective of comparability referred to in Article 1 the Commission may ask for additional explanations.

Article 5

1. Railway undertakings shall, within 12 months of the end of the accounting year in question, transmit to the Commission the transposed annual accounts referred to in Article 3.

2. Six months after receipt of the information provided for in paragraph 1, the Commission shall submit a synopsis of it to the Council.

Article 6

1. An Advisory Committee shall be set up to assist the Commission in the implementation of this Regulation.

2. The Committee shall give its opinion on any question relating to the problems and solution connected with improving the comparability of the transposed annual accounts of railway undertakings and making progress towards greater harmonization of their accounting systems.

3. The Committee shall be chaired by a representative of the Commission and shall consist of two representatives designated by each Member State. The Members of the Committee may be assisted by experts designated by them. The Committee shall be convened by the Commission which shall provide the necessary secretarial services.

4. The Committee's conclusions shall be noted in the report which the Commission is to submit to the Council every two years pursuant to Article 14 (1) of Council Decision 75/327/EEC.

Article 7

Before 1 January 1983 the Commission shall, in the light of experience gained and of accountancy developments in general and taking into account the opinion of the Committee, submit, where appropriate, proposals for amending this Regulation and the Annexes thereto with a view to improving the comparability of transposed annual accounts.

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

Done at Brussels, 12 December 1977.

For the Council

The President

L. DHOORE

ANNEX I
LAYOUT OF THE BALANCE SHEET

ASSETS	LIABILITIES
<p>LONG-TERM ASSETS</p> <p>Fixed assets (Net)</p> <p>10 Land and fixed installations</p> <p>11 Transport stock and equipment</p> <p>12 Other stock and equipment</p> <p>13 Fixed assets under construction</p> <p>Other fixed assets</p> <p>14 Shareholdings in other undertakings</p> <p>15 Long-term loans</p> <p>16 Cost of floating loans and loan redemption premiums</p> <p>17 Miscellaneous fixed assets</p> <p style="text-align: right;">Sub-total</p>	<p>Capital and reserves</p> <p>00 Capital</p> <p>01 Reserves</p> <p>02 Contribution to investment costs</p> <p>03 Provisions</p> <p>04 Funds for staff</p> <p>05 Long-term financial debts</p> <p>— debentures</p> <p>— State loans</p> <p>— other financial debts</p> <p style="text-align: right;">Sub-total</p>
<p>CURRENT ASSETS</p> <p>Stocks</p> <p>20—21 (In store or being manufactured)</p> <p>Realizable assets</p> <p>30 Debtors</p> <p>41 Loans repayable within one year</p> <p>42 Bills receivable</p> <p>45 Securities</p> <p>Bank balances and cash</p> <p>43—46—47—48 Cheques in hand, postal cheque accounts, bank accounts, cash in hand</p> <p style="text-align: right;">Sub-total</p> <p>Results</p> <p>06.1 Losses for previous financial years</p> <p>07.1 Loss for the financial year</p> <p style="text-align: right;">Assets: Total</p>	<p>Current liabilities</p> <p>31 Creditors</p> <p>40 Financial debts of less than one-year term</p> <p>44 Bills payable</p> <p style="text-align: right;">Sub-total</p> <p>Results</p> <p>06.0 Profits for previous financial years</p> <p>07.0 Profit for the financial year</p> <p style="text-align: right;">Liabilities: Total</p>

ANNEX II

NOMENCLATURE OF THE BALANCE SHEET ACCOUNTS

CLASS 0 — ACCOUNTS FOR OWN CAPITAL AND LONG-TERM LIABILITIES

00 — Capital

- Stocks or shares paid up and not redeemed
- Stocks or shares paid up and redeemed
- Stocks and shares not paid up
- State endowments or contributions

01 — Reserves

May include the following items:

- Legal reserve
- Statutory reserves
- Reserves for revaluations of assets (increases in value resulting from revaluations of balance sheet items)
- Other reserves including the capital component of the annual redemption payments on loans where railways have charged this component to the profit and loss account)

02 — Contributions to investment costs

Contribution by the State or by third parties to the implementation of specific investment projects

03 — Provisions

- Provisions made by certain railways to finance the replacement of their fixed assets instead of depreciating them
- Provisions to cover certain losses and charges
- Insurance funds

04 — Funds for staff

In particular, pension funds administered by the railways where there are no autonomous schemes and staff savings funds

05 — Long-term financial debts

These are debts whose term is longer than one year; they should be accounted for at repayment value. Where appropriate show separately debts to undertakings in which the railway undertaking has a shareholding

CLASS 1 — LONG-TERM ASSET ACCOUNTS

Adjustments for depreciation are to be accounted for in the appropriate depreciation sub-accounts

10 — Land and fixed installations

- 10.0 — *Purchase or construction value* (including any revaluations and contributions to third parties)
 - Land (both built on and not built on)
 - Earthworks and permanent way
 - Major structures
 - Buildings
 - Electric traction fixed installations
 - Safety and telecommunications installations including level crossings; not including buildings
 - Miscellaneous installations

10.1 — *Depreciation*

11 — Transport stock**11.0 — Purchase or construction value**

- Tractive units
- Hauled passenger vehicles
- Hauled goods vehicles
- Road transport stock and equipment
- Marine stock and equipment including hovercraft
- Other stock and equipment including containers

11.1 — Depreciation**12 — Other stock and equipment** (including furniture, machinery, tools and special purpose service vehicles (railcars for the inspection of tunnels, railcars for the inspection of the overhead contact wire, etc.) pallets and tackle)**12.0 — Purchase or construction value****12.1 — Depreciation****13 — Fixed assets under construction**

- Fixed installations
- Transport stock and equipment
- Other stock and equipment

14 — Shareholdings in other undertakings**15 — Long-term loans** (exceeding one year). Where appropriate, show separately loans given to undertakings in which the railway undertaking has a shareholding**16 — Costs and premiums for issuing loans and loan redemption premiums** (for the portion not yet redeemed)**17 — Miscellaneous fixed assets** (patents, concessions, licences and other similar rights)**CLASS 2 — STOCK ACCOUNTS****20 — Supplies in store or in the yards**

- Purchase or construction value
- Adjustment for depreciation

21 — Supplies being manufactured or under repair**CLASS 3 — SUNDRY DEBTOR AND CREDITOR ACCOUNTS****30 — Debtors** (suppliers, customers, staff, State, subsidiaries, partners or shareholders, other debtors, and suspense and prepayment accounts)

