Access to the international road haulage market. Recast

2007/0099(COD) - 22/01/2008

The Committee on Transport and Tourism adopted the report by Mathieu **GROSCH** (EPP-ED, BE) amending, under the first reading of the codecision procedure, the proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast).

The main amendments made by the committee are as follows:

- MEPs wish to clarify that this Regulation shall apply to cabotage operations. In addition, they specify that this Regulation shall not apply to the following types of carriage and unladen journeys made in conjunction with such carriage, since they are exempt from the Community licensing scheme;

- the definition of cabotage operations, namely “national carriage for hire or reward carried out on a temporary basis in a host Member State”, must refer to the conditions set out in Chapter III, to prevent the use of other interpretations of ‘carriage on a temporary basis’. The incoming or outgoing carriage of goods by road as one leg of a combined transport journey under the conditions laid down in Directive 92/106 /EEC does not fall under the definition of cabotage;

- MEPs have deleted a provision which defined infringements which lead to the loss of good repute as “a serious infringement or repeated minor infringements of Community road transport legislation”;

- ‘cross-trade’ means international transport operations carried out by a haulier between two host Member States neither of which is the haulier’s state of residence. Where cross-trade between two Member States is carried out by a haulier on a regular, continuous and/or systematic basis, one of the host Member States may call for the application of the working and employment conditions applicable to their own national hauliers;

- according to MEPs, cabotage should be authorised with effect from the first unloading, even of a part-load, during an international carriage. Furthermore, cabotage operations may also be carried out in a Member State through which the vehicle has to travel after unloading in the Member State of delivery during an international carriage, provided that the shortest homeward journey transits through that Member State and is carried out within seven days of the unloading in the country of delivery;

- a new Article specifies that the restrictions on the number and duration of cabotage operations shall gradually be lifted. Two years after this Regulation enters into force, the number of cabotage operations mentioned in the Regulation shall be increased to seven. On 1 January 2014, all restrictions on the number and duration of cabotage operations shall be lifted;

- in order to restrict unnecessary bureaucracy, it needs to be ensured that Member States do not request specific items of evidence. In this context, MEPs have introduced a new provision stipulating that Member States shall not require an additional specific document or duplicate documents proving that the terms and conditions laid down in the Regulation have been met. By 1 January 2010, the Commission shall draw up, in accordance with the regulatory and monitoring procedure, a single harmonised model for a waybill valid throughout the European Union for international haulage, national haulage and cabotage

haulage. The Member States and the Commission shall ensure that the provisions laid down in other conventions concluded with third countries are brought into line with the provisions laid down in this Regulation;

- the provisions of this Regulation shall not prevent a Member State from authorising goods hauliers from one or more other Member States to carry out on its territory an unlimited number of cabotage operations, or a number in excess of that referred to in the Regulation, with no time limit or with a longer time limit than that referred to in the Regulation for the last unloading. Authorisations granted before the entry into force of this Regulation shall continue to apply. Member States shall inform the Commission of existing authorisations and of authorisations they grant after the entry into force of this Regulation;

- Recital 13 explains that the Posted Workers Directive applies to cabotage operations. MEPs believe that this should also be reflected in the articles of the Regulation;

- minor infringements should not be covered by the Regulation as they are interpreted and dealt with in different ways in Member States. To ensure that the sanctions have an appropriate effect, MEPs believe that the Regulation should make explicit provision for fines as a possible sanction. These sanctions shall be determined, once a final decision has been issued and after all the legal possibilities for review open to the haulier have been exhausted. Where a serious infringement is ascertained, the competent authorities of the Member State of establishment shall decide what sanction to impose on the haulier concerned. This sanction can range from a warning to the temporary or permanent withdrawal of the Community licence;

- the decision on the temporary withdrawal of any document (Community licence, driver attestation, certified copy) shall stipulate: (a) the period of temporary withdrawal; (b) the conditions for ending the temporary withdrawal; (c) the cases in which the Community licence is to be permanently withdrawn, because the conditions laid down pursuant to point (b) have not been satisfied during the period laid down pursuant to point (a);

- the data that are to be entered in the databases of national electronic registers should be obtained after final decisions have been taken. Only serious infringements of Community legislation should be recorded in national registers;

Lastly, the Regulation should apply from 1 January 2009.