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Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector – Four column table

Following the Parliament's vote on a first reading position on 4 April 2019, delegations find attached a four column table to facilitate the comparison of the EP and Council positions.

The EP column contains the provisional version of the adopted text. The table will be checked against the consolidated version once available.

Proposal for a Directive of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector

* The EP column contains the provisional version of the adopted text. This table will be checked against the consolidated version once available

	COM proposal, COM(2017) 0281 final	European Parliament/ Plenary report P8_TA-PROV(2019)0341*	Council/General Approach, doc. 15084/18	
1.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee¹, Having regard to the opinion of the Committee of the Regions², Acting in accordance with the ordinary legislative procedure, _____ (1) OJ C , , p. . (2) OJ C , , p. .			
2.	Whereas:			
3.	(1) Experience with the implementation of Regulations (EC) No 1071/2009 ³ and (EC) No 1072/2009 ⁴ revealed that the rules provided for in those regulations offered scope for improvement on		(1) Experience with the implementation of Regulations (EC) No 1071/2009 ³ and (EC) No 1072/2009 ⁴ revealed that the rules provided for in those regulations offered scope for improvement on	

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	a number of points. (3) Regulation (EC) No 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51). (4) Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).		a number of points. (3) Regulation (EC) No 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51). (4) Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).	
4.		Amendment 110 Recital 2		
5.	(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible	(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible	(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible	

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	laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing	laden mass, <i>including that of trailers</i> , not exceeding 3.5 tonnes [...]. The number of such undertakings [...] has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. <i>In order to avoid possible loopholes and</i> to ensure a minimum level of professionalisation of the sector using <i>motor</i> vehicles with a permissible laden mass [...], <i>including that of trailers, of 2.4 to 3.5 tonnes for international transport</i> by way of common rules, and thus to approximate competitive conditions between all operators, [...] the requirements [...] <i>for engagement in the occupation of road transport operator</i> should <i>apply equally, while avoiding a</i>	laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles intended exclusively for the carriage of goods and with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be amended [...]. The requirements [...] for access to	

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	should be rendered mandatory.	<i>disproportionate administrative burden. Since this Regulation only applies to undertakings transporting goods for hire or reward, undertakings performing transport operations for own account are not covered by this provision.</i>	the profession should become [...] mandatory for operators using motor vehicles or combinations of vehicles intended exclusively for the carriage of goods and with a permissible laden mass between 2.5 tonnes and 3.5 tonnes involved in international transport.	
6.			(2a) Under Regulation (EC) No 1072/2009 certain international haulage activities are exempted from the need for a Community licence in order to enter the European road haulage market. Within the framework of the organisation of that market road haulage undertakings carrying goods in motor vehicles or combinations of vehicles which have a permissible laden mass not exceeding 2.5 tonnes should be exempted from the need for a Community licence or other	

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			carriage authorisation.	
7.			(2b) Although vehicles having a permissible laden mass below a certain threshold are excluded from the scope of Regulation (EC) No 1071/2009, that Regulation gives Member States the possibility to apply part or all of the provisions thereof to such vehicles.	
8.		Amendment 111 Recital 2a (new)		
9.		<i>(2a) In its impact assessment, the Commission estimates savings for businesses in the range of EUR 2,7 to 5,2 billion in the period 2020-2035.</i>		

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10.	(3) Currently, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. This possibility has not proven to be necessary in order to respond to imperative needs and has led to divergences in respect of such access. It should therefore be abolished.		(3) Currently, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. This possibility has not proven to be necessary in order to respond to imperative needs and has led to divergences in respect of such access. It should therefore be abolished.	
11.		Amendment 112 Recital 4		
12.	(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.	(4) <i>[...] In order to combat the phenomenon of so-called 'letterbox companies' and guarantee fair competition and a level playing field in the internal market, clearer establishment criteria, more intensive monitoring and enforcement, and improved cooperation between Member States</i> is necessary. Road transport operators established in a Member	(4) In order to fight abusive practices based on so-called "letterbox companies" , it is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an	

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		State <i>should</i> have a real and continuous presence in that Member State and <i>actually</i> conduct their <i>transport</i> business <i>and perform substantial activities</i> from there. Therefore, and in light of experience, it is necessary to clarify <i>and strengthen</i> the provisions regarding the existence of an effective and stable establishment, <i>while avoiding a disproportionate administrative burden</i>.	effective and stable establishment and to allow Member States to introduce certain additional requirements reinforcing the necessary link between the transport operator and the Member State of establishment according to specific needs, for instance in respect of operational infrastructure such as easily accessible offices and necessary parking spaces.	
13.			(4a) The real and continuous presence in the Member State of establishment should in particular require that the undertaking carries out transport operations with the appropriate technical equipment situated in that Member State.	
14.	(5) To the extent that access to the occupation depends on the good repute of the undertaking		(5) To the extent that access to the occupation depends on the good repute of the undertaking	

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	concerned, clarifications are needed as regards the persons whose conduct must be taken into account, the administrative procedures which must be followed and waiting periods in respect of rehabilitation once a transport manager has lost good repute.		concerned, clarifications are needed as regards the persons whose conduct must be taken into account, the administrative procedures which must be followed and waiting periods in respect of rehabilitation once a transport manager has lost good repute.	
15.	(6) In view of their potential to considerably affect the conditions for fair competition in the road haulage market, serious infringements of national tax rules should be added to the items relevant to the assessment of good repute.		(6) In view of their potential to considerably affect the conditions for fair competition in the road haulage market, serious infringements of national tax rules should be added to the items relevant to the assessment of good repute.	
16.		Amendment 113 Recital 7		
17.	(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers and the law applicable to	(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers, <i>cabotage</i> and the law applicable	(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers and the law applicable to	

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	contractual obligations should be added to the items relevant to the assessment of good repute.	to contractual obligations should be added to the items relevant to the assessment of good repute.	contractual obligations should be added to the items relevant to the assessment of good repute.	
18.	(8) Given the importance of fair competition in the market, infringements of Union rules relevant to this issue should be taken into account in the assessment of the good repute of transport managers and transport undertakings. The empowerment of the Commission to define the degree of seriousness of relevant infringements should be clarified accordingly.		(8) Given the importance of fair competition in the market, infringements of Union rules relevant to this issue, including rules on access to the market such as cabotage rules , should be taken into account in the assessment of the good repute of transport managers and transport undertakings. The empowerment of the Commission to define the degree of seriousness of relevant infringements should be clarified accordingly.	
19.	(9) National competent authorities have had difficulties identifying the documents which may be submitted by transport undertakings to prove their financial standing, in particular in the absence of certified annual accounts. The rules regarding evidence required to prove		(9) National competent authorities have had difficulties identifying the documents which may be submitted by transport undertakings to prove their financial standing, in particular in the absence of certified annual accounts. The rules regarding evidence required to	

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	financial standing should be clarified.		prove financial standing should be clarified.	
20.		Amendment 114 Recital 10		
21.	(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.	(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass [...], including that of trailers, between 2.4 and 3.5 tonnes [...] and engaged in international transport operations , should have a minimum financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations [...] conducted with these vehicles are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.	(10) Undertakings engaged in the occupation of road haulage operator [...] by means of motor vehicles or combinations of vehicles intended exclusively for the carriage of goods, involved in international transport and which have a permissible laden mass [...] exceeding 2.5 tonnes but not 3.5 tonnes [...] should have a minimum [...] financial standing to ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations [...] conducted with these vehicles are generally of a limited size, the corresponding requirements for financial standing should be less demanding than those that	

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			apply [...] to operators using vehicles [...] above that limit. Combinations of vehicles should be taken into account when determining the required financial standing. The competent authority should apply the higher level of financial requirement if the permissible laden mass of the combination of vehicles exceeds 3.5 tonnes.	
22.			(10a) In order to maintain and create high standards for undertakings without creating negative impacts on the internal market in road transport, Member States should be allowed to apply the financial requirements referring to the use of heavy vehicles also to the undertakings established on their territories in respect of vehicles below 3.5 tonnes.	
23.			(10b) In order to ensure a reliable	

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			road transport sector and to improve the collection of debt to the public sector, Member States should have the possibility to require compliance with payment obligations towards public entities, such as VAT debts and social security contributions, and to require that undertakings are not subject to proceedings that have been introduced to protect their assets.	

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24.		Amendment 115 Recital 11		
25.	(11) The information about transport operators contained in the national electronic registers should be as complete as possible to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators, the number of employees they hire, their risk rating and their basic financial information should allow a better national and cross-border enforcement of the provisions of Regulations(EC) No 1071/2009 and (EC) No 1072/2009. The rules on the national electronic register should therefore be amended accordingly.	(11) The information about transport operators contained in the national electronic registers should be complete <i>and up-to-date</i> to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators, the number of employees they hire and their risk rating [...] should allow a better national and cross-border enforcement of the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009, <i>as well as other relevant Union legislations. Furthermore, in order to provide enforcement officials, including those performing roadside checks,</i>	(11) The information about transport operators contained in the national electronic registers should be as complete as possible to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators [...], and their risk rating [...] should allow a better national and cross-border enforcement of the provisions of Regulations(EC) No 1071/2009 and (EC) No 1072/2009. The rules on the national electronic register should therefore be amended accordingly.	

