

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

2017/0123(COD) - 10/06/2020 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Transport and Tourism adopted the recommendation for second reading contained in the report by Ismail ERTUG (S&D, DE) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector.

The committee responsible recommended that the European Parliament approve the Council's position at first reading without amendment.

The Council's position at first reading is in line with the provisional Agreement reached in the interinstitutional negotiations. The overall Agreement reached by Parliament with the Council has further strengthened the proposal with a view to ensuring balanced conditions of fair competition and rigorous enforcement. In particular, the following was agreed:

## ***Fight against letter-box companies***

The Agreement reinforces and clarifies the provisions relating to the existence of an effective and stable establishment of a genuine business presence so that a real link with the Member State of establishment can be demonstrated. These include requirements relating to the presence of the vehicles used by the transport operator in the Member State of establishment (once every eight weeks) and to the drivers' normal place of employment.

## ***Inclusion of light commercial vehicles***

Light commercial vehicles used exclusively for national transport operations and very small light commercial vehicles (less than 2.5 tonnes) are excluded from the scope. Light commercial vehicles that are included in the scope shall be subject to rules similar to those for heavy commercial vehicles in order to ensure fair conditions of competition.

## ***Cabotage***

The current regime for cabotage has been maintained. However, a 'cooling off' period of 4 days has been introduced in order to combat systematic cabotage during which no further cabotage operations in that specific Member State are allowed. A Member State may apply the same rules to combined transport road journeys on its territory.

## ***Administrative cooperation***

Specific provisions have been adopted to improve administrative cooperation between Member States, to collect more relevant data on transport undertakings in national electronic registers and to allow easier access to these registers during roadside checks, to check more regularly if licensing requirements are still being complied with, in particular through on-the-spot inspections, and to focus the scarce national enforcement capacity on high-risk companies;

## *Liability*

The Agreement introduces co-liability in the supply chain in order to strengthen the accountability of the upstream actors in the supply chain. Member States shall thus establish rules subjecting consignors, freight forwarders, contractors and subcontractors to sanctions in cases where they knew that the performance of the transport services commissioned was in breach of the Regulation.