

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

2007/0098(COD) - 23/05/2007 - Legislative proposal

PURPOSE: to replace Directive 96/26/EC with a new Regulation establishing common rules concerning conditions to be complied with to pursue the occupation of road transport operator.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: this proposal is being presented alongside two related proposals all of which are seeking to modernise provisions governing road transport operators and access to the road transport market. The package of proposals includes:

1. Replacing Directive 96/26/EC on **admission to the occupation of road transport operator**, with a new Regulation. (The subject of this summary).
2. Merging Regulations (EEC) No 881/92 and (EEC) No 3118/93 on **access to the road transport market**. (For a summary of the proposal refer to: [COD/2007/0099](#))
3. Merging Regulations (EEC) No 684/92 and (EC) No 12/98 “**on access to the market of coach and bus services.**” (For a summary of the proposal refer to: [COD/2007/0097](#)).

Directive 96/92/EC on admission to the occupation of road transport operators and the four accompanying Regulations on access to the road transport market have shaped the internal market in road transport. The common requirements have ensured minimum quality standards for road transport, while opening-up the market. The current legislative framework has injected an element of competition and, generally speaking, it has proved successful, in so far as road transport companies are charging more favourable rates and offering diversified services.

However, experience has highlighted that some measures are not applied; are not enforced uniformly; are unclear, incomplete; and are incapable of keeping up with developments in the sectors. An impact assessment and public consultation have shown that the different ways in which the Directive is being applied is having a detrimental affect on fair competition. Checks vary from one Member State to another, with very different levels of professional qualifications and financial soundness. The results of the impact assessment also reveal that the Member States have difficulty in transposing the Directive and are applying it in a disparate manner. For example, the success rate in examinations that test professional competence varies from 10% to over 90%.

The purpose of this proposal, therefore, is to replace the existing Directive and to rectify the shortcomings identified above. To recall, Directive 96/26/EC establishes the minimum conditions relating to good repute, financial standing and professional competence which companies have to satisfy in order to gain an authorisation before they can engage in the occupation of road transport operator. The Directive also establishes mutual recognition of some of the documents required in order to obtain an authorisation.

In summary, the proposed new Regulation introduces:

- the concept of responsibility of the transport manager, who lends his or her professional competence certificate to a company in order to obtain an authorisation;

- stricter rules governing his or her links with the company;
- stricter criteria vis-à-vis establishing whether a company is actually established in a Member State and that the company can be properly monitored by the national authority which authorised it;
- comparable financial indicators to measure a company's financial standing, compulsory minimum training of 140 hours prior to the examination to test professional competence which all applicants must sit, and the accreditation of training centres and examination centres;
- a new requirement whereby authorities must give warning to those transport operators who no longer satisfy the criteria of good repute, financial standing or professional competence. In cases where remedial action is not taken (within a specified period) administrative sanctions can be imposed that range from withdrawing authorisations to disqualification of the transport manager;
- mutual recognition between Member States of infringements of EC road transport rules, resulting in the totalling-up of serious repeated infringements wherever they are committed;
- electronic registers interconnected between all Member States in order to reduce the administrative cost of monitoring companies and facilitating the exchange of information between Member States; and
- the gradual elimination of certain exceptions. These exceptions can no longer be justified and distort competition to the detriment of the vast majority of companies which do not benefit from them.

On a final point, the proposal will not affect the Community budget though it is estimated that the administrative costs borne by both companies and authorities could be reduced by as much as EUR 190 million per annum.