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		<i>with a clear and complete overview of the transport operators being checked, they should have direct and real time access to all relevant information. Therefore, the national electronic registers should be truly interoperable and the data contained therein should be directly and in real-time accessible to all designated enforcement officials of all Member States.</i> The rules on the national electronic register should therefore be amended accordingly.		
26.	(12) The definition of the most serious infringement concerning exceeding the daily driving time, as provided for in Annex IV of Regulation (EC) No 1071/2009, does not fit the existing relevant provision laid down in Regulation (EC) No 561/2006 of the		(12) The definition of the most serious infringement concerning exceeding the daily driving time, as provided for in Annex IV of Regulation (EC) No 1071/2009, does not fit the existing relevant provision laid down in Regulation (EC) No 561/2006 of the European	

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	European Parliament and of the Council⁵. That inconsistency leads to uncertainty and diverging practices among national authorities and ensuing difficulties in the enforcement of the rules in question. That definition should therefore be clarified to ensure consistency between the two Regulations. (⁵) Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).		Parliament and of the Council⁵. That inconsistency leads to uncertainty and diverging practices among national authorities and ensuing difficulties in the enforcement of the rules in question. That definition should therefore be clarified to ensure consistency between the two Regulations. (⁵) Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).	
27.		Amendment 116 Recital 13		

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28.	(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while broadly maintaining the level of liberalisation achieved so far.	(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce [...].	(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while [...] maintaining the level of liberalisation achieved so far.	
29.		Amendment 117 Recital 14		
30.	(14) To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.	(14) <i>In order to avoid empty runs, cabotage operations should be allowed, subject to specific restrictions, in the host Member State.</i> To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.	[...]	
31.		Amendment 118 Recital 14 a (new)		

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32.		<i>(14a) In order to prevent cabotage operations from being carried out on a systematic basis, which could create a permanent or continuous activity that distorts the national market, the period available for cabotage operations in one host Member State should be reduced. In addition, hauliers should 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. This provision is without prejudice to the performance of international transport operations.</i>	(14a) Cabotage operations should help to increase the load factor of heavy duty vehicles and reduce empty runs, and should be allowed as long as they are not carried out in a way that creates a permanent or continuous activity within the Member State concerned. To ensure that cabotage operations are not carried out in a way that creates a permanent or continuous activity, hauliers should not be allowed to carry out cabotage operations in the same Member State within a certain time after the end of a period of cabotage operations.	
33.		Amendment 119 Recital 15		
34.	(15) The means by which road	(15) <i>Effective and efficient</i>	(15) The means by which road	

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	transport operators can prove compliance with the rules for cabotage operations should be clarified. The use and transmission of electronic transport information should be recognised as such means, which should simplify the provision of relevant evidence and its treatment by the competent authorities. The format used for that purpose should ensure reliability and authenticity. Considering the increasing use of efficient electronic exchange of information in transport and logistics, it is important to ensure coherence in the regulatory frameworks and provisions addressing the simplification of administrative procedures.	<i>enforcement of the rules is a prerequisite for fair competition in the internal market. Further digitalisation of enforcement tools is essential in order to free up enforcement capacity, reduce unnecessary administrative burden on international transport operators and in particular SMEs, better target high-risk transport operators and detect fraudulent practices. In order for transport documents to become paperless, the use of electronic documents should in the future become the rule, particularly the electronic consignment note under the Convention on the Contract for the International Carriage of Goods by Road (eCMR). [...] The means by which road transmission of electronic transport information should be</i>	transport operators can prove compliance with the rules for cabotage operations should be clarified. Roadside controls should be based on transport documents and, if available, on tachograph records. The use and transmission of electronic transport information should be recognised as [...] means to prove compliance, which should simplify the provision of relevant evidence and its treatment by the competent authorities. The format used for that purpose should ensure reliability and authenticity. Considering the increasing use of efficient electronic exchange of information in transport and logistics, it is important to ensure coherence in the regulatory frameworks and provisions addressing the simplification of administrative procedures.	

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		recognised as such means, which should simplify the provision of relevant evidence and its treatment by the competent authorities. The format used for that purpose should ensure reliability and authenticity. Considering the increasing use of efficient electronic exchange of information in transport and logistics, it is important to ensure coherence in the regulatory frameworks and provisions addressing the simplification of administrative procedures.		

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35.		Amendment 120 Recital 15 a (new)		
36.		<i>(15a) The swift introduction of the smart tachograph is of paramount importance, as it will enable enforcement authorities carrying out roadside checks to detect infringements and abnormalities quicker and more efficiently, which would result in better enforcement of this Regulation.</i>		
37.		Amendment 121 Recital 16		
38.	(16) Transport undertakings are the addressees of the rules on international carriage and are, as such, subject to the consequences of any infringements committed by them. However, in order to prevent abuses by undertakings contracting transport services from road haulage operators, Member States should also	(16) Transport undertakings are the addressees of the rules on international carriage and are, as such, subject to the consequences of any infringements committed by them. However, in order to prevent abuses by undertakings contracting transport services from road haulage operators, Member States should also	(16) Transport undertakings are the addressees of the rules on international carriage and are, as such, subject to the consequences of any infringements committed by them. However, in order to prevent abuses by undertakings contracting transport services from road haulage operators, Member States should also	

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	provide for sanctions on shippers and freight forwarders in case they knowingly commission transport services which involve infringements of the provisions of Regulation (EC) No 1072/2009.	provide for sanctions on <i>consignors</i> , shippers, freight forwarders [...], <i>contractors and subcontractors where they know that the</i> transport services [...] <i>that they commission</i> involve infringements of the provisions of Regulation (EC) No 1072/2009. <i>When undertakings contracting transport services commission those services from transport undertakings with a low risk rating, their liability should be reduced.</i>	provide for sanctions on shippers and freight forwarders in case they knowingly commission transport services which involve infringements of the provisions of Regulation (EC) No 1072/2009.	
39.		Amendment 122 Recital 16 a (new)		
40.		<i>(16a) The proposed European Labour Authority aims at supporting and facilitating the cooperation and exchange of information between national competent authorities, with a view to the effective enforcement of relevant Union law. In supporting and</i>		

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		<i>facilitating the enforcement of this Regulation, the Authority may play an important role in assisting the exchange of information between competent authorities, in supporting Member States in capacity building through staff exchange and training, and in assisting Member States in organizing concerted checks. This would strengthen the mutual trust between Member States, improve effective cooperation between competent authorities and help fighting fraud and abuse of the rules.</i>		
41.		Amendment 123 Recital 16 b (new)		
42.		<i>(16b) Road transport legislation should be reinforced to ensure a good application and enforcement of the ROME I regulation in a way that labour contracts reflect the habitual place of work of employees.</i>		

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		<i>Complementary to, and directly linked with ROME I Regulation are the fundamental rules of Regulation (EC) 1071/2009 intended to fight letterbox companies and to ensure proper establishment criteria of companies. These rules need to be strengthened to guarantee the rights of employees when temporarily working outside their country of habitual work, and to ensure fair competition between transport undertakings.</i>		
43.	(17) Insofar as this Regulation introduces a degree of harmonisation in certain areas so far not harmonised by Union law, in particular in respect of transport with light commercial vehicles and enforcement practices, its objectives, namely to approximate conditions of competition and improve		(17) Insofar as this Regulation introduces a degree of harmonisation in certain areas so far not harmonised by Union law, in particular in respect of transport with light commercial vehicles and enforcement practices, its objectives, namely to approximate conditions of competition and improve	

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	enforcement, cannot be sufficiently achieved by the Member States but can rather, by reason of the nature of the objectives pursued in combination with the cross-border nature of road transport, be better achieved at Union level. Therefore, the Union may adopt measures, in line with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve the objectives pursued.		enforcement, cannot be sufficiently achieved by the Member States but can rather, by reason of the nature of the objectives pursued in combination with the cross-border nature of road transport, be better achieved at Union level. Therefore, the Union may adopt measures, in line with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve the objectives pursued.	
44.	(18) In order to take into account market developments and technical progress the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend		(18) In order to take into account market developments and technical progress the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend	

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	Annexes I, II and III to Regulation (EC) No 1071/2009, to supplement that Regulation by drawing up a list of categories, types and degrees of seriousness of serious infringements which, in addition to those set out in Annex IV to Regulation (EC) No 1071/2009, may lead to the loss of good repute and to amend Annexes I, II and III to Regulation (EC) No 1072/2009. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in line with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶. In particular, to ensure equal participation in the		Annexes I, II and III to Regulation (EC) No 1071/2009 [...] and to amend Annexes I, II and III to Regulation (EC) No 1072/2009. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in line with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to the Commission's expert groups meetings dealing with the preparation of delegated acts.	

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	preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to the Commission's expert groups meetings dealing with the preparation of delegated acts. _____ (6) OJ L 123, 12.5.2016, p. 1.		_____ (6) OJ L 123, 12.5.2016, p. 1.	
45.	(19) Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 should therefore be amended accordingly,		(19) Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 should therefore be amended accordingly,	
46.	HAVE ADOPTED THIS REGULATION:			
47.	<i>Article 1</i>		<i>Article 1</i> <i>Amendments to Regulation (EC) No 1071/2009</i>	
48.	Regulation (EC) No 1071/2009 is amended as follows:		Regulation (EC) No 1071/2009 is amended as follows:	
49.	(1) Article 1 is amended as follows:		(1) Article 1 is amended as follows:	
50.	(a) paragraph 4 is amended as follows:		(a) paragraph 4 is amended as follows:	

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51.		Amendment 124 Article 1 – paragraph 1 – point 1 – point a – point i Regulation (EC) No 1071/2009 Article 1 – paragraph 4 – point a		
52.	(i) point (a) is deleted;	(i) point (a) is [...] <i>replaced by the following:</i>	(i) point (a) is [...] replaced by the following:	
53.		<i>(a) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles the permissible laden mass of which, including that of trailers, is lower than 2.4 tonnes;</i>	'(a) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes engaged exclusively in national transport operations in their Member State of establishment;'	
54.			(ii) the following point (aa) is inserted:	
55.		<i>(aa) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles the</i>	'(aa)undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations	

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		<i>permissible laden mass of which, including that of trailers, is lower than 3.5 tonnes that are engaged exclusively in national transport operations;</i>	of vehicles the permissible laden mass of which does not exceed 2.5 tonnes;';	
56.		Amendment 125 Article 1 – paragraph 1 – point 1 – point a – point ii Regulation (EC) No 1071/2009 Article 1 – paragraph 4 – point b – paragraph 2		
57.	(ii) point (b) is replaced by the following:		(iii) point (b) is replaced by the following:	
58.	(b) undertakings engaged in road passenger transport services exclusively for non-commercial purposes or which have a main occupation other than that of road passenger transport operator. Any carriage by road for which no remuneration is received and which does not create any income, such as carriage of persons for charity purposes or for strictly private use, is to be considered as carriage	(b) undertakings engaged in road passenger transport services exclusively for non-commercial purposes or which have a main occupation other than that of road passenger transport operator. Any carriage by road [...] <i>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</i>	(b) undertakings engaged in road passenger transport services exclusively for non-commercial purposes or which have a main occupation other than that of road passenger transport operator. Any carriage by road for which no remuneration is received and which does not create any income, such as carriage of persons for charity purposes or for strictly private use, is to be considered as carriage	

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	exclusively for non-commercial purposes;';	<i>basis</i> , is to be considered as carriage exclusively for non-commercial purposes;	exclusively for non-commercial purposes;';	

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59.		Amendment 126 Article 1 – paragraph 1 – point 1 – point b Regulation (EC) No 1071/2009 Article 1 – paragraph 6		
60.	(b) the following paragraph 6 is added: '6. Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes. Member States may, however: (a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph; (b) lower the limit referred to in the first subparagraph for all or some categories of road transport	[...]	[...]	

