

Treaty establishing the EEC - Articles relating to transport (25 March 1957)

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Treaty establishing the European Economic Community

TITLE IV — Transport.....

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TITLE IV — Transport

Article 74

The objectives of this Treaty shall, with regard to the subject covered by this Title, be pursued by the Member States within the framework of a common transport policy.

Article 75

1. With a view to implementing Article 74 and taking due account of the special aspects of transport, the Council, acting on a proposal of the Commission and after the Economic and Social Committee and the Assembly have been consulted, shall, until the end of the second stage by means of a unanimous vote and subsequently by means of a qualified majority vote, lay down:

(a) common rules applicable to international transport effected from or to the territory of a Member State or crossing the territory of one or more Member States;

(b) conditions for the admission of non-resident carriers to national transport services within a Member State; and

(c) any other appropriate provisions.

2. The provisions referred to under (a) and (b) of the preceding paragraph shall be laid down in the course of the transitional period.

3. Notwithstanding the procedure provided for in paragraph 1, provisions which relate to the principles governing transport and the application of which might seriously affect the standard of living and the level of employment in certain regions and also the utilisation of transport equipment, shall, due account being taken of the need for adaptation to economic developments resulting from the establishment of the Common Market, be laid down by the Council acting by means of a unanimous vote.

Article 76

Until the provisions referred to in Article 75, paragraph 1, are enacted and unless the Council gives its unanimous consent, no Member State shall apply the various provisions governing this subject at the date of the entry into force of this Treaty in such a way as to make them less favourable, in their direct or indirect effect, for carriers of other Member States by comparison with its own national carriers.

Article 77

Aids which meet the needs of transport co-ordination or which constitute reimbursement for certain obligations inherent in the concept of a public utility shall be deemed to be compatible with this Treaty.

Article 78

Any measure in the sphere of transport rates and conditions, adopted within the framework of this Treaty, shall take due account of the economic situation of carriers.

Article 79

1. Any discrimination which consists in 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, shall be abolished in the traffic within the Community not later than at the end of the second stage.

2. Paragraph 1 shall not exclude the adoption of other measures by the Council in application of Article 75, paragraph 1.

3. The Council, acting by means of a qualified majority vote on a proposal of the Commission and after the Economic and Social Committee has been consulted, shall, within a period of two years after the date of the entry into force of this Treaty, lay down rules for the implementation of the provisions of paragraph 1.

The Council may, in particular, enact the provisions necessary to enable the institutions of the Community to ensure that the rule stated in paragraph 1 is observed and that all the advantages accruing from it are enjoyed by users.

4. The Commission shall, on its own initiative or at the request of a Member State, examine the cases of discrimination referred to in paragraph 1 and shall, after consulting any Member State interested, take the necessary decisions within the framework of the rules laid down in accordance with the provisions of paragraph 3.

Article 80

1. The application imposed by a Member State, in respect of transport effected within the Community, of rates and conditions involving any element of support or protection in the interest of one or more particular enterprises or industries shall be prohibited as from the beginning of the second stage, unless authorised by the Commission.

2. The Commission shall, on its own initiative or at the request of a Member State, examine the rates and conditions referred to in paragraph 1, taking particular account, on the one hand, of the requirements of a suitable regional economic policy, of the needs of under-developed regions and the problems of regions seriously affected by political circumstances and, on the other hand, of the effects of such rates and conditions on competition between the different forms of transport.

After consulting any interested Member State, the Commission shall take the necessary decisions.

3. The prohibition referred to in paragraph 1 shall not apply to competitive tariffs.

Article 81

Charges or dues collected by a carrier, in addition to the transport rates, for the crossing of frontiers, shall not exceed a reasonable level, due account being taken of real costs actually incurred by such crossing.

Member States shall endeavour to reduce these costs progressively.

The Commission may make recommendations to Member States with a view to the application of this Article.

Article 82

The provisions of this Chapter shall not be an obstacle to the measures taken in the Federal Republic of Germany, to the extent that such measures may be necessary to compensate for the economic disadvantages caused by the division of Germany to the economy of certain regions of the Federal Republic which are affected by that division.

Article 83

A Committee with consultative status, composed of experts appointed by the Governments of Member States, shall be established and attached to the Commission. The latter shall, whenever it deems it desirable, consult this Committee on transport questions, without prejudice to the competence of the transport section of the Economic and Social Committee.

Article 84

1. The provisions of this Title shall apply to transport by rail, road and inland waterway.
2. The Council, acting by means of a unanimous vote, may decide whether, to what extent, and by what procedure appropriate provisions might be adopted for sea and air transport.

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