- Nominal value
- Adjustment for depreciation

31 — Creditors (suppliers, customers, staff, State, subsidiaries, partners or shareholders, other creditors including deposits and securities received, and suspense and prepayment accounts)**CLASS 4 — FINANCIAL ACCOUNTS****40 — Financial debts whose term is less than one year****41 — Loans whose term is less than one year**

- Nominal value
- Adjustment for depreciation

- 42 — **Bills receivable**
 - Nominal value
 - Adjustments for depreciation
 - 43 — **Cheques in hand**
 - 44 — **Bills payable**
 - 45 — **Securities**
 - Not including shareholdings in other undertakings (see account 14)
 - Purchase value
 - Adjustments for depreciation
 - 46 — **Postal cheque accounts**
 - 47 — **Bank accounts**
 - 48 — **Cash in hand**
-

ANNEX III

LAYOUT OF THE PROFIT AND LOSS ACCOUNT

I. General operation

Expenses	Revenue
60. Staff costs	70. Traffic revenue
61. Material supplied and services performed by third parties	0. Passenger and luggage traffic
62. Taxes and dues ⁽¹⁾	(a) by rail
63. Allocations for depreciation	(b) by road
64. Allocations to provision accounts	(c) by other means of transport
65. Financial charges	1. Goods traffic
	(a) by rail
	(i) full trains and wagon loads
	— national traffic
	— international traffic
	(ii) part loads and parcels
	— national traffic
	— international traffic
	(b) by road
	(c) by other means of transport
	2. Postal traffic
	71. Financial revenue
	72. Other revenue
	73. Contra of costs booked to other accounts
	74. Compensations and aids received under
	0. Regulation (EEC) No 1191/69
	1. Regulation (EEC) No 1192/69
	2. Regulation (EEC) No 1107/70 (Article 3)
	3. Other compensations and aids
Total expenses	Total revenue
91.0 Operating profit for the financial year	91.1 Operating loss for the financial year

⁽¹⁾ Optional account (see Annex IV).

II. Profit and loss summary

91.1 Operating loss for the financial year	91.0 Operating profit for the financial year
91.3 Exceptional losses	91.2 Exceptional profits
91.4 Corporation tax	91.5 Balancing subsidy
	— Article 4 of Regulation (EEC) No 1107/70,
	— other
91.6 Profit for the financial year	91.7 Loss for the financial year

ANNEX IV

NOMENCLATURE OF THE PROFIT AND LOSS ACCOUNT

(see Annex III for layout)

I. GENERAL OPERATION

CLASS 6 — EXPENSE ACCOUNTS

(*) Taxes and dues are either shown in account 62 with indication of their nature, or included in account 60 and account 61 as appropriate

60 ⁽¹⁾ — **Staff costs:** include the following items:

- remuneration of staff in active employment (including remuneration relating to fixed assets, supplies and work for third parties)
- pension charges: amount of pensions paid out directly by the railways less any contributions paid by employees in active employment. Amount of contributions paid by the railways to autonomous pension funds
- miscellaneous social security costs (family benefits, social welfare, security, staff training)

61 ⁽¹⁾ — **Materials supplied and services performed by third parties:** include the following items

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> — fuel, power and light — material consumption — services performed by third parties — rentals | } | <p>including that relating to fixed assets and third parties</p> |
| <ul style="list-style-type: none"> — miscellaneous charges (insurance premiums and indemnities, water and gas and sundry administrative costs) | | |

62 ⁽¹⁾ — **Taxes and dues** — (non-deductible VAT and other taxes and dues, corporation tax excepted) railways using this account should clearly indicate the nature of these taxes

63 — **Allocations for depreciation**

64 — **Allocations to provision accounts** (to cover certain losses and charges as well as insurance and financing replacement of fixed assets for some railways)

65 — **Financial charges**

CLASS 7 — REVENUE ACCOUNTS ⁽²⁾

70 — **Traffic revenue** (including associated revenue, but excluding service transport operations)

70.0 — *Passenger and luggage traffic*

- (a) by rail
- (b) by road
- (c) by other means of transport

70.1 — *Goods traffic*

- (a) by rail
 - (i) full trains and wagon loads
 - national traffic ⁽³⁾
 - international traffic ⁽³⁾

⁽¹⁾ Taxes and dues are either shown in account 62 with indications of their nature, or included in account 60 and account 61 as appropriate.

⁽²⁾ All revenues net of tax (in particular, net of VAT)

⁽³⁾ Definitions: — national goods traffic means transport of goods which are loaded and unloaded inside the country,
— international goods traffic means the transport of goods which are loaded or unloaded, or both, in a foreign country.

- (ii) part loads and parcels
 - national traffic ⁽¹⁾
 - international traffic ⁽¹⁾
- (b) by road
- (c) by other means of transport
- 70.2 — *Postal traffic*
- 71 — **Financial revenue** (interest on securities held and dividends from shareholdings in other undertakings)
- 72 — **Other revenue**
 - 72.1 — *Revenue from work and supplies for Government account* (investment in the network)
 - 72.2 — *Revenue from work and supplies for third parties*
 - 72.3 — *Revenue from other activities including rents*
 - 72.4 — *Miscellaneous revenue*
- 73 — **Contra of costs booked to other accounts** (in particular, fixed asset accounts and supplies accounts)
- 74 — **Compensation and aids**
 - 74.0 — *Compensation for public service obligations* Regulation (EEC) No 1191/69
 - 74.1 — *Compensations for the normalization of accounts* Regulation (EEC) No 1192/69 (in accordance with the provisions of Article 10)
 - 74.2 — *Aids* Article 3 of Regulation (EEC) No 1107/70
 - 74.3 — *Other compensations and aids* (not related to balancing subsidy)

II. SUMMARY PROFITS AND LOSSES

CLASS 9 — RESULT ACCOUNTS

- 91.0 — 91.1 — *Operating profit or loss for the financial year*
- 91.2 — 91.3 — *Exceptional profits and losses*

(Those items involving significant amounts which derive from events or transactions outside the ordinary activities of the business and which are not expected to recur frequently)

- 91.4 — *Corporation tax* (tax assessed on the profit of companies and other corporate bodies; or in certain countries also on the capital)
- 91.5 — *Balancing subsidy*:
 - Article 4 of Regulation (EEC) No 1107/70
 - Other

Those undertakings which strike the balance of the profit and loss prior to taking these subsidies into account may show such subsidies separately in a note.