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	operations.';			
61.	(2) in Article 3, paragraph 2 is deleted;		(2) in Article 3, paragraph 2 is deleted;	
62.	(3) Article 5 is amended as follows:		(3) Article 5 is [...] replaced by the following:	
63.			'Article 5 Conditions relating to the requirement of establishment	
64.			i) In order to satisfy the requirement laid down in Article 3(1)(a), in the Member State of establishment an undertaking shall:	
65.	(a) point (a) is replaced by the following:			

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66.		Amendment 127 Article 1 – paragraph 1 – point 3 – point a Regulation (EC) No 1071/2009 Article 5 – paragraph 1 – point a		
67.	'(a) have premises in which it keeps its core business documents, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;';	(a) have [...] <i>appropriate premises, proportionate to the activities of the undertaking, at</i> which it [...] <i>is able to access the originals of</i> its core business documents, <i>whether in electronic or any other form</i> , in particular its commercial contracts, accounting documents, personnel management documents, labour contracts <i>social security documents</i> , documents containing data relating to <i>cabotage, posting and</i> driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;	(a) have premises in which it keeps the originals of its core business documents, or in case of documents in electronic form secures access to them , in particular its [...] transport contracts, documents relating to the vehicles at the disposal of the undertaking , accounting documents, personnel management documents, labour contracts, social security documents, documents containing data on the dispatching of drivers , documents containing data relating to driving time and rest periods and any other document to which the competent authority must have access in order to verify compliance with the	

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			conditions laid down in this Regulation;	
68.		Amendment 128 Article 1 – paragraph 1 – point 3 – point aa (new) Regulation (EC) No 1071/2009 Article 5 – paragraph 1 – point aa (new)		
69.		<i>(aa) the following point is inserted: ‘(aa) the vehicles referred to in point (b) shall perform, in the framework of a transport contract, at least one loading or one unloading of goods every four weeks in the Member State of establishment;’</i>		
70.			(aa) be registered in the register of commercial companies of that Member State or in a similar register whenever required under national law;	

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71.			(aaa) be subject to tax on revenues and, whenever required under national law, have assigned a VAT registration number;	
72.			(b) once an authorisation has been granted, have at its disposal one or more vehicles which are registered or put into circulation and authorised to be used in conformity with the legislation of that Member State, regardless of whether those vehicles are wholly owned or, for example, held under a hire-purchase agreement or under a hire or leasing contract;	
73.	(b) point (c) is replaced by the following:			

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74.		Amendment 129 Article 1 – paragraph 1 – point 3 – point b Regulation (EC) No 1071/2009 Article 5 – paragraph 1 – point c		
75.	'(c)conduct effectively and continuously its administrative and commercial activities with the appropriate administrative equipment and facilities at premises situated in that Member State;';	'(c) conduct effectively and continuously its administrative and commercial activities with the appropriate [...] equipment and facilities at premises <i>as referred to in point (a)</i> situated in that Member State;	(c) effectively and continuously conduct its administrative and commercial activities with the appropriate [...] facilities at premises situated in that Member State, and its transport operations using the vehicles referred to in point (e) with the appropriate technical equipment situated in that Member State;	
76.	(c) the following point (d) is added:			

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77.		Amendment 130 Article 1 – paragraph 1 – point 3 – point c Regulation (EC) No 1071/2009 Article 5 – paragraph 1 – point d		
78.	'(d)manage the transport operations carried out with the vehicles referred to in point (b) with the appropriate technical equipment situated in that Member State;'	'(d) manage <i>effectively and continuously</i> the transport operations carried out [...] <i>using</i> the vehicles referred to in point (b) with the appropriate technical equipment situated in that Member State;	[...]	
79.	(d) the following point (e) is added:			
80.	'(e) hold assets and employ staff proportionate to the activity of the establishment.';		(e) [...] on an ongoing basis have at its regular disposal a number of vehicles complying with the conditions laid down in point (b) and drivers proportionate to the volume of transport operations carried out by the undertaking.	

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81.			ii) In addition to the requirements laid down in paragraph 1, Member States may require an undertaking to have, in the Member State of establishment:	
82.			(a) proportionate to the size of the activity of the undertaking, duly qualified administrative personnel at the premises or the transport manager reachable during customary business hours;	
83.			(b) proportionate to the size of the activity of the undertaking, operational infrastructure other than the technical equipment referred to in paragraph 1(c) in the territory of that Member State, including an office which is open during customary business hours.';	

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84.		Amendment 131 Article 1 – paragraph 1 – point 3 – point d a (new) Regulation (EC) No 1071/2009 Article 5 – paragraph 1 – point f (new)		
85.		<i>(da) the following point (f) is added:</i> <i>‘(f) have a clear link between the transport operations carried out and the Member State of establishment, an operating centre and access to sufficient parking places for regular use by the vehicles referred to in point (b);</i>		
86.		Amendment 132 Article 1 – paragraph 1 – point 3 – point d b (new) Regulation (EC) No 1071/2009 Article 5 – paragraph 1 – point g (new)		
87.		<i>(db) the following point (g) is added:</i> <i>‘(g) recruit and employ drivers under the law applicable to labour contracts of that</i>		

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		<i>Member State;'</i>		
88.		Amendment 133 Article 1 – paragraph 1 – point 3 – point dc (new) Regulation (EC) No 1071/2009 Article 5 – paragraph 1 – point h (new)		
89.		<i>(dc) the following point (h) is added:</i> <i>‘(h) ensure that the establishment is the place in which or from which workers habitually carry out their work according to Regulation (EC) No 593/2008 of the European Parliament and of the Council^{1a} and/or the Rome Convention.</i> ----- ^{1a} <i>Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).’</i>		

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90.	(4) Article 6 is amended as follows:		(4) Article 6 is amended as follows:	
91.	(a) paragraph 1 is amended as follows:		(a) paragraph 1 is amended as follows:	
92.	(i) the second subparagraph is replaced by the following:		(i) the second subparagraph is replaced by the following:	
93.	'In determining whether an undertaking has satisfied that requirement, Member States shall consider the conduct of the undertaking, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other relevant person as may be determined by the Member State. Any reference in this Article to convictions, penalties or infringements shall include convictions, penalties or infringements of the undertaking itself, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other		'In determining whether an undertaking has satisfied that requirement, Member States shall consider the conduct of the undertaking, its transport managers, executive directors [...] and any other relevant person as may be determined by the Member State. Any reference in this Article to convictions, penalties or infringements shall include convictions, penalties or infringements of the undertaking itself, its transport managers, executive directors [...] and any other relevant person as may be determined by the Member State.';	

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	relevant person as may be determined by the Member State.';			
94.	(ii) in point (a) of the third subparagraph the following point (vii) is added:		(ii) in point (a) of the third subparagraph the following point (vii) is added:	
95.	'(vii) tax law.'		'(vii) tax law.'	
96.		Amendment 134 Article 1 – paragraph 1 – point 4 – point a - point iii Regulation (EC) No 1071/2009 Article 6 – subparagraph 3 – point b		
97.	(iii) in point (b) of the third subparagraph the following points (xi) and (xii) are added:	(iii) in point (b) of the third subparagraph the following points (xi), (xii) and (xiii) are added:	(iii) in point (b) of the third subparagraph the following points (xi) and (xii) are added:	
98.	'(xi) the posting of workers; (xii) the law applicable to contractual obligations.';	'(xi) the posting of workers; (xii) the law applicable to contractual obligations.'; (xiii) cabotage.	'(xi) the posting of workers in road transport ; (xii) the law applicable to contractual obligations.';	
99.	(b) paragraph 2 is replaced by the following		(b) paragraph 2 is replaced by the following:	

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100.	'2. For the purposes of point (b) of the third subparagraph of paragraph 1, where the transport manager or the transport undertaking has been convicted of a serious criminal offence or has incurred a penalty for one of the most serious infringements of Union rules as set out in Annex IV, in one or more Member States, the competent authority of the Member State of establishment shall carry out and complete in an appropriate and timely manner an administrative procedure, which shall include, if appropriate, an on-site inspection at the premises of the undertaking concerned. During the administrative procedure, the transport manager or other legal representatives of the transport undertaking, as the case may be, shall be given the right to present their arguments and explanations. During the administrative procedure, the competent authority shall assess whether, due to specific		'2. For the purposes of point (b) of the third subparagraph of paragraph 1, where the transport manager or the transport undertaking has been convicted of a serious criminal offence or has incurred a penalty for one of the most serious infringements of Union rules as set out in Annex IV, in one or more Member States, the competent authority of the Member State of establishment shall carry out and complete in an appropriate and timely manner an administrative procedure, which shall include, if appropriate, an on-site inspection at the premises of the undertaking concerned. During the administrative procedure, the transport manager or other legal representatives of the transport undertaking, as the case may be, shall be given the right to present their arguments and explanations. During the administrative procedure, the competent authority shall assess whether, due to specific	

