

# Road transport: conditions to be complied with to pursue the occupation of road transport operator

2007/0098(COD) - 31/03/2009

The Committee on Transport and Tourism unanimously adopted the report drawn up by Silvia-Adriana ICAU (PES, RO), modifying, under the second reading of the codecision procedure, the Council common position for adopting a regulation of the European Parliament and of the Council on establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.

The main amendments are as follows;

**Derogations:** the committee deleted the words “free of charge” from the derogations for certain kinds of undertaking engaged in non-commercial services.

**Requirement as to establishment:** undertakings must have an establishment situated in that Member State with premises in which it keeps its **core business**. They must conduct effectively and continuously with the necessary administrative equipment its operations concerning vehicles and with the appropriate technical equipment and facilities at an operating centre situated in that Member State.

**Requirement as to good repute:** this must include no convictions or penalties for trafficking in human beings or drugs.

**Requirement as to financial standing:** the value of the euro in non-euro Member States must be fixed every year, rather than every 5 years. Financial standing may be demonstrated by means by means of a certificate such as a bank guarantee or insurance. The committee deleted the derogation that stipulated that Member States may decide that the guarantee may be called in with the agreement of the competent authority which authorised the pursuit of the occupation of road transport operator.

**Requirement as to professional competence:** the persons concerned shall sit the examination in the Member State in which they have their normal residence or the Member State in which they work. The clause defines the meaning of “normal residence”.

The committee adds that Member States may promote periodic training on the subjects listed in Annex I at 10-year intervals to ensure that transport managers are aware of developments in the sector.

Lastly, Member States may require that persons who possess a certificate of professional competence but who have not managed a road haulage undertaking or a road passenger transport undertaking in the last 5 years, shall undertake a retraining in order to update their knowledge regarding the current developments of the legislation referred to in Annex I.

**Exemption from examination:** this applies to persons who have continually managed an undertaking for 10 years (rather than 15).

**Licences:** the committee wants to restore Parliament’s position at first reading, that there should be only one type of licence, for having access to road transport occupation. In order to reduce administrative burden, the duration of the authorisation shall not be limited in time, but regular checks shall be done in

order to verify that undertakings fulfil the requirements for engaging in the occupation of road transport operator.

**Registers:** Members state that by 31 December 2009, the Commission shall adopt a Decision (rather than issue guidelines) on minimum requirements for the data to be entered in the national electronic register from the date of its setting in order to facilitate the future interconnection of registers. It may recommend the inclusion of the **vehicle registration marks** in addition to the data referred to in the text. Certain data contained in the national electronic register should be made publicly accessible, insofar as the relevant provisions on data protection are complied with.

**Protection of data:** undertakings must comply, where applicable, with the respective provisions.