- 91.6 — *Profit for the financial year* } to be transferred to account 07.0
- 91.7 — *Loss for the financial year* } to be transferred to account 07.1

⁽¹⁾ Definitions: — national goods traffic means transport of goods which are loaded and unloaded inside the country,
— international goods traffic means the transport of goods which are loaded or unloaded, or both, in a foreign country.

COUNCIL REGULATION (EEC) No 2831/77

of 12 December 1977

on the fixing of rates 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 a policy in respect of transport rates and conditions constitutes an important aspect of the common transport policy, the introduction of which by the Member States is provided for in the Treaty; whereas after the expiry on 31 December 1977 of Council Regulation (EEC) No 1174/68 of 30 July 1968 on the introduction of a system of bracket tariffs for the carriage of goods by road between Member States ⁽³⁾, as last amended by Regulation (EEC) No 3181/76 ⁽⁴⁾, the continuity of a Community policy in this sector should be ensured;

Whereas a single system for the fixing of rates and conditions for the carriage of goods by road between Member States can be achieved only progressively and in parallel to the development of the markets concerned;

Whereas, as an experiment, Member States should be offered the choice, on the basis of a common principle, between a non-binding reference tariff and compulsory bracket tariffs;

Whereas, within this framework, the choice of either tariff system should be made after taking account, in both cases, of the economic and technical conditions of the transport markets concerned;

Whereas the reference tariffs, which are no more than recommended rates, leave the transport undertaking with the responsibility for agreeing transport rates with the customer on the basis of the market situation and reciprocal interests;

Whereas, in this way, reference tariffs should therefore take into consideration the costs of the corresponding transport services, so that the transport rates fixed may take account of the economic circumstances of carriers;

Whereas, as far as compulsory bracket tariffs are concerned, the essential provisions as stated in Council Regulation (EEC) No 1174/68 should be retained;

Whereas it should be possible to monitor the evolution of actual rates within the framework of both reference tariffs and compulsory tariffs;

Whereas it appears useful for the tariff committee made up of governmental experts and chaired by the Commission to be able to hear the views of experts from the relevant economic sectors;

Whereas, as far as the implementation of the Regulation is concerned, both effective control over compulsory tariffs and appropriate penalties should be provided for;

Whereas, in the light of the experience gained in application of this Regulation, the Council should act by 31 December 1982 at the latest on the subsequent system, if any, for transport rates and conditions for the carriage of goods by road between Member States,

HAS ADOPTED THIS REGULATION:

General provisions

Article 1

This Regulation shall apply to the carriage of goods by road for hire or reward between the Member States, including those goods covered by the Treaty establishing the European Coal and Steel Community, whether or not for part of the journey:

⁽¹⁾ OJ No C 259, 4. 11. 1976, p. 40.

⁽²⁾ OJ No C 281, 27. 11. 1976, p. 2.

⁽³⁾ OJ No L 194, 6. 8. 1968, p. 1.

⁽⁴⁾ OJ No L 359, 30. 12. 1976, p. 13.

- carriage involves transit across a third country,
- the vehicle containing the goods is carried by sea, rail or waterway without break of load.

Article 2

1. The rates charged for carriage referred to in Article 1 shall be governed by a system of tariffs drawn up in accordance with this Regulation.
2. The tariffs shall be either for reference or compulsory.
3. The Member States concerned shall decide by mutual agreement on the application of one or other of the tariffs systems for the period of validity of this Regulation, taking particular account of the economic and technical conditions of the transport market concerned.

Subject to compliance with this principle:

- the Member States may maintain compulsory tariffs where such tariffs have been applied in pursuance of a Community Regulation,
- the Member States may introduce reference tariffs where no Community tariff rules have been applied.

Reference tariffs

Article 3

The reference tariffs shall constitute recommended rates. They shall be an indication for determining transport rates, which the users and the transport undertakings shall be free to fix at their discretion according to the market situation and their own interests.

Article 4

1. The system of reference tariffs shall include bilateral and multilateral tariffs.
2. Reference tariffs shall be established in the form of either general tariffs or special tariffs. They shall be differentiated as necessary to take account of the characteristics of the various transport operations and to promote the fixing of individual rates which do not differ too widely from the reference tariffs.
3. The reference tariffs shall incorporate price schedules and all the other rules required for calculating

the transport rate (transport rate proper and associated costs). The Commission shall make a recommendation regarding these rules before 1 July 1978, after consulting the Committee referred to in Article 16.

Article 5

The reference tariffs shall be established in such a way as to lead to the application of transport rates which cover the costs of the corresponding services, including the general expenses of the business, and to allow a fair profit for a properly managed and rationally operated undertaking engaged in the carriage of goods by road.

Article 6

1. Road hauliers' professional organizations in the Member States concerned shall, by joint agreement and as a result of bilateral or multilateral negotiations, draw up drafts for the introduction or amendment of reference tariffs. The Commission and the Member States concerned may take part in these negotiations in an advisory capacity. The professional organizations shall provide the Commission and the Member States in good time with any information necessary for their participation in such negotiations.

2. The abovementioned professional organizations shall consult the organizations representing transport users and those representing providers of services ancillary to transport and shall send the drafts, together with the details of the positions adopted by the organizations consulted, to the Governments of the Member States concerned, which shall inform the Commission immediately upon receipt.

A Member State concerned may object to the introduction of any measures within 60 days of the date on which it receives the drafts. The Commission may also object within the same period to the introduction of such measures, if they are incompatible with Community law. If neither the Commission nor any Member State concerned objects to the introduction of such measures, the road hauliers' professional organizations shall publish them in their tariff bulletin and in the specialized press.

By way of derogation from this procedure, the measures to be taken in pursuance of Article 17 may expressly provide that the tariff or tariff amendment be approved within the same period by a Member State concerned.

Article 7

1. If the negotiations for the establishment or amendment of a reference tariff should fail, any professional

organization concerned may refer the dispute to its own Member State, which shall immediately inform the other Member States concerned and the Commission.

In this case and where a Member State opposes the introduction of the measures, the Member States concerned may as soon as possible adopt a decision which shall be notified to the interested parties, officially published in the Member States concerned and communicated to the Commission.

2. If the Member States concerned do not succeed in adopting a decision in accordance with the second subparagraph of paragraph 1, the dispute shall be referred to the Commission at the request of one of those Member States.