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	circumstances, the loss of good reputation would constitute a disproportionate response in the individual case. In that assessment, the competent authority shall take into account the number of serious infringements of national and Union rules as referred to in the third subparagraph of paragraph 1, as well as the number of most serious infringements of Union rules as set out in Annex IV, for which the transport manager or the transport undertaking have been convicted or had penalties imposed on them. Any such finding shall be duly reasoned and justified. Where the competent authority finds that the loss of good reputation would be disproportionate, it shall decide that the undertaking concerned continues to be of good reputation. The reasons for this decision shall be recorded in the national register. The number of such decisions shall be indicated in the report referred to in Article 26(1). Where the competent authority does		circumstances, the loss of good reputation would constitute a disproportionate response in the individual case. In that assessment, the competent authority shall take into account the number of serious infringements of national and Union rules as referred to in the third subparagraph of paragraph 1, as well as the number of most serious infringements of Union rules as set out in Annex IV, for which the transport manager or the transport undertaking have been convicted or had penalties imposed on them. Any such finding shall be duly reasoned and justified. Where the competent authority finds that the loss of good reputation would be disproportionate, it shall decide that the undertaking concerned continues to be of good reputation. The reasons for this decision shall be recorded in the national register. The number of such decisions shall be indicated in the report referred to in Article 26(1). Where the competent authority does	

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	not find that the loss of good repute would be disproportionate, the conviction or penalty shall lead to the loss of good repute;';		not find that the loss of good repute would be disproportionate, the conviction or penalty shall lead to the loss of good repute;';	
101.	(c) the following paragraph 2a is inserted:		(c) the following paragraph 2a is inserted:	
102.	'2a. The Commission is empowered to adopt delegated acts in line with Article 24 establishing a list of categories, types and degrees of seriousness of serious infringements of Union rules as referred to in point (b) of the third subparagraph of paragraph 1 which, in addition to those set out in Annex IV, may lead to the loss of good repute. Member States shall take into account information on those infringements, including information received from other Member States, when setting the priorities for checks pursuant to Article 12(1).		'2a. The Commission [...] shall adopt [...] implementing acts laying down a list of categories, types and degrees of seriousness of serious infringements of Union rules as referred to in point (b) of the third subparagraph of paragraph 1 which, in addition to those set out in Annex IV, may lead to the loss of good repute. Member States shall take into account information on those infringements, including information received from other Member States, when setting the priorities for checks pursuant to Article 12(1).	
103.	To that end, the Commission shall:		To that end, the Commission shall:	

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104.	(a) lay down the categories and types of infringement which are most frequently encountered;		(a) lay down the categories and types of infringement which are most frequently encountered;	
105.		Amendment 135 Article 1 – paragraph 1 – point 4 – point c Regulation (EC) No 1071/2009 Article 6 – paragraph 2a – subparagraph a – point b		
106.	(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and to distort competition in the road transport market, including by undermining the working conditions of transport workers;	(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries [...] <i>or</i> to distort competition in the road transport market, including by undermining the working conditions of transport workers;	(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and to distort competition in the road transport market, including by undermining the working conditions of transport workers;	
107.	(c) provide the frequency of occurrence beyond which repeated infringements shall be regarded as more serious, taking into account the number of drivers used for the transport activities managed by the transport manager.';		(c) provide the frequency of occurrence beyond which repeated infringements shall be regarded as more serious, taking into account the number of vehicles [...] used for the transport activities managed by the transport manager.	

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108.			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(3a).';	
109.	(5) Article 7 is amended as follows:		(5) Article 7 is amended as follows:	
110.	(a) in paragraph 1, the first subparagraph is replaced by the following:		(a) in paragraph 1, the first subparagraph is replaced by the following:	
111.		Amendment 136 Article 1 – paragraph 1 – point 5 – point a Regulation (EC) No 1071/2009 Article 7 – paragraph 1 – subparagraph 1		
112.	'In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one	'In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used	'In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal [...] capital and reserves: – totalling at least EUR 9 000 [...]	

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	vehicle is used and EUR 5 000 for each additional vehicle used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totaling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.';	[...], EUR 5 000 for each additional vehicle <i>with a permissible laden mass, including that of trailers, exceeding 3.5 tonnes used and EUR 900 for each additional vehicle with a permissible laden mass, including that of trailers, between 2.4 and 3.5 tonnes</i> used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass [...], <i>including that of trailers, between 2.4 and 3.5 tonnes</i> shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.	for the first motor vehicle or combination of vehicles used that has a permissible laden mass exceeding 3.5 tonnes or which is suitable for carrying more than nine persons, including the driver, and EUR 5 000 for each such additional vehicle used [...]; – [...] totalling at least EUR 1 800 [...] for the first motor vehicle or combination of vehicles used that is involved in international transport and has a permissible laden mass exceeding 2.5 tonnes but not 3.5 tonnes and EUR 900 for each such additional vehicle used. Member States may require that the undertaking established in their territories demonstrate to have at its disposal for these vehicles the same amounts of capital and reserves as for vehicles referred to in the previous point. In that case the competent authority of	

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			the Member State concerned shall inform the Commission accordingly and the Commission shall make this information publicly available.';	
113.			(a1) the following paragraph is inserted after paragraph 1:	
114.			'1a. In addition to the requirements set out in the first subparagraph of paragraph 1, Member States may require that the undertaking, the transport manager or any other relevant person as may be determined by them, not have outstanding non-personal debts owed to bodies governed by public law, and that it not be bankrupt or subject to insolvency or winding-up proceedings.';	
115.	(b) paragraph 2 is replaced by the following:		(b) paragraph 2 is replaced by the following:	
116.		Amendment 137 Article 1 – paragraph 1 – point 5 – point b		

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		Regulation (EC) No 1071/2009 Article 7 – paragraph 2 – subparagraph 1		
117.	'2.By way of derogation from paragraph 1, in the absence of certified annual accounts the competent authority shall agree that an undertaking demonstrate its financial standing by means of a certificate, such as a bank guarantee, a document issued by a financial institution establishing access to credit in the name of the undertaking, or another binding document proving that the undertaking has at its disposal the amounts specified in the first subparagraph of paragraph 1.';	2. By way of derogation from paragraph 1, in the absence of certified annual accounts the competent authority shall agree that an undertaking demonstrate its financial standing by means of a certificate, such as a bank guarantee [...] <i>or an insurance, including a professional liability insurance from one or more banks or other financial [...] institutions including insurance companies</i> , or another binding document <i>providing a joint and several guarantee for the undertaking [...] in respect of</i> the amounts specified in the first subparagraph of paragraph 1;	'2. By way of derogation from paragraph 1, [...] the competent authority [...] may require that an undertaking demonstrate its financial standing by means of a certificate determined by the competent authority , such as a bank guarantee [...] or an insurance, including a professional liability insurance from one or more banks or other [...] financial institutions including insurance companies [...] or another binding document [...] providing a joint and several guarantee for the undertaking [...] in respect of the amounts specified in the first subparagraph of paragraph 1.	
118.			2a.By way of derogation from paragraph 1, in the absence of certified annual accounts for the year of an undertaking's	

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			registration, the competent authority shall agree that an undertaking demonstrate its financial standing by means of a certificate, such as a bank guarantee, a document issued by a financial institution establishing access to credit in the name of the undertaking, or another binding document as determined by the competent authority proving that the undertaking has at its disposal the amounts specified in the first subparagraph of paragraph 1.'	

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119.		Amendment 138 Article 1 – paragraph 1 – point 5a (new) Regulation (EC) No 1071/2009 Article 8 – paragraph 5		
120.		<i>(5a) in Article 8, paragraph 5 is replaced by the following:</i>		
121.	<i>Member States may promote periodic training on the subjects listed in Annex I at 10-year intervals to ensure that transport managers are aware of developments in the sector.</i> <i>[original text of Regulation 1071/2009, no changes proposed by the Commission]</i>	"Member States may promote periodic training on the subjects listed in Annex I at [...] <i>three-year</i> intervals to ensure that [...] <i>the person or persons referred to in paragraph 1</i> are sufficiently aware of developments in the sector.		
122.	(6) in Article 8, paragraph 9 is replaced by the following:		(6) in Article 8, paragraph 9 is replaced by the following:	
123.	'9. The Commission is empowered to adopt delegated acts in line with Article 24 to amend Annexes I, II and III in order to adapt them to market developments and technical progress.';		'9. The Commission is empowered to adopt delegated acts in line with Article 24a to amend Annexes I, II and III in order to adapt them to market developments and technical progress.';	

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124.			(6a) in Article 9 the following paragraph is added:	
125.			'2. For the purpose of granting a licence to a road haulage undertaking which only operates motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes, Member States may decide to exempt from the examinations referred to in Article 8(1) persons who provide proof that they have continuously managed, for the period of ten years before [date of entry into force of this amending Regulation], an undertaking of the same type.'	
126.	(7) in Article 11(4), the third subparagraph is deleted;		(7) in Article 11(4), the third subparagraph is deleted;	

