

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

2017/0123(COD) - 04/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 371 votes to 251 with 13 abstentions, a legislative resolution 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.

Parliament's position adopted at first reading following the ordinary legislative procedure amends the Commission proposal as follows:

## ***Scope***

Vehicles whose permissible laden mass does not exceed 3.5 tonnes ('light commercial vehicles') will be included within the scope of Regulation (EC) No 1071/2009 on access to the occupation of road transport operator.

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***

Light commercial vehicles, which are increasingly used by operators to provide transport services, should comply with EU standards for transport operators.

With regard to these vehicles, four requirements should apply, namely the criteria for establishing a permanent and effective establishment in a Member State, 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 the requirements regarding the establishment of a real business presence while avoiding a disproportionate administrative burden, 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 they contain must be accessible directly and in real time to all designated law enforcement officials from all Member States.

### ***Cabotage***

In order to prevent cabotage operations (national transport performed on a temporary basis by non-resident hauliers in a host Member State) from being carried out systematically to perform national operations, Members proposed to limit the time for which cabotage operations is allowed to be performed.

Parliament wants companies to be allowed to make deliveries to another EU country for 3 days after a cross-border delivery in order to avoid 'empty journeys'. Following the end of the 3-day period, hauliers shall not be permitted to carry out with the same vehicle, cabotage operations in the same host Member State within 60 hours after the return to the haulier's Member State of establishment.

### ***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 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.

The Community licence shall be issued by a Member State to any haulier carrying goods by road for hire or reward who carries out international transport carriage with vehicles equipped with a smart tachograph.

Member States must take accompanying measures to promote exchanges between officials in charge of the administrative cooperation and mutual assistance between Member States as well as those in charge of monitoring the compliance with, and enforcement of, the applicable rules of the Regulation.