The Commission, after consulting the Committee referred to in Article 16, shall adopt a Decision which shall be notified to the interested parties and published in the *Official Journal of the European Communities*.

3. The Commission may, on its own initiative, set the organizations concerned a period for the completion of the negotiations referred to in Article 6 (1). If no agreement has been reached by the end of this period, the procedure provided for in paragraphs 1 and 2 shall be applicable.

4. The Commission may prescribe a period within which the Member States concerned must take a decision pursuant to the second subparagraph of paragraph 1. If no decision has been taken by the end of this period, the procedure provided for in paragraph 2 shall be applicable.

Compulsory tariffs

Article 8

Compulsory tariffs shall be brought into force and published by the competent authorities of the Member States in the form of bracket tariffs. They shall be obligatory in the establishment of transport rates and conditions, subject to the exceptions and derogations provided for in this Regulation.

Article 9

1. Bracket tariffs within the meaning of Article 8 are tariffs laying down maximum and minimum rates. The difference between these two rates constitutes the bracket spread.

2. The bracket spread shall be 23 % of the maximum rate.

3. Rates for any given transport operation may be freely determined within the upper and lower limits of the relevant bracket tariff. Subject to the provisions of

Article 14, the conclusion of contracts at transport rates falling outside the upper or lower limits of the relevant tariff brackets shall be prohibited.

Article 10

1. Each compulsory tariff shall be drawn up by reference to a base-rate, which shall be the middle point of the bracket.

The base-rate shall be fixed having regard to both the average cost of the transport operation concerned, including, where appropriate, the general expenses of the business, for a properly managed undertaking enjoying normal conditions of use of its carrying capacity, and market conditions, and shall be such as to provide a fair return for carriers.

2. Compulsory tariffs may vary according to the circumstances of the service provided, and in particular according to the technical and economic characteristics of the operation in question, the route, the length of the transit period, the tonnage conditions, and the type of goods carried.

Article 11

1. Compulsory tariffs shall be fixed or amended by agreement between the Member States concerned, that is the States on the territories of which the goods are to be loaded or unloaded. The Commission may take part in such negotiations in an advisory capacity.

The Commission may prescribe a period within which the Member States concerned must take a decision pursuant to paragraph 1. If no decision has been taken by the end of this period, the procedure provided for in Article 13 (1) and (2) shall be applicable.

2. Each Member State shall bring such tariffs into force within two months following the conclusion of negotiations for the fixing or amendment of tariffs or, as the case may be, following the completion of the procedure referred to in Article 13 (1) and (2).

3. Without prejudice to paragraphs 1 and 2, a Member State may, in order to offset the effects of monetary fluctuations, unilaterally carry out an upward revision of price schedules expressed in its currency. The Member State concerned shall inform the other Member States concerned and the Commission at least one month before this measure is brought into effect.

Article 12

The compulsory tariffs shall be officially published in the Member States concerned. The particulars published

shall include the dates of their entry into force. Only the maximum rate for each bracket need be published.

Article 13

1. If the negotiations for the establishment or modification of a compulsory tariff fail, the dispute shall be referred to the Commission at the request of a Member State.

The Commission, after consulting the Committee referred to in Article 16, shall adopt a Decision which shall be notified to the interested parties and published in the *Official Journal of the European Communities*.

2. The Commission Decision shall become binding one month after the date of publication, unless in the meantime a Member State refers the matter to the Council. In this case, the Council shall take a decision by a qualified majority within three months of referral of the matter and publish the decision in the *Official Journal of the European Communities*.

Article 14

1. By way of derogation from Article 9 (3), special contracts may be concluded in writing between a carrier and another party at transport rates outside the upper or lower limits of the relevant tariff brackets.

The conclusion of such contracts shall be allowed, subject to the following conditions:

- (a) circumstances must exist which were not taken into account at the time when the tariffs were fixed, as, in particular, where a special contract relates to transport operations having special technical features or where the contract is made in response to the requirements of competition or where it is entered into for a certain period, and
- (b) where a special contract provides for transport rates above the upper limit of the relevant tariff bracket, such contract must relate to transport operations the technical features of which entail costs significantly higher than the average cost within the meaning of Article 10 (1) on which the relevant tariff is based, as, in particular, where:
 - the goods require special handling during transit,
 - the vehicle has to be fitted with special equipment,
 - a special vehicle fitted with permanent special equipment has to be used,

- carriage has to be effected at a speed significantly slower than normal traffic speed,
- the consignor requires particularly rapid delivery of the goods,
- the goods are of a dangerous or offensive nature,
- the goods are such that they must be delivered in a single large load or are of abnormal dimensions; or

(c) where a special contract provides for transport rates below the lower limit of the relevant tariff bracket, the tonnage to be carried under any such contract within any three-month period must not be less than 500 tonnes.

Special contracts must in all cases be such as to maintain or increase the carrier's trading returns.

2. On concluding any special contract, the carrier shall forthwith communicate the terms thereof to the competent authorities of the Member State of origin, that is, the State where his vehicles are registered or, if this is not the State where the goods are to be loaded or unloaded, then the State on the territory of which the goods are to be loaded.

When communicating the terms of the contract, the carrier shall attach all particulars supporting the conclusion of the contract and the rates agreed.

3. Those authorities shall send copies of all the relevant documents to the competent authorities of the Member States concerned, that is, the States in which the vehicles are registered and those where the goods are to be loaded and unloaded.

4. The authorities referred to in paragraphs 2 and 3 shall, using the information contained in the documents submitted, institute all investigations and inquiries they consider desirable in order to check that the parties to the contract have complied with this Regulation.

5. If as a result of these investigations it is found that there has been any breach of this Regulation:

- the competent authorities of the Member States may require that during a prescribed period those carriers whose vehicles are registered on their territory shall not perform any special contract without prior authorization,
- the competent authorities of the Member States concerned may, in addition to the steps which they may take in accordance with their own regulations, request the competent authorities of the State where any vehicle concerned is registered to apply the measures referred to above. The State where the vehicle is registered shall inform the other Member States and the Commission of any measures taken.

6. In the event of any disturbance of the transport market in respect of the carriage of certain goods over certain routes, the conclusion of special contracts may, for a specific period, be made subject to prior approval by the competent authorities of the Member State where the goods are to be loaded.

The Governments of the Member States concerned shall take the measures necessary to this end by mutual agreement.