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127.		Amendment 139 Article 1 – paragraph 1 – point 8 Regulation (EC) No 1071/2009 Article 12– paragraph 2 – subparagraph 2		
128.	(8) in Article 12(2), the second subparagraph is deleted;	(8) in Article 12(2), the second subparagraph is [...] <i>replaced by the following</i>	(8) in Article 12(2), the second subparagraph is deleted;	
129.		<i>‘Member States shall carry out checks at least every three years to verify that undertakings fulfil the requirements laid down in Article 3.’</i>		
130.	(9) in Article 13(1), point (c) is replaced by the following:		(9) in Article 13(1), point (c) is replaced by the following:	
131.	'(c) a time limit not exceeding six months where the requirement of financial standing is not satisfied, in order to demonstrate that that requirement is again satisfied on a permanent basis.';		'(c) a time limit not exceeding six months where the requirement of financial standing is not satisfied, in order to demonstrate that that requirement is again satisfied on a permanent basis.';	
132.	(10) in Article 14(1), the following second subparagraph is added:		(10) in Article 14(1), the following second subparagraph is added:	

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133.	'The competent authority shall not rehabilitate the transport manager earlier than one year from the date of the loss of good repute.';		'The competent authority shall not rehabilitate the transport manager earlier than one year from the date of the loss of good repute.';	
134.		Amendment 140 Article 1 – paragraph 1 – point 10 (new) Regulation (EC) No 1071/2009 Article 14 – paragraph 2		
135.		<i>(10a) Article 14(2) is replaced by the following:</i>		
136.	2. Unless and until a rehabilitation measure is taken in accordance with the relevant provisions of national law, the certificate of professional competence, referred to in Article 8(8), of the transport manager declared to be unfit shall no longer be valid in any Member State. <i>[original text of Regulation 1071/2009, no changes proposed by the Commission]</i>	2. Unless and until a rehabilitation measure is taken in accordance with the relevant provisions of national law, the certificate of professional competence, referred to in Article 8(8), of the transport manager declared to be unfit shall no longer be valid in any Member State. <i>The Commission shall draw up a list of rehabilitation measures for regaining good repute.</i>		

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137.	(11) Article 16 is amended as follows:		(11) Article 16 is amended as follows:	
138.	(a) paragraph 2 is amended as follows:		(a) paragraph 2 is amended as follows:	
139.		Amendment 141 Article 1 – paragraph 1 – point 11 point a – point -ia (new) Regulation (EC) No 1071/2009 Article 16 – paragraph 2 – point c		
140.		<i>(-ia) point (c) is replaced by the following:</i>		
141.	(c) the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of a legal representative; <i>[original text of Regulation 1071/2009, no changes proposed by the Commission]</i>	(c) the names of the transport managers designated to meet the [...] requirements laid down in Article 3 relating to good repute and professional competence or, as appropriate, the name of a legal representative;		

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142.		Amendment 142 & 143 Article 1 – paragraph 1 point 11 point a – point i & point ia (new) Regulation (EC) No 1071/2009 Article 16 – paragraph 2 – point h and point ja (new)		
143.	(i) the following points (g), (h), (i) and (j) are added:		(i) the following points are added:	
144.	'(g) the registration numbers of the vehicles at the disposal of the undertaking pursuant to Article 5(b); (h) the number of employees; (i) the total assets, liabilities, equity and turnover during the last two years; (j) the risk rating of the undertaking pursuant to Article 9 of Directive 2006/22/EC.';	(g) the registration numbers of the vehicles at the disposal of the undertaking pursuant to Article 5(b); (h) the number of [...] <i>people employed in the undertaking during the last calendar year</i> ; (i) the total assets, liabilities, equity and turnover during the last two years; (j) the risk rating of the undertaking pursuant to Article 9 of Directive 2006/22/EC <i>(ja) labour contracts of international drivers of the past six months</i> ;	'(g) the registration numbers of the vehicles at the disposal of the undertaking pursuant to Article 5 [...] (1)(e) ; [...] [...] (j) the risk rating of the undertaking pursuant to Article 9 of Directive 2006/22/EC.';	

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145.		Amendment 144 & 146 Article 1 – paragraph 1 – point 11 point a – point ii Regulation (EC) No 1071/2009 Article 16 – paragraph 2		
146.	(ii) the second, third and fourth subparagraphs are replaced by the following:		(ii) the second, third and fourth subparagraphs are replaced by the following:	
147.	'Member States may choose to keep the data referred to in points (e) to (j) of the first subparagraph in separate registers. In such a case, the relevant data shall be available upon request or directly accessible to all the competent authorities of the Member State in question. The requested information shall be provided within five working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in line with the relevant provisions on personal data protection.	<i>[...]</i> <i>[...]</i> The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in line with the relevant provisions on personal data protection <i>For the purpose of Article 14a of Regulation (EC) No 1072/2009, the data referred to in point (j) shall be available upon request to consignors, freight forwarders, contractors and subcontractors.</i>	'Member States may choose to keep the data referred to in points (e) to (j) of the first subparagraph in separate registers. In such a case, the relevant data shall be available upon request or directly accessible to all the competent authorities of the Member State in question. The requested information shall be provided within five working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in line with the relevant provisions on personal data protection.	

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148.		Amendment 145 Article 1 – paragraph 1 – point 11 point a – point ii Regulation (EC) No 1071/2009 Article 16 – paragraph 2 – subparagraph 3		
149.	In any case, the data referred to in points (e) to (j) of the first subparagraph shall only be accessible to authorities other than the competent authorities where they are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to, or otherwise are under a formal obligation of secrecy.';	<i>[...]</i> The data referred to in points (e) to (j) of the first subparagraph shall only be accessible to authorities other than the competent authorities where they are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to, or otherwise are under a formal obligation of secrecy.	In any case, the data referred to in points (e) to (j) of the first subparagraph shall only be accessible to authorities other than the competent authorities where they are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to, or otherwise are under a formal obligation of secrecy.';	
150.	(b) paragraph 4 is replaced by the following:		(b) paragraph 4 is replaced by the following:	
151.	'4. Member States shall take all necessary measures to ensure that all the data contained in the national electronic register is kept up to date and is accurate.';		'4. Member States shall take all necessary measures to ensure that all the data contained in the national electronic register is kept up to date and is accurate.;	

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152.		Amendment 147 Article 1 – paragraph 1 point 11 – point ba (new) Regulation (EC) No 1071/2009 Article 16 – paragraph 5		
153.		<i>(ba) paragraph 5 is replaced by the following:</i>		
154.	5. Without prejudice to paragraphs 1 and 2, Member States shall take all necessary measures to ensure that the national electronic registers are interconnected and accessible throughout the Community through the national contact points defined in Article 18. Accessibility through national contact points and interconnection shall be implemented by 31 December 2012 in such a way that a competent authority of any Member State is able to consult the national electronic register of any Member State. <i>[original text of Regulation 1071/2009, no changes proposed by the Commission]</i>	'5. [...] In order to increase the effectiveness of cross-border enforcement, Member States shall [...] ensure that the national electronic registers are interconnected and [...] interoperable throughout the [...] Union via the European Register of Road Transport Undertakings (ERRU) referred to in Commission Implementing Regulation (EU) 2016/480, so that the data referred to in paragraph 2 is directly accessible to all competent enforcement authorities and control bodies of all Member States in real-time.		

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155.		Amendment 148 Article 1 – paragraph 1 point 11 – point bb (new) Regulation (EC) No 1071/2009 Article 16 – paragraph 6		
156.		<i>(bb) paragraph 6 is replaced by the following:</i>		
157.	6. Common rules concerning the implementation of paragraph 5, such as the format of the data exchanged, the technical procedures for electronic consultation of the national electronic registers of the other Member States and the promotion of the interoperability of these registers with other relevant databases, shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 25(2) and for the first time before 31 December 2010. Those common rules shall determine which authority is responsible for access to data and further use and updating of data	6. <i>The Commission is empowered to adopt delegated acts in accordance with Article 24a to establish and update common rules [...] to ensure that the national electronic registers are fully interconnected and interoperable, so that a competent authority or control body in any Member State is able to directly and in real-time access the national electronic register of any Member State as stipulated in paragraph 5 [...]. Such common rules shall include rules on the format of the data exchanged, the technical procedures for electronic consultation of the</i>		

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	after access and, to this effect, shall include rules on data logging and data monitoring. <i>[original text of Regulation 1071/2009, no changes proposed by the Commission]</i>	national electronic registers of the other Member States and the interoperability of these registers [...], as well as specific rules concerning access to data [...], data logging and data monitoring.		
158.	(c) paragraph 7 is deleted;		(c) paragraph 7 is deleted;	
159.	(12) Article 18 is replaced by the following:		(12) in Article 18, paragraphs 2 and 3 are replaced by the following:	
160.	<i>'Article 18</i> Administrative cooperation between Member States			
161.		Amendment 149 Article 1 – paragraph 1 - point 12 Regulation (EC) No 1071/2009 Article 18 – paragraph 1		
162.	1. Member States shall designate a national contact point responsible for the exchange of information with the other Member States on the application of this Regulation. Member States shall inform the Commission of the names and addresses of their national contact points by 31 December 2018. The	1. <i>The competent authorities of the</i> Member States shall [...] <i>cooperate closely and swiftly provide one another with mutual assistance and any other relevant information in order to facilitate the implementation and enforcement</i> of this Regulation [...].		

