

Access to the international road haulage market.

Recast

2007/0099(COD) - 21/05/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 494 votes to 133 with 46 abstentions, a legislative resolution amending 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 report had been tabled for consideration in plenary by Mathieu **GROSCH** (EPP-ED, BE) on behalf of the Committee on Transport and Tourism.

The main amendments - adopted in first reading of the codecision procedure - are as follows: -the Regulation shall apply to cabotage operations. It will not apply to specified 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;

-the Regulation deals with serious infringements and not with repeated minor infringements;

-'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;

-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 above 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 procedure with scrutiny, a single harmonised model for a waybill valid throughout the EU 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 the Regulation;

-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.

-the posting of workers as set out under Directive 96/71/EC is reflected in the articles of the Regulation;

-a new Article states that after the lifting of the restrictions referred to in the text, in the event of serious disturbance of the national transport market in a given geographical area due to or aggravated by cabotage, any Member State may refer the matter to the Commission with a view to the adoption of safeguard measures and shall inform and notify it of the measures it intends to take as regards resident carriers. The terms 'serious disturbance of the national transport market in a given geographical area' and 'geographical area' are defined.

-the Commission shall examine the situation, on the basis in particular of the latest quarterly data and, after consulting the Advisory Committee set up by Article 5 of Regulation (EEC) No 3916/90, shall decide within one month of receipt of the relevant Member State's request whether or not safeguard measures are necessary and shall adopt them if they are necessary. Such measures may involve the temporary exclusion of the area concerned from the scope of the Regulation. The measures introduced in accordance with this Article shall remain in force for a period not exceeding six months, renewable once within the same limits of validity. If the Commission decides to take safeguard measures concerning one or more Member States, the competent authorities of the Member States involved shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof. These measures shall be applied at the latest as from the same date as the safeguard measures decided on by the Commission. Any Member State may submit a Commission decision to the Council within 30 days of its notification. The Council, acting by a qualified majority within 30 days of referral by a Member State or, if there are referrals by several Member States, of the first referral, may take a different decision. The time limits shall apply to the Council's decision. The competent authorities of the Member States concerned shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof. If the Council takes no decision, the Commission decision shall become final. Where the Commission considers that the measures need to be prolonged, it shall submit a proposal to the Council, which shall take a decision by qualified majority.

-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.