A market shall be considered disturbed where, in particular, the average level of rates applied over a given period is not sufficient for a properly managed transport undertaking enjoying normal conditions of use of its carrying capacity to operate at a profit.

Common provisions

Article 15

1. Transport undertakings shall be required to communicate to the competent authorities of the Member States, upon request, any information concerning rates applied in the international carriage of goods by road. The Governments of the Member States shall inform the Commission of any sequel to such information.

2. To improve knowledge of the market situation, surveys may be made concerning the rates charged for the carriage of certain types of goods on major routes.

3. The Council, acting by a qualified majority on a proposal submitted by the Commission after hearing the opinion of the Committee provided for in Article 16, shall lay down the programmes in respect of the communications provided for in paragraph 1 and the surveys provided for in paragraph 2 and the details for carrying them out.

4. Information obtained in implementation of this Regulation shall be covered by the obligation of professional secrecy.

Article 16

1. A Committee attached to the Commission is hereby set up for the purpose of assisting the Commission in the implementation of this Regulation and of the provisions adopted for its application.

The Committee shall:

- deliver opinions in those cases expressly provided for in this Regulation,
- draw up by 1 October of each year a report on the development during the preceding year of rates and conditions for the carriage of goods by road between Member States,
- advise the Commission at its request on all questions concerning the development of future rates systems in this sector.

Within the framework of this Regulation, the Commission may consult the Committee on any other matter where it considers it appropriate.

The opinions of the Committee must state reasons on which they are based and be given within a time limit fixed by the chairman. Opinions shall be adopted by a qualified majority within the meaning of the first subparagraph and second subparagraph, first indent, of Article 148 (2) of the Treaty. The chairman shall not vote.

2. The Committee shall consist of not more than two government experts appointed by each Member State and shall have as chairman a representative of the Commission, which shall also provide secretarial services.

The Committee shall be convened by its chairman on his own initiative or at the request of a Member State. The Committee may hear the views of representatives of transport undertakings, transport users and providers of services ancillary to transport.

Article 17

1. In due course, and after consulting the Commission, the Member States shall adopt the laws, regulations and administrative provisions necessary for the implementation of this Regulation.

As far as compulsory tariffs are concerned, Member States shall in particular provide for both permanent and effective control and appropriate penalties for breaches.

Member States shall designate the organizations referred to in Article 6.

2. At the request of a Member State or on its own initiative, the Commission shall consult the Member States with regard to the drafts of the laws, regulations and administrative provisions referred to in paragraph 1.

3. The Member States shall afford assistance to one another and to the Commission for the purposes of applying this Regulation.

Article 18

This Regulation shall not apply to the types of carriage listed in the Annex, which forms an integral part of this Regulation.

Article 19

This Regulation shall not affect any obligation arising from the Treaty establishing the European Coal and Steel Community.

Article 20

1. The reference tariffs and the new compulsory tariffs must be published not later than 1 January 1979.
2. The compulsory tariffs in effect when this Regulation enters into force shall remain so until they are replaced by other tariffs.
3. Any laws, regulations or administrative provisions introduced by the Member States pursuant to Regulation (EEC) No 1174/68 shall remain in force for the compulsory tariffs established pursuant to this Regulation until they are replaced by provisions adopted on the basis of Article 17 (1).

Article 21

1. This Regulation shall enter into force on 1 January 1978.

It shall remain applicable until 31 December 1983.

2. The Council shall, acting upon a proposal from the Commission drawn up after consultation of the committee provided for in Article 16, decide before 31 December 1982 on the subsequent system for transport rates and conditions for the carriage of goods by road between Member States.

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

Done at Brussels, 12 December 1977.

For the Council

The President

L. DHOORE

ANNEX

Types of carriage to which this Regulation does not apply:

- occasional carriage of goods to or from airports, in the event of air services being diverted,
 - carriage of luggage in trailers coupled to passenger-carrying vehicles and the carriage of luggage in all types of vehicles to and from airports,
 - carriage of mail,
 - carriage of damaged vehicles,
 - carriage of refuse and sewage,
 - carriage of animal carcasses for disposal,
 - carriage of bees and fish fry,
 - carriage of objects and works of art for exhibition or for commercial purposes,
 - occasional carriage of objects and material exclusively for advertising or information purposes,
 - removals by undertakings having special staff and equipment for this purpose,
 - carriage of equipment, properties and animals to or from theatrical, musical or film performances or sporting events, circuses, exhibitions or fairs, or to or from the making of radio or television broadcasts or films,
 - carriage of gold, silver, platinum, money, coins and securities, stamps, documents, precious stones or real pearls,
 - carriage of articles required for medical care in emergency relief, in particular for natural disasters,
 - carriage of spare parts for sea-going vessels,
 - carriage of live animals,
 - carriage involving the use of special vehicles or special traffic arrangements,
 - carriage of goods not exceeding five tonnes in total weight consigned by a single consignor to a single consignee,
 - carriage of goods over a distance which in total does not exceed 50 kilometres; where the road vehicle is transported by sea over part of the distance, the sea journey shall not be taken into consideration in the calculation of that distance.
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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 December 1977

establishing a common procedure for the exchange of information on the quality of surface fresh water in the Community

(77/795/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 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 the 1973 ⁽³⁾ and 1977 ⁽⁴⁾ programmes of action of the European Communities on the environment provide for the introduction of a procedure for the exchange of information between the pollution surveillance and monitoring networks;

Whereas such a procedure is necessary to determine the pollution levels of the rivers in the Community and consequently to lay down guidelines for the control of pollution and nuisances, which is one of the Community's objectives in respect of the improvement of living conditions and the harmonious development of

economic activities throughout the Community; whereas no provision is made in the Treaty for the specific powers required for this purpose;

Whereas such an exchange of information on pollution levels is one of the means of monitoring the long-term trends and the improvements resulting from the application of current national and Community rules;

Whereas the exchange of information provided for in this Decision should allow for as significant a comparison as possible of the results obtained in the sampling and measuring stations;

Whereas the exchange of information provided for in this Decision would lay the foundations for a system for monitoring surface fresh-water pollution at Community level and could constitute a component of the global environmental monitoring system provided for in the United Nations environment programme;

Whereas to attain these objectives the Member States must forward to the Commission data relating to certain parameters for surface fresh water; whereas the Commission will draw up a consolidated report which it will transmit to the Member States;

Whereas the list of stations in Annex I may, with advantage, be modified by the Commission at the request of the Member State concerned, provided that certain criteria are fulfilled;

Whereas technical progress requires that the technical specifications laid down in Annex II to this Decision should be adapted promptly; whereas, to facilitate the

(1) OJ No C 178, 2. 8. 1976, p. 48.

