

Access to the international road haulage market.

Recast

2007/0099(COD) - 23/04/2009 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution modifying, under the second reading of the codecision procedure, the Council's common position on 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 amendments are the result of a compromise between Parliament and Council.

The main amendments are as follows:

Market situation: a new recital states that the gradual integration of the single European market should lead to the elimination of restrictions of access to the internal market of Member States. Nevertheless, this should take into account the effectiveness of controls and the evolution of employment conditions in the profession, as well as the harmonisation of the rules in the fields, inter alia, of enforcement and road user changes, as well as social and safety legislation. The Commission should closely monitor the market situation as well as the harmonisation mentioned above and propose, if appropriate, further opening of domestic road transport markets, including cabotage.

Roadside checks: road side checks should be carried out without discrimination, directly or indirectly, on the grounds of nationality of the road transport operator or the country of establishment of the road transport operator or of registration of the vehicle.

Cabotage: the frequency of cabotage operations and the period in which they can be performed should be more clearly defined (rather than limited.)

The Regulation is without prejudice to the provisions concerning the incoming or outgoing carriage of goods by road as one leg of a combined transport journey as laid down in Council Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States. National journeys by road within a host Member State which are not part of a combined transport operation as laid down in Council Directive 92/106/EEC fall within the definition of cabotage and should accordingly be subject to the requirements of this Regulation.

The text states that national road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to conform to this Regulation if the haulier can produce clear evidence of the incoming international carriage and of each consecutive cabotage operation carried out. The information which comprises evidence is listed in the text. No additional document shall be required in order to prove that the conditions laid down in the article have been met.

Sanctioning of infringement by Member State of establishment: the Member State of establishment of the haulier who has committed an infringement shall take the appropriate action which may include a warning, if provided for by national law.

Communication between Member States: the final decision must be notified within 6 weeks, rather than 2 months.

Application: certain articles on cabotage will only enter into force 6 months after the publication of the Regulation.