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	Commission shall draw up a list of all contact points and forward it to the Member States. Member States shall immediately communicate to the Commission any changes to the contact points.			
163.		Amendment 150 Article 1 – paragraph 1 - point 12 Regulation (EC) No 1071/2009 Article 18 – paragraph 1a (new)		
164.		<i>1a. For the purposes of paragraph 1, administrative cooperation provided for in this Article shall be implemented through the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council^{1a}, which allows all operators to provide data in their own languages.</i> ----- <i>^{1a} Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative</i>		

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		<i>cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation'), (OJ L 316, 14.11.2012, p. 1).</i>		
165.	2. A Member State which receives notification of a serious infringement which has resulted in a conviction or a penalty in another Member State during the last two years shall record that infringement in its national electronic register.		2. The competent authorities of the Member States shall exchange information on convictions and penalties for any serious infringements referred to in Article 6(2). A Member State which receives notification of a serious infringement referred to in Article 6(2) which has resulted in a conviction or a penalty in another Member State during the last two years shall record that infringement in its national electronic register.	
166.		Amendment 151 Article 1 – paragraph 1 - point 12 Regulation (EC) No 1071/2009 Article 18 – paragraph 3		
167.	3. Member States shall reply to	3. Member States shall reply to	3. Member States shall reply to	

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	requests for information from all competent authorities of other Member States and, where necessary, carry out checks, inspections and investigations concerning compliance with the requirement laid down in Article 3(1)(a) by road transport operators established in their territory. Requests for information by competent authorities of Member States shall be reasoned. To this end, requests shall include credible indications of possible infringements of Article 3(1)(a).	requests for information from all competent authorities of other Member States and [...] carry out checks, inspections and investigations concerning compliance with the requirement laid down in Article 3(1)(a) by road transport operators established in their territory. Requests for information by competent authorities of Member States shall be <i>duly justified and</i> reasoned. To this end, requests shall include credible indications of possible infringements of Article 3(1)(a).	requests for information from all competent authorities of other Member States and, where necessary, carry out checks, inspections and investigations concerning compliance with the requirement laid down in Article 3(1)(a) by road transport operators established in their territory. Requests for information by competent authorities of Member States shall be reasoned. To this end, requests shall include credible indications of possible infringements of Article 3(1)(a), indicate the purpose of the request and specify in sufficient detail the information which is being requested.	
168.			3a. Member States shall submit the information requested by other Member States pursuant to paragraph 3 within thirty working days from the receipt of the request. A shorter time limit may be mutually agreed between	

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			the Member States.	
169.		Amendment 152 Article 1 – paragraph 1 - point 12 Regulation (EC) No 1071/2009 Article 18 – paragraph 4		
170.	4. Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within ten working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.	4. Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within [...] <i>five</i> working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.	4. Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within ten working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the requested Member State.	

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171.		Amendment 153 Article 1 – paragraph 1 - point 12 Regulation (EC) No 1071/2009 Article 18 – paragraph 5		
172.	5. Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within ten working days, with reasons. The Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised.	5. Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within [...] <i>five</i> working days, [...] <i>duly justifying that difficulty or impossibility</i> . The Member States concerned shall [...] <i>cooperate</i> with each other with a view to finding a solution for any difficulty raised. <i>In the event of any persisting problem in the exchange of information, or of a permanent refusal to supply information without proper justification, the Commission, being informed and after consulting the Member States</i>	5. Where it is difficult [...] to comply with a request for information or to carry out checks, inspections or investigations, the requested Member State in question shall inform the requesting Member State accordingly within ten working days, [...] giving reasons. The Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised.	

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		<i>concerned, may take all necessary measures to remedy the situation.</i>		
173.		Amendment 154 Article 1 – paragraph 1 - point 12 Regulation (EC) No 1071/2009 Article 18 – paragraph 6		
174.	6. In response to requests under paragraph 3, Member States shall supply the requested information and carry out the required checks, inspections and investigations within twenty-five working days from the receipt of the request, unless they have informed the requesting Member State that the request is insufficiently reasoned or of the impossibility or the difficulties pursuant to paragraphs 4 and 5.	6. In response to requests under paragraph 3, Member States shall supply the requested information and carry out the required checks, inspections and investigations within <i>fifteen</i> working days from the receipt of the request, <i>unless another time limit is mutually agreed between the Member States concerned or</i> unless they have informed the requesting Member State that the request is insufficiently reasoned or of the impossibility or the difficulties pursuant to paragraphs 4 and 5 <i>and no solution for those difficulties has been found.</i>	[...]	
175.			6a. The exchange of information referred to in paragraph 2 shall	

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			take place through the message exchange system ERRU (European Registers of Road Transport Undertakings) established by Regulation (EU) No 1213/2010*. The administrative cooperation and mutual assistance between the competent authorities of the Member States provided for in paragraphs 3 to 5 of this Article shall be implemented through the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012**. For this purpose, each Member State may designate the contact point referred to in paragraph 1 as competent authority and shall inform the Commission thereof through IMI. (*) Commission Regulation (EU) No 1213/2010 of 16 December 2010 establishing	

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			common rules concerning the interconnection of national electronic registers on road transport undertakings (OJ L 335, 18.12.2010, p. 21). (**)Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (OJ L 316, 14.11.2012, p. 1).';	
176.	7. Member States shall ensure that the information transmitted to them in line with this Article is used only in respect of the matter(s) for which it was requested.		7. Member States shall ensure that the information transmitted to them in line with this Article is used only in respect of the matter(s) for which it was requested. Any processing of personal data shall be carried out solely for the purposes of complying with this Regulation and shall be in accordance with Regulation (EU) No 2016/679 of	

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			the European Parliament and of the Council.	
177.	8. Mutual administrative cooperation and assistance shall be provided free of charge.		8. Mutual administrative cooperation and assistance shall be provided free of charge.	
178.	9. A request for information shall not preclude the competent authorities from taking measures in line with the relevant national and Union law to investigate and prevent alleged breaches of this Regulation.';		9. A request for information shall not preclude the competent authorities from taking measures in line with the relevant national and Union law to investigate and prevent alleged breaches of this Regulation.	

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179.		Amendment 155 Article 1 – paragraph 1 - point 12 a (new) Regulation (EC) No 1071/2009 Article 18a (new)		
180.		<i>(12a) the following Article 18a is inserted:</i>		
181.		<i>Article 18a</i> <i>Accompanying measures</i>		
182.		<i>1. Member States shall take accompanying measures to develop, facilitate and 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 this Regulation.</i>		
183.		<i>2. The Commission shall provide technical and other support in order to further improve administrative cooperation and increase mutual trust between</i>		

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		<i>Member States, including through promoting staff exchanges and joint training programmes, as well as developing, facilitating and promoting best practice initiatives. The Commission may, without prejudice to the prerogatives of the European Parliament and the Council in the budgetary procedure, use available financing instruments to further strengthen capacity building and administrative cooperation between Member States.</i>		
184.		<i>3. Member States shall establish a programme of peer-reviews in which all competent enforcement authorities are to participate, ensuring the appropriate rotation of both the reviewing and the reviewed competent enforcement authorities. Member States shall notify those programmes to the Commission every two years as part of the report on the activities of the competent authorities</i>		

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		<i>referred to in Article 26.</i>		
185.			(12a) in Article 23 the following paragraphs are added:	
186.			'2. By way of derogation from Article 1(2), until [OJ: two years after the entry into force of this amending Regulation] road haulage undertakings engaged in international transport operations solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3,5 tonnes shall be exempted from the provisions of this Regulation, unless otherwise provided for in the law of the Member State of establishment.	
187.			3. By way of derogation from Article 16(2), the requirement to include the risk rating of the undertakings in the national electronic registers shall apply from the entry into force of the implementing act on a common	

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			risk rating formula referred to in Article 9(1) of Directive 2006/22/EC. '	
188.	(13) Article 24 is deleted;		(13) Article 24 is deleted;	
189.	(14) the following Article 24a is inserted:		(14) the following Article 24a is inserted:	
190.	<i>'Article 24a</i> Exercise of the delegation		<i>'Article 24a</i> Exercise of the delegation	
191.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
192.	2. The power to adopt delegated acts referred to in Article 6(2) and Article 8(9) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this (amending) Regulation].		2. The power to adopt delegated acts referred to in [...] Article 8(9) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this (amending) Regulation].	
193.	3. The delegation of power referred to in Article 6(2) and Article 8(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that		3. The delegation of power referred to in [...] Article 8(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It	

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	decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
194.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in line with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.* _____ (*) OJ L 123, 12.5.2016, p. 1.;		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in line with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.* _____ (*) OJ L 123, 12.5.2016, p. 1.;	
195.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
196.	6. A delegated act adopted under Article 6(2) and Article 8(9) shall enter into force only if no objection has been expressed either by the European Parliament		6. A delegated act adopted under [...] Article 8(9) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council	

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	or by the Council within two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		within two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	

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197.	(15) in Article 25, paragraph 3 is deleted;		(15) Article 25 [...] is amended as follows:	
198.			(a) paragraph 3 is deleted;	
199.			(b) The following paragraph is added:	
200.			'3a. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.'	
201.	(16) in Article 26, the following paragraphs 3, 4 and 5 are added:		(16) Article 26 is amended as follows:	
202.			(a) point (b) in paragraph 1 is amended as follows:	
203.	(b) the number of authorisations granted by year and by type, those suspended, those withdrawn, the number of declarations of unfitness and the reasons on which those decisions were based; <i>[original text of Regulation 1071/2009, no changes proposed by the Commission]</i>		'(b) the number of authorisations granted under this Regulation by year and by type, those suspended, those withdrawn, the number of declarations of unfitness and the reasons on which those decisions were based. Reports relating to the period after [OJ: the date referred to in Article 23(2)] shall also include a breakdown of these items by:	

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			1) road passenger transport operators; 2) road haulage operators using exclusively motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes; and 3) all other road haulage operators;'	
204.			(b) the following paragraph is inserted:	
205.			'1a. Every two years Member States shall report to the Commission on the requests made by them under Article 18(3) [...] to (7), on the replies received from other Member States and on the actions that they have taken on the basis of the information provided.';	

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206.		Amendment 156 Article 1 – paragraph 1 - point 16 Regulation (EC) No 1071/2009 Article 26 – paragraph 3 – introductory part		
207.	'3. Every year, Member States shall draw up a report on the use of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes in their territory and shall forward it to the Commission no later than 30 June of the year after the end of the reporting period. This report shall include:	3. Every year, Member States shall draw up a report on the use of motor vehicles with a permissible laden mass [...], including that of trailers, between 2.4 and 3.5 tonnes [...] involved in international transport and established in their territory and shall forward it to the Commission no later than 30 June of the year after the end of the reporting period. This report shall include:	[...]	