(2) OJ No C 285, 2. 12. 1976, p. 10.

(3) OJ No C 112, 20. 12. 1973, p. 3.

(4) OJ No C 139, 13. 6. 1977, p. 3.

implementation of the measures required for this purpose, provision must be made for a procedure establishing close cooperation between the Member States and the Commission within the Committee for the adaptation of this Decision to technical progress,

HAS ADOPTED THIS DECISION:

Article 1

A common procedure for the exchange of information on the quality of surface fresh water in the Community is hereby established.

Article 2

1. For the purposes of this Decision 'sampling or measuring stations' means the stations listed in Annex I.
2. The information concerning the parameters listed in the first column of Annex II covered by the exchange of information shall be:
 - (a) the results of the measurements carried out by the sampling or measuring stations;
 - (b) a description of the sampling, sample preservation and measuring methods used and the frequency of sampling.

Article 3

1. Each Member State shall designate a central agency and inform the Commission thereof within 15 days of the notification of this Decision.
2. The information referred to in Article 2 (2) shall be forwarded to the Commission through the central agency in each Member State.
3. The data referred to in Article 2 (2) (a) shall be presented according to the modes of expression and with the significant figures set out in the second and third columns of Annex II.
4. The information, covering a calendar year, shall be forwarded to the Commission at least every 12 months.
5. The Commission shall draw up annually a consolidated report based on the information referred to in Article 2 (2). The part of the draft of this report concerning the information supplied by a Member State shall be sent to the central agency of that Member State for verification. Any comments on the draft shall be

included in the report. The final version shall be forwarded to the Member States.

6. The Commission shall assess the effectiveness of the procedure for the exchange of information and, within not more than three years of the notification of this Decision, shall submit proposals, where appropriate, to the Council with a view to improving the procedure and, if necessary, harmonizing the methods of measurement.

Article 4

1. Member States shall forward the information referred to in Article 2 (2) through their central agencies for the first time within six months of the notification of this Decision.
2. The first information to be exchanged shall be that available in the calendar year preceding the notification of this Decision.

Article 5

1. The list in Annex I may be amended by the Commission on a request from the Member State concerned.
2. The Commission shall make such amendments when it is satisfied that the following requirements are met:
 - that the list of sampling or measuring stations for each Member State is sufficiently representative for the purposes of this Decision,
 - that the stations are at points which are representative of water conditions in the area around and not directly and immediately influenced by a source of pollution,
 - that they are capable of measuring at regular intervals the parameters in Annex II,
 - that they are as a general rule not more than 100 kilometres apart on main rivers, not including tributaries,
 - that they are upstream of any confluences and not on tidal stretches of water.
3. The Commission shall inform the Council of any amendments which it has accepted.
4. The Commission shall submit for decision by the Council any requests for amendments which it has been unable to accept.

Article 6

Amendments necessary to adapt the list of parameters and the modes of expression and significant figures in respect thereof set out in Annex II to technical progress shall be adopted in accordance with the procedure laid down in Article 8, provided that any additions to the list involve only parameters covered by Community law and for which data are available in all sampling and measuring stations of the Member States. Any changes in the modes of expression and significant figures must not involve changes to the methods of measurement used by the Member States in the various stations in Annex I.

Article 7

1. A Committee for the adaptation of this Decision to technical progress (hereinafter referred to as the 'the Committee') is hereby set up, consisting of representatives of the Member States with a representative of the Commission as Chairman.

2. The Committee shall adopt its own rules of procedure.

Article 8

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by its chairman, either on his own initiative or at the request of a representative of a Member State.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on the draft within a time limit set by the chairman according to the urgency of the matter. Opinions shall be delivered by a majority of 41 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) Where the measures envisaged are in accordance with the opinion of the Committee, the Commission shall adopt them.

(b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.

(c) If within three months of the proposal being submitted to it the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 12 December 1977.

For the Council

The President

L. DHOORE

ANNEX I

LIST OF SAMPLING OR MEASURING STATIONS INVOLVED
IN THE EXCHANGE OF INFORMATION

FEDERAL REPUBLIC OF GERMANY

Sampling or measuring stations		List of rivers
Maxau	362.3 km downstream of the Rhine bridge at Constance	Rhine
Mainz	498.5 km downstream of the Rhine bridge at Constance	Rhine
Koblenz/Braubach	590.3 km downstream of the Rhine bridge at Constance	Rhine
Palzem	230.3 km upstream of the confluence with the Rhine	Moselle
Koblenz/Moselle	2 km upstream of the confluence with the Rhine	Moselle
Kleve/Bimmen	864.95 km downstream of the Rhine bridge at Constance at the point where the river leaves the Federal Republic of Germany	Rhine
Goch	21.4 km upstream of the confluence with the Meuse	Niers
Herbrüm	284.9 km from the source (212.04 Canal km)	Ems
Hemeln	11 km downstream of the confluence of the Werra and the Fulda	Weser
Intschede	329.7 km downstream of the confluence of the Werra and the Fulda	Weser
Geesthacht	113 km downstream of the entry of the river into the Federal Republic of Germany (584.5 Elbe km)	Elbe
Jochenstein	2 203 km upstream of the mouth of the Danube	Danube

BELGIUM

Sampling or measuring stations		List of rivers
Warneton	downstream of the confluence with the Deule	Lys
Leers-Nord	at the point where the river enters Belgium	Espierre
Doel	at the point where the river leaves Belgium	Scheldt
Bléharies	at the point where the river enters Belgium	Scheldt
Erquelinnes	at the point where the river enters Belgium	Sambre
Heer-Agimont	at the point where the river enters Belgium	Meuse
Lanaye-Ternaaien	at the point where the river leaves Belgium	Meuse
Martelange	at the point where the river leaves Belgium	Sure
Zelzate	at the point where the river leaves Belgium	Ghent-Terneuzen Canal

DENMARK

Sampling or measuring stations		List of rivers
Nåby	Station No 57.12	Suså
Nr Broby	Station No 45.01	Odense Å
Tvilum bro	Station No 21.01	Gudenå
Ahlergård	Station No 25.05	Skjern Å

