

Pursuing the occupation of road transport operator and access to the international road haulage market

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The Committee on Transport and Tourism adopted the report by Ismail ERTUG (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) 1071/2009 and Regulation (EC) 1072/2009 with a view to adapting them to developments in the sector.

The proposal aims to **improve the single market for road transport** by means of amendments designed to eliminate the causes of disparities and to ensure better enforcement of the rules. It is part of an on-going review that is more broadly focused on road transport legislation.

The committee recommended that the position of the European Parliament adopted at first reading in the framework of the ordinary legislative procedure amend the Commission proposal as follows:

Scope: the Commission proposed to include in the scope of Regulation (EC) No 1071/2009 on access to the occupation of road transport operator, vehicles whose permissible laden mass does not exceed 3.5 tonnes ('light commercial vehicles').

Members proposed to exclude from the scope of the Regulation: (i) very light vehicles with a permissible laden mass of **less than 2.4 tonnes**; (ii) light vehicles with a permissible laden mass **lower than 3.5 tonnes that are engaged exclusively in national transport operations**.

Any carriage by road the purpose of which is not to generate any profit for the driver or others, such as where the service is provided on a charitable or philanthropic basis, is to be considered as carriage exclusively for non-commercial purposes.

Requirements for the occupation of road transport operator: as regards light commercial vehicles, Members considered that the **four requirements** should apply, namely the criteria for establishing a permanent and effective establishment in a Member State, of good repute, financial capacity and professional competence, as well of as the obligation to obtain a Community license. Member States must carry out checks at least every three years to ensure that undertakings meet these requirements.

Conditions relating to the requirement of establishment: in order to combat the phenomenon of letterbox companies (i.e. companies registered in one Member State, in order, for example, to reduce costs related to tax rules, where the main activity is carried out in another Member State), road transport undertakings established in a Member State must have a **real and permanent presence** in that Member State, effectively manage their transport activities and carry out substantial activities from that Member State.

Members proposed to strengthen and to clarify the requirements regarding the establishment of a real business presence and to complement the data to be inserted in **national electronic registers** in order to get a fuller picture of the ownership of a company. National electronic registers must be truly interoperable and the data contained therein be accessible **directly and in real time** to all designated law enforcement officials from all Member States.

Cabotage: in order to prevent cabotage operations from being carried out systematically to perform national operations, Members proposed to define more precisely what exactly encompasses an international transport operation giving right to cabotage, by including, for example, the value of the international operation contract. In addition, they proposed to **limit the time for which cabotage operations is allowed to be performed**, in order to underline its temporary character.

Furthermore, the amended text provided that hauliers will not be allowed to carry out new cabotage operations in the same host Member State within a certain time period and until they have performed a new international carriage originating from the Member State where the undertaking is established.

Improving monitoring and checks: Members considered that real and effective control of the application of the rules is a prerequisite for fair competition in the internal market. They proposed to strengthen the **provisions on administrative cooperation and enforcement**. They also suggested encouraging the use of the **smart tachograph** to detect infringements and anomalies more quickly and to increase the exchange of good practice and training between Member States regarding monitoring the enforcement of the rules.

International carriage shall be carried out subject to the possession of a smart tachograph, a Community licence and, if the driver is a national of a third country, in conjunction with a driver attestation.