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208.		Amendment 157 Article 1 – paragraph 1 - point 16 Regulation (EC) No 1071/2009 Article 26 – paragraph 3 – point a		
209.	(a) the number of authorisations granted to operators engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes;	(a) the number of authorisations granted to operators engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass [...], <i>including that of trailers, between 2.4 and 3.5 tonnes [...] involved in international transport;</i>	[...]	
210.		Amendment 158 Article 1 – paragraph 1 - point 16 Regulation (EC) No 1071/2009 Article 26 – paragraph 3 – point b		
211.	(b) the number of vehicles with a permissible laden mass not exceeding 3,5 tonnes registered in the Member State in each calendar year;	(b) the number of <i>motor</i> vehicles with a permissible laden mass [...], <i>including that of trailers, between 2.4 and 3.5 tonnes involved in international transport,</i> registered in the Member State in each calendar year;	[...]	

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212.		Amendment 159 Article 1 – paragraph 1 - point 16 Regulation (EC) No 1071/2009 Article 26 – paragraph 3 – point c		
213.	(c) the overall number of vehicles with a permissible laden mass not exceeding 3,5 tonnes registered in the Member State as of 31 December of each year;	(c) the overall number of <i>motor</i> vehicles with a permissible laden mass [...], <i>including that of trailers, between 2.4 and 3.5 tonnes involved in international transport</i> , registered in the Member State as of 31 December of each year;	[...]	
214.		Amendment 160 Article 1 – paragraph 1 – point 16 Regulation (EC) No 1071/2009 Article 26 – paragraph 3 – point d		
215.	(d) the estimated share of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes in the overall road transport activity of all vehicles registered in the Member State, broken down by national,	(d) the estimated share of motor vehicles with a permissible laden mass [...], <i>including that of trailers, between 2.4 and 3.5 tonnes [...], as well as those under 2.4 tonnes</i> , in the overall road transport activity of all vehicles registered in the Member State, broken down by national, international and cabotage	[...]	

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	international and cabotage operations.	operations.		
216.		Amendment 161 Article 1 – paragraph 1 – point 16 Regulation (EC) No 1071/2009 Article 26 – paragraph 4		
217.	4. On the basis of the information gathered by the Commission under paragraph 3 and of further evidence, the Commission shall, by 31 December 2024 at the latest, present a report to the European Parliament and the Council on the evolution of the total number of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes engaged in national and international road transport operations. On the basis of this report, it shall reassess whether it is necessary to propose additional measures.	4. On the basis of the information gathered by the Commission under paragraph 3 and of further evidence, the Commission shall, by 31 December 2024 at the latest, present a report to the European Parliament and the Council on the evolution of the total number of motor vehicles with a permissible laden mass <i>[...], including that of trailers, between 2.4 and 3.5 tonnes</i> engaged [...] in road transport operations. On the basis of this report, it shall reassess whether it is necessary to propose additional measures.	[...]	

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218.		Amendment 162 Article 1 – paragraph 1 – point 16 Regulation (EC) No 1071/2009 Article 26 – paragraph 5		
219.	5. Every year Member States shall report to the Commission on the requests made by them under Article 18(3) and (4), on the replies received from other Member States and on the actions that they have taken on the basis of the information provided.'	5. Every year Member States shall report to the Commission on the requests made by them under Article 18 , on the replies received from other Member States and on the actions that they have taken on the basis of the information provided.	[...]	
220.		Amendment 163 Article 1 – paragraph 1 – point 16 a (new) Regulation (EC) No 1071/2009 Article 26 – paragraph 5a (new)		
221.		<i>(16a) The following paragraph 5a is added:</i>		
222.		<i>“5a. On the basis of the information gathered by the Commission under paragraph 5 and of further evidence, the Commission shall, by 31 December 2020 at the latest,</i>		

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		<i>present a detailed report to the European Parliament and the Council on the extent of administrative cooperation between Member States, on any possible shortcomings in this respect and on possible ways to improve the cooperation. On the basis of this report, it shall assess whether it is necessary to propose additional measures.”</i>		
223.	(17) in Annex IV, in point 1, point (b) is replaced by the following:		(17) [...] Annex IV is amended as follows:	
224.			(a) in point 1, point (b) is replaced by the following:	
225.	'(b) exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more.';		'(b) exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more.';	
226.			(b) point 2 is replaced by the following:	
227.	2. Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording		'2. Not having a tachograph and/or speed limiter, or having in the vehicle and/or using a fraudulent device able	

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	equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card. <i>[original text of Regulation 1071/2009, no changes proposed by the Commission]</i>		to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.'	
228.	<i>Article 2</i>		<i>Article 2</i> <i>Amendments to Regulation (EC) No 1072/2009</i>	
229.	Regulation (EC) No 1072/2009 is amended as follows:		Regulation (EC) No 1072/2009 is amended as follows:	
230.	(1) in paragraph 1 of Article 1, the following subparagraph is added:			
231.	'The carriage of empty containers or pallets shall be considered as carriage of goods for hire or reward whenever it is subject to a transport contract.';			

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232.		Amendment 164 Article 2 – paragraph 1 – point 1a (new) Regulation (EC) No 1072/2009 Article 1 – paragraph 1 – subparagraph 1b (new)		
233.		<i>(1a) in paragraph 1 of Article 1, the following subparagraph is added:</i>		
234.		<i>‘The time limits referred to in articles 8(2) and 8(2a) of this Regulation shall also apply to incoming or outgoing carriage of goods by road as either the domestic initial and/or domestic final leg of a combined transport journey as laid down in Council Directive 92/106/EEC.’</i>		

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235.		Amendment 165 Article 2 – paragraph 1 – point 1 b (new) Regulation (EC) No 1072/2009 Article 1 – paragraph 2		
236.		<i>(1b) Article 1(2) is replaced by the following:</i>		
237.	2. In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. It shall not apply to that part of the journey on the territory of the Member State of loading or unloading, as long as the necessary agreement between the Community and the third country concerned has not been concluded. <i>[original text of Regulation 1072/2009, no changes proposed by the Commission]</i>	2. In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. <i>However, this journey in transit shall be excluded from the application of the directive on posted workers.</i> It shall not apply to that part of the journey on the territory of the Member State of loading or unloading, as long as the necessary agreement between the Community and the third country concerned has not been concluded		

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238.		Amendment 166 Article 2 – paragraph 1 - point 1c (new) Regulation (EC) No 1072/2009 Article 1 – paragraph 5 – point c		
239.		<i>(1c) in paragraph 5, point (c) is replaced by the following:</i>	(1) [...] in paragraph 5 of Article 1, point (c) is replaced by the following:	
240.	(c) carriage of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 3,5 tonnes; <i>[original text of Regulation 1072/2009, no changes proposed by the Commission]</i>	(c) carriage of goods in motor vehicles the permissible laden mass of which, including that of trailers, [...] <i>is lower than 2,4 tonnes;</i>	'(ca) until [OJ: the day before two years after the entry into force of this amending Regulation]: carriage of goods in vehicles the permissible laden mass of which does not exceed 3.5 tonnes;	
241.			(cb) from [OJ: two years after the entry into force of this amending Regulation]: carriage of goods in vehicles the permissible laden mass of which does not exceed 2.5 tonnes;'	

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242.		Amendment 167 Article 2 – paragraph 1 - point 2 - point aa (new) Regulation (EC) No 1072/2009 Article 1 – paragraph 7a (new)		
243.		<i>(aa) the following point is added:</i>		
244.		<i>7a. 'transit' means laden journey by a vehicle through one or more Member States or third countries where the point of departure and the point of arrival is not in those Member States or third countries.</i>		
245.		Amendment 58 Article 2 – paragraph 1 – point 3 – point a (new) Regulation (EC) No 1072/2009 Article 4 – paragraph 1 – point ba (new)		
246.		<i>(-a) in paragraph 1, the following point is added:</i>		
247.		<i>‘(ba) carries out international transport carriage with vehicles equipped with a smart tachograph as laid down in Article 3 and Chapter II of</i>		

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		<i>Regulation (EU) No 165/2014 of the European Parliament and of the Council^{1a}.</i> ----- <i>^{1a} Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).</i>		

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248.	(2) Article 2 is amended as follows:		[...]	
249.	(a) point 6 is replaced by the following:		[...]	
250.	'6. 'cabotage operation' means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one or several loading points until their delivery at one or several delivery points, as specified in the consignment note;'		[...]	
251.	(3) Article 4 is amended as follows:		(3) Article 4 is amended as follows:	
252.	(a) in paragraph 2, the third subparagraph is replaced by the following:		(a) in paragraph 2, the third subparagraph is [...] deleted . [...]	
253.	'The Commission is empowered to adopt delegated acts in line with Article 14b to amend this Regulation to adapt the maximum period of validity of the Community licence to market developments.'		[...]	