FRANCE

Sampling or measuring stations		List of rivers
Méry	upstream of the confluence with the Aube (St 6 000)	Seine
Montereau	upstream of the confluence with the Yonne (St 14 000)	Seine
Melun	(St 47 000)	Seine
Paris	Tolbiac Bridge (St 81 000)	Seine
St Rambert	Andrézieux Bridge downstream of St Rambert (St 9 000)	Loire
Roanne	Villecrest Bridge upstream of Roanne (St 13 000)	Loire
Orléans	downstream of Orléans (St 51 000)	Loire
Nantes	upstream of Nantes (St 137 000)	Loire
Toulouse	downstream of Toulouse (St 161 000)	Garonne
Lamagistère	downstream of the confluence with the Aveyron (St 117 000)	Garonne
Couthures	near Couthures, downstream of the confluence with the Avance (St 81 000)	Garonne
Auxonne	France Bridge (St 11 000)	Saône
Mulatière	upstream of the confluence with the Rhone (St 59 000)	Saône
Pont Carnot	downstream of Lake Geneva and upstream of the Génissiat Dam (St 67 000)	Rhône
Lyon	upstream of the confluence with the Saône at the Poincaré Bridge (St 98 000)	Rhône
St Vallier	upstream of the confluence with the Isère (St 104 000)	Rhône

IRELAND

Sampling or measuring stations		List of rivers
Slane Bridge	approximately 12 km downstream of Navan (N 96 74)	Boyne
Corofin Bridge	approximately 19 km downstream of Tuam (M 42 43)	Clare
Graiguenamanagh Bridge	approximately 29 km downstream of Muine Bheag (Bagenalstown) (S 71 44)	Barrow
Killavullen Bridge	approximately 13 km downstream of Mallow (W 65 99)	Blackwater (Munster)

ITALY

Sampling or measuring stations		List of rivers
Ponte d'Adige	308 km upstream of the mouth	Adige
Trento	253 km upstream of the mouth	Adige
Badia Polesine	66 km upstream of the mouth	Adige
Meirano	591 km upstream of the mouth	Po
Cremona	281 km upstream of the mouth	Po
Boretto	216 km upstream of the mouth	Po
Borgo Forte	184 km upstream of the mouth	Po
Pontelagoscuro	91 km upstream of the mouth	Po
Ponte degli Albergi	38 km upstream of the mouth	Metauro
Subbiano	178 km upstream of the mouth	Arno
Nave di Rosano	120 km upstream of the mouth	Arno
Capraia	70 km upstream of the mouth	Arno
San Giovanni alla Vena	37 km upstream of the mouth	Arno
Ponte Felcino	300 km upstream of the mouth	Tiber
Ponte Nuovo	273 km upstream of the mouth	Tiber
Roma	43 km upstream of the mouth	Tiber

GRAND DUCHY OF LUXEMBOURG

Sampling or measuring stations		List of rivers
Wasserbillig	upstream of the confluence with the Moselle	Sûre

NETHERLANDS

Sampling or measuring stations		List of rivers
Lobith	at the point where the river enters the Netherlands	Upper Rhine
Kampen	133 km downstream of the point where the Rhine enters the Netherlands	Ijssel
Gorinchem	93.5 km downstream of the point where the Rhine enters the Netherlands	Upper Merwede
Vreeswijk	89 km downstream of the point where the Rhine enters the Netherlands	Lek
OM 42	Puttershoek, 120 km downstream of the point where the Rhine enters the Netherlands	Oude Maas
NM 34	near the island of Brienenoord, 134 km downstream of the point where the Rhine enters the Netherlands	Nieuwe Maas

NETHERLANDS (continued)

Sampling or measuring stations		List of rivers
Eijsden	4.5 km downstream of the point where the Meuse enters the Netherlands	Meuse
Lith	201 km downstream of the point where the Meuse enters the Netherlands	Meuse
Keizersveer	248 km downstream of the point where the Meuse enters the Netherlands	Bergse Maas
H 9	Haringvlietbrug (Haringvliet Bridge)	Haringvliet
H 12	near the Haringvlietdam	Haringvliet
IJ 17	at the mouth of the Keteldiep, 143 km downstream of the point where the Rhine enters the Netherlands	Keteldiep
IJ 23	centre of Lake IJssel	Lake IJssel

UNITED KINGDOM

Sampling or measuring stations		List of rivers
Chollerford	6 km upstream of the confluence (NY 919 706)	North Tyne
Warden Bridge	800 m upstream of the confluence (NY 910 660)	South Tyne
Wylam Bridge	immediately upstream of the tidal limit (NZ 119 645)	Tyne
Derwenthaugh	1.3 km upstream of the tidal limit (NZ 187 607)	Derwent
Whitford Bridge	3 km upstream of the tidal limit (SY 262 953)	Axe
Tregony Gauging Station	6 km upstream of the tidal limit (SW 921 445)	Fal
Devoran Bridge	immediately upstream of the tidal limit (SW 791 394)	Carnon
Forge Weir Halton	1.5 km upstream of the tidal limit (SD 514 648)	Lune
St Michael's Weir	immediately upstream of the tidal limit (SD 462 411)	Wyre
Samlesbury	1.5 km upstream of the tidal limit (SD 589 304)	Ribble
Teddington Weir	(TQ 171 714)	Thames
Chetwynd	(SK 187 138)	Tame
Nottingham	(SK 581 383)	Trent
Yoxall	(SK 131 177)	Trent
Fochabers	4 km upstream of the tidal limit (NJ 341 596)	Spey
Craigiehall	3 km upstream of the tidal limit (NT 165 752)	Almond
Renton Footbridge	immediately upstream of the tidal limit (NS 389 783)	Leven

ANNEX II

PARAMETERS IN RESPECT OF WHICH INFORMATION IS TO BE EXCHANGED

(Modes of expression and significant figures for the parametric data)

	Parameter	Mode of expression	Significant figures	
			Before the decimal point	After the decimal point
physical	Rate of flow ⁽¹⁾ (at the time of sampling)	m ³ /s	× × × ×	× ×
	Temperature	°C	× ×	×
	pH	pH	× ×	×
	Conductivity at 20 °C	μS cm ⁻¹ at 20 °C	(<100) × × (≥100) × × ×	
chemical	Chloride	Cl mg/l	(<100) × × (≥100) × × ×	
	Nitrate	NO ₃ mg/l	× × ×	× ×
	Ammonia	NH ₄ mg/l	× × ×	× ×
	Dissolved oxygen	O ₂ mg/l	× ×	×
	BOD ₅	O ₂ mg/l	× × ×	×
	COD	O ₂ mg/l	× × ×	×
	Total phosphorous	P mg/l	× ×	× ×
	Surfactants reacting to methylene blue	Sodium lauryl sulphate eq. mg/l	× ×	× ×
	Total cadmium	Cd mg/l	×	× × × ×
	Mercury	Hg mg/l	×	× × × ×
micro-biological	Faecal coliforms	/100 ml	× × × × × ×	
	Total coliforms ⁽²⁾	/100 ml	× × × × × ×	
	Faecal streptococci ⁽²⁾	/100 ml	× × × × × ×	
	Salmonella ⁽²⁾	/1 l	×	

⁽¹⁾ The date of sampling must be given.⁽²⁾ The data relating to this parameter shall be exchanged when it is measured.

