

Lambert Schaus, Transport in the EEC (11 July 1960)

Caption: In an article in the EEC Bulletin dated 11 July 1960, Lambert Schaus, a Member of the European Commission, explains the importance of establishing a common European transport policy.

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I. Transport in the EEC

Lambert SCHAUS,
Member of the Commission

In its Resolution of 31 March 1960, passed on the occasion of the debate on the speed-up of the implementation of the Treaty, the European Parliament requested “the Commission of the EEC, the Council of Ministers and the Governments to speed up the simultaneous and harmonized implementation of measures for ... a common policy in the field of transport”. In the “Declaration of intention concerning internal acceleration” issued on 12 May 1960 the Council of Ministers, acting in full agreement with the Commission, confirmed its “intention to pursue in the field ... of transport a policy in step with developments in the other sectors of the Common Market”.

It goes without saying that the implementation of the provisions of the Treaty must proceed harmoniously, since the authors of the Treaty sought to establish a fair equilibrium in the measures adopted concerning the various economic branches. If the general objectives of the Treaty are to be more speedily realized, then the common transport policy must also be adapted to this pace.

Nevertheless, the real implications of the transport provisions in the Treaty of Rome must be remembered. At the time of the signature of the Treaty, the High Contracting Parties found that the special provisions of Title IV (Part Two) were incomplete and that negotiations had to go on for the eventual drawing up of a common transport policy; this is the meaning of Article 74 of the Treaty. These negotiations will be carried out on the Community level and Article 75 lays down the pertinent procedure. The Commission submits proposals; the Economic and Social Committee as well as the European Parliament are consulted; the Council of Ministers, acting by means of a unanimous vote until the end of the second stage and subsequently by means of a qualified majority, lays down common rules, conditions and provisions.

In the last analysis, therefore, the adoption of a common transport policy depends on the will of the Governments. The Commission has right of initiative and must make proposals, which must be at the same time realistic and bold, taking into account the general interests of the Community. The Economic and Social Committee will voice the views of the industry concerned, and the European Parliament, which has already submitted excellent reports on transport, will give its very valuable opinion and will at the same time express its determination to succeed politically. The working out of the common transport policy will be a lengthy, laborious and difficult task. It is necessary, however, to sketch the main outlines of this policy as soon as possible. The Commission will shortly submit the first paper on the common transport policy which will serve as a working basis and will be submitted for discussion to agencies of the Community and both sides of the industry concerned.

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However, in order to speed up the implementation of the Treaty provisions on transport, it is necessary in the first place to carry out the obligations laid down in a number of Articles.

The first of these in order of time was the obligation to draw up a regulation to ensure the implementation of Article 79 (1) of the Treaty, that is to say in the field of transport to abolish within the Community any discrimination consisting of the application by a carrier in respect of the same goods, conveyed in the same circumstances, of transport rates and conditions which differ on the ground of the country of origin or destination of the goods carried. This Regulation was unanimously adopted by the Council at its session of 27 June last. The Regulation enables the Commission to reveal the types of discriminations referred to and provides it with the means of abolishing them. Within certain limits and for the purpose of the abolition of discrimination, the Regulation vests in the Commission a direct power of supervision and enables it to apply sanctions under the control of the Court of Justice.

When the Commission submitted its proposal for this Regulation, it raised the question of the publication of transport rates and conditions. This, it will be remembered, is one of the most controversial transport policy

issues for the six Member States. On a modified proposal by the Commission, the Council has unanimously adopted a subtle but significant solution. A solution to the question of publication must be sought within the common transport policy; if no such solution has been found — unanimously — on this basis by 1 July 1963, decisions concerning the nature, the form and the scope of such publication, as well as any other suitable steps, shall be taken within the limits and conditions of Article 79 (1) and (3), due account being taken of the fact that such decisions or steps must in all circumstances fit in with the common transport policy. The Regulation therefore lays down that from the date given, and in the conditions stipulated, a decision on publication can be taken by a qualified majority.

Clearly, however, the other problems of transport policy must be solved simultaneously. The application of Article 80 (rates involving an element of support or protection) and 75 (1 a and b) (rules applicable to international transport and conditions for the admission of non-resident carriers in the national transport services within a Member State) will make it possible to lay down certain general principles of the common policy. Broadly speaking, the obstacles in the way of the good functioning of the Common Market must be removed and transport must be progressively liberalized.

The importance of the standstill agreement in the field of transport, which is valid until the common policy has been established, cannot be overestimated. Since the entry into force of the Treaty, by virtue of Article 76, no Member State any longer has the right “to make less favourable in their direct or indirect effect, for carriers of other Member States by comparison with its own national carriers, the various provisions governing this subject on 1 January 1958”. In addition to the clear obligations laid down in Article 76, the Member States must, under Article 5 (2), “abstain from any measures likely to jeopardize the attainment of the objectives of this Treaty”. If this principle is applied in the field of transport, it is logical to request the Member States to consult one another and the Commission whenever they propose to take measures on the national level which could impair the common policy.

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The provisions in Title IV of the Treaty and in particular those of Article 75 make it possible to determine all the rules required for a common transport policy.

The Commission has carried out initial studies which have enabled it to draw up the first complete plan for the common policy. Discussions concerning this plan will give the Commission the necessary background information for it to submit its proposals in accordance with the proper procedure.

The Commission believes that the common policy should extend to the infrastructure of transport. It is of the opinion that the existence of a network of main lines of communication, planned from the European point of view, is one of the principal means for the economic development of the Community. On 23 June last, the Commission addressed to the Member States “Recommendations for the development of transport infrastructure within the Community”. This first overall plan dealing with the major rail, road and inland waterway communications essential to the development of the Common Market, will be complemented by a programme for the improvement of regional transport infrastructure, especially taking into account the needs of the Community’s less developed areas.

The common transport policy cannot be brought into being unless the Member States have the determination to succeed politically. Great difficulties are bound to be encountered. Nevertheless, the technical obstacles with which the experts are dealing must not be overestimated, but an attempt should be made to overcome them in a spirit of mutual understanding and compromise. It is the duty of the political authorities to ensure that solutions are sought on the Community level and in a European spirit. Since the Treaty provides for continuous negotiations on the matter of transport in the framework of the Community, it is clear that political responsibility is involved.

This common transport policy is necessary if the success of the Common Market is to be assured. It will take due account “of the economic situation of carriers” (Article 78) and will endeavour to raise the standard of living and the level of employment in the Member States.

Within the general economic policy of the Community it will be the objective of the common transport policy to serve the common good of this Europe of ours which, in the last resort, cannot differ from the common good of each of the Member States.

Brussels, 11 July 1960.