COUNCIL DIRECTIVE

of 12 December 1977

aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment

(77/796/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 and 235 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, in its Directives 74/561/EEC ⁽³⁾ and 74/562/EEC ⁽⁴⁾, the Council imposed certain conditions for admission to the occupation of goods haulage operator and road passenger transport operator in national and international transport and whereas it is appropriate to ensure the mutual recognition of diplomas, certificates and other evidence of formal qualifications in respect of the activities covered by these Directives; whereas this Directive does not concern those undertakings referred to in the abovementioned Directives unless they are companies or firms within the meaning of Article 58 of the Treaty;

Whereas, in respect of good repute and financial standing, it would be appropriate to acknowledge [relevant] documents issued by a competent authority in the transport operator's country of origin or the country whence he comes as sufficient proof for admission to the activities concerned in a host Member State;

Whereas, in respect of professional competence, the certificates issued pursuant to the Community provisions on admission to the occupation of transport operator, must be recognized as sufficient proof by the host Member State;

Whereas to the extent that Member States also make admission to, or the carrying out of, the activities covered by this Directive by employees subject to the possession of skills and professional competence, this Directive must also apply to that category of person; whereas it would therefore also be appropriate to apply to employees the provisions on proof of good repute and of no previous bankruptcy,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall, in respect of the activities referred to in Article 2, take the measures defined in this Directive concerning the establishment in their territories of the natural persons and undertakings referred to in Title I of the General Programme for the abolition of restrictions on freedom of establishment.

2. This Directive shall also apply to nationals of Member States who, pursuant to Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community ⁽⁵⁾, carry on the activities referred to in Article 2 in the capacity of employees.

Article 2

This Directive shall apply to activities covered by Council Directives 74/561/EEC and 74/562/EEC.

Article 3

1. Without prejudice to paragraphs 2 and 3 below, a host Member State shall, for the purpose of admission to any of the activities referred to in Article 2, accept as

⁽¹⁾ OJ No C 125, 8. 6. 1976, p. 54.

⁽²⁾ OJ No C 197, 23. 8. 1976, p. 35.

⁽³⁾ OJ No L 308, 19. 11. 1974, p. 18.

⁽⁴⁾ OJ No L 308, 19. 11. 1974, p. 23.

⁽⁵⁾ OJ No L 257, 19. 10. 1968, p. 2.

sufficient proof of good repute or of no previous bankruptcy an extract from a judicial record or, failing that, an equivalent document issued by a competent judicial or administrative authority in the transport operator's country of origin or the country whence he comes, showing that these requirements have been met.

2. Where the host Member State imposes on its own nationals certain requirements as to good repute and proof that such requirements are satisfied cannot be obtained from the document referred to in paragraph 1, that State shall accept as sufficient evidence in respect of nationals of other Member States a certificate issued by a competent judicial or administrative authority in the country of origin or in the country whence the foreign national comes stating that the requirements in question have been met. Such certificates shall relate to the specific facts regarded as relevant by the host country.

3. Where the country of origin or country whence the foreign national comes does not issue the document required in accordance with paragraphs 1 and 2, such document may be replaced by a declaration on oath or by a solemn declaration — made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary in that person's country of origin or the country whence he comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. The declaration in respect of no previous bankruptcy may also be made before a competent professional body in the same country.

4. Documents issued in accordance with paragraphs 1 and 2 shall not be accepted if produced more than three months after their date of issue. This condition shall apply also to declarations made in accordance with paragraph 3.

Article 4

1. Where in a host Member State a certificate is required as proof of financial standing, that State shall regard corresponding certificates issued by banks in the country of origin or in the country whence the foreign national comes or by other financial bodies designated by that country, as equivalent to certificates issued in its own territory.

2. Where a Member State imposes on its own nationals certain requirements as to financial standing and where proof that such requirements are satisfied cannot be obtained from the document referred to in paragraph 1, that State shall accept as sufficient evidence, in respect of nationals of other Member States, a certificate issued by a competent administrative auth-

ority in the country of origin or in the country whence the foreign national comes, stating that the requirements in question have been met. Such certificate shall relate to the specific facts regarded as relevant by the host country.

Article 5

1. Member States shall recognize the certificates referred to in the second subparagraph of Article 3 (4) of Directive 74/561/EEC and the second subparagraph of Article 2 (4) of Directive 74/562/EEC and issued by another Member State as sufficient proof of professional competence if they are based on an examination passed by the applicant or on three years' practical experience.

2. With regard to natural persons and undertakings authorized, before 1 January 1975, under national regulations in a Member State to engage in the occupation of goods haulage operator or passenger transport operator in national and/or international road transport and in so far as the undertakings concerned are companies or firms within the meaning of Article 58 of the Treaty, Member States shall accept as sufficient proof of professional competence certificates stating that the activity concerned has actually been carried on in a Member State for a period of three years. This activity must not have ceased more than five years before the date of submission of the certificate.

In the case of an undertaking, the certificate stating that the activity has actually been carried on shall be issued in respect of one of the natural persons actually in charge of the transport activities of the undertaking.

Article 6

Member States shall, within the time limit laid down in Article 7, designate the authorities and bodies competent to issue the documents referred to in Articles 3 and 4 and the certificate referred to in Article 5 (2). They shall immediately inform the other Member States and the Commission thereof.

Article 7

1. Member States shall bring into force the measures necessary to comply with this Directive before 1 January 1979 and shall immediately inform the Commission thereof.

2. Member States shall forward to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Done at Brussels, 12 December 1977.

Article 8

This Directive is addressed to the Member States.

For the Council

The President

L. DHOORE