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254.	(b) in paragraph 4, the second subparagraph is replaced by the following:		(b) [...] paragraph 4 [...] is replaced by the following:	
255.			'The Community licence and the certified true copies shall correspond to the model set out in Annex II, which also lays down the conditions governing its use. They shall contain at least two of the security features listed in Annex I.	
256.			In the case of vehicles used for the carriage of goods the permissible laden mass of which does not exceed 3.5 tonnes and for which lower financial requirements established in Article 7 (1) second indent of Regulation (EC) No 1071/2009 are applied, the issuing authority shall write in the section 'particular remarks' of the Community licence, or of the certified true copy thereof: '≤ 3.5 t'.	
257.	'The Commission is empowered to		The Commission is empowered to	

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	adopt delegated acts in line with Article 14b to amend Annexes I and II in order to adapt them to technical progress.';		adopt delegated acts in line with Article 14b to amend Annexes I and II in order to adapt them to technical progress.';	
258.	(4) in Article 5, paragraph 4 is replaced by the following:		(4) in Article 5, paragraph 4 is replaced by the following:	
259.	'4. The Commission is empowered to adopt delegated acts in line with Article 14b to amend Annex III in order to adapt it to technical progress.';		'4. The Commission is empowered to adopt delegated acts in line with Article 14b to amend Annex III in order to adapt it to technical progress.';	
260.	(5) Article 8 is amended as follows:		(5) Article 8 is amended as follows:	
261.	(a) paragraph 2 is replaced by the following:		(a) [...] the following paragraph is inserted:	
262.		Amendment 169 Article 2 – paragraph 1 – point 5 – point a Regulation (EC) No 1072/2009 Article 8 – paragraph 2		
263.	'2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1	2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to		

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	shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within 5 days from the last unloading in the host Member State in the course of the incoming international carriage.;	carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State [...]. The last unloading in the course of a cabotage operation shall take place within 3 days from the last unloading in the host Member State in the course of the incoming international carriage, <i>subject to the applicable transport contract</i> ;		
264.		Amendment 170 Article 2 – paragraph 1 – point 5 – point aa (new) Regulation (EC) No 1072/2009 Article 8 – paragraph 2a (new)		
265.		<i>(aa) the following paragraph is inserted:</i>		
266.		<i>‘2a. Following the end of the 3 day period referred to in paragraph 2, hauliers shall not be permitted to carry out with the same vehicle, or, in the case of a coupled combination, with the</i>	‘2a. Road transport undertakings are not allowed to carry out cabotage operations, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, in	

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		<i>motor vehicle of that combination, cabotage operations in the same host Member State within 60 hours after the return to the haulier's Member State of establishment and until they have performed a new international carriage originating from the Member State where the undertaking is established.'</i>	the same Member State within 5 days following the end of its cabotage operation in that Member State.';	
267.	(b) in paragraph 3, the first subparagraph is replaced by the following:		(b) in paragraph 3, the first subparagraph is replaced by the following:	
268.	'National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding international carriage.';		'National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding international carriage and of each consecutive cabotage operation carried out. In the event that the vehicle has been in the territory of the host Member State within the period of 5 days preceding the	

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			international carriage, the haulier shall also produce clear evidence of all operations that were carried out during that period.';	
269.	(c) the following paragraph 4a is inserted:		(c) the following paragraph 4a is inserted:	
270.		Amendment 171 Article 2 – paragraph 1 – point 5 – point c Regulation (EC) No 1072/2009 Article 8 – paragraph 4a		
271.	'4a. Evidence referred to in paragraph 3 shall be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the	4a. Evidence referred to in paragraph 3 shall be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. [...] <i>Member States shall accept that the evidence is</i> presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as [...] <i>an electronic consignment note under the</i>	'4a. Evidence referred to in paragraph 3 shall be kept on board of the vehicle concerned and shall be presented or transmitted to the authorised inspecting officer of the host Member State on request [...] at the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the	

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	transport manager or any other person or entity which may provide the evidence referred to in paragraph 3. (*) Electronic consignment note under the 'Convention on the Contract for the International Carriage of Goods by Road'.;	<i>Convention on the Contract for the International Carriage of Goods by Road (eCMR)</i>. During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the evidence referred to in paragraph 3.	transport manager or any other person or entity [...] in order to provide, within the duration of the roadside check, any evidence referred to in paragraph 3 which is found missing on board.; (*) Electronic consignment note under the 'Convention on the Contract for the International Carriage of Goods by Road.	
272.			(d) paragraph 5 is amended as follows:	
273.	5. Any haulier entitled in the Member State of establishment, in accordance with that Member State's legislation, to carry out the road haulage operations for hire or reward specified in Article 1(5)(a), (b) and (c) shall be permitted, under the conditions set out in this Chapter, to carry out, as the case may be, cabotage operations of the same kind or cabotage operations with vehicles in the same category.		'5. Any haulier entitled in the Member State of establishment, in accordance with that Member State's legislation, to carry out the road haulage operations for hire or reward specified in Article 1(5)(a), (b), (ca) and (cb) shall be permitted, under the conditions set out in this Chapter, to carry out, as the case may be, cabotage operations of the same kind or cabotage operations with vehicles	

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	<i>[original text of Regulation 1072/2009, no changes proposed by the Commission]</i>		in the same category.';	
274.		Amendment 172 Article 2 – paragraph 1 – point 5a (new) Regulation (EC) No 1072/2009 Article 9 – paragraph 1 – point ea (new)		
275.		<i>(5a) in Article 9(1), the following point is added:</i>		

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276.		<i>‘(ea) the remuneration and paid annual leave, as stipulated in points (b) and (c) of the first subparagraph of Article 3(1) of Directive 96/71/EC of the European Parliament and of the Council^{1a}</i> ----- <i>^{1a} Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).’</i>		
277.	(6) in Article 10(3), the first subparagraph is replaced by the following:		(6) in Article 10(3), the first subparagraph is replaced by the following:	
278.	'The Commission shall examine the situation on the basis in particular of the relevant data and, after consulting the committee established pursuant to Article 42(1) of Regulation (EC) No 165/2014 of the European Parliament and of the Council,** shall decide within one month of receipt of the		'The Commission shall examine the situation on the basis in particular of the relevant data and, after consulting the committee established pursuant to Article 42(1) of Regulation (EC) No 165/2014 of the European Parliament and of the Council,** shall decide within one month of receipt of the	

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	Member State's request whether or not safeguard measures are necessary and shall adopt them if they are necessary. (**) Regulation (EC) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).';		Member State's request whether or not safeguard measures are necessary and shall adopt them if they are necessary.; (**) Regulation (EC) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).;	
279.	(7) the following Article 10a is inserted:		(7) the following Article 10a is inserted:	

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280.		Amendment 173 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – title		
281.	<i>'Article 10a</i> Checks	<i>'Article 10a</i> [...] Smart enforcement	<i>'Article 10a</i> Checks	
282.		Amendment 174 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – paragraph 1		
283.	1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least 2 % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least 3 % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.	1. [...] <i>In order to further enforce the obligations stipulated under this Chapter</i> , Member States shall <i>ensure that a coherent national enforcement strategy is applied on their territory [...]. That strategy shall [...] focus on undertakings with a high risk rating, referred to in Article 9 of Directive 2006/22/EC of the European Parliament and of the Council.</i> ^{1a} ----- ^{1a} <i>Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the</i>	1. [...] Member States shall organise a number of checks [...] of cabotage operations that they consider necessary in order to ensure proper enforcement of cabotage rules in their territory [...].	

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		<i>implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities (OJ L 102, 11.4.2006, p. 35).</i>		
284.		Amendment 175 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – paragraph 1a (new)		
285.		<i>1a. Each Member State shall ensure that the checks provided for in Article 2 of Directive 2006/22/EC will include, where relevant, a check on cabotage operations.</i>		
286.	2. Member States shall target those undertakings which are classed as posing an increased risk of infringing the provisions of the present Chapter, applicable to them. For that purpose, Member States shall, within the risk classification system established by them under Article 9 of Directive 2006/22/EC of the European		2. Member States shall, [...] at least twice per year, undertake concerted roadside checks on cabotage operations. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory.	

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	Parliament and of the Council*** and extended in accordance with Article 12 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council,****treat the risk of such infringements as a risk in its own right. _____ (***) Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities (OJ L 102, 11.4.2006, p. 35). (****) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules		Member States may combine those activities with those provided for by Article 5 of Directive 2006/22/EC*** [...]. The national contact points designated in accordance with Article [...] 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place. _____ (***) Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities (OJ L 102, 11.4.2006, p. 35). (****) Regulation (EC) No	

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	concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).';		1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).';	

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287.		Amendment 176 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – paragraph 2a (new)		
288.		<i>2a. For the purpose of paragraph 2, Member States shall have access to relevant information and data recorded, processed or stored by the smart tachograph referred to in Chapter II of Regulation (EU) No 165/2014 and in electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR)</i>		
289.		Amendment 177 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – paragraph 2b (new)		
290.		<i>2b. Member States shall give access to those data solely to competent authorities authorised to check infringements of legal acts stipulated in this Regulation.</i>		

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		<i>Member States shall notify the Commission of contact details of all competent authorities within their territory that they have designated to have access to those data. By [XXX] the Commission shall draw up a list of all competent authorities and forward it to the Member States. The Member States shall notify any subsequent changes thereto without delay.</i>		
291.		Amendment 178 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – paragraph 2c (new)		
292.		<i>2c. The Commission is empowered to adopt delegated acts in accordance with Article 14b to stipulate the characteristics of the data to which Member States shall have access to, the conditions for their use and the technical specifications for their transmission or access, specifying in particular:</i>		

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293.		<i>(a) a detailed list of information and data to which national competent authorities shall have access to, which shall include at least the time and location of border crossings, loading and unloading operations, the registration plate of the vehicle and the driver details;</i>		
294.		<i>(b) the access rights of the competent authorities, differentiated where appropriate according to the type of competent authorities, the type of access and the purpose for which the data is used;</i>		
295.		<i>(c) the technical specifications for the transmission or access to the data referred to in point (a), including, where relevant, the maximum duration that the data is retained, differentiated where</i>		

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		<i>appropriate according to the type of data.</i>		
296.		Amendment 179 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – paragraph 2d (new)		
297.		<i>2d. Any personal data referred to in this Article shall be accessed or stored for no longer than is strictly necessary for the purposes for which the data were collected or for which they are further processed. Once such data are no longer needed for those purposes, they shall be destroyed.</i>		

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298.		Amendment 180 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 10a – paragraph 3		
299.	3. Member States shall, at least three times per year, undertake concerted roadside checks on cabotage operations. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.	3. Member States shall, at least three times per year, undertake concerted roadside checks on cabotage operations, <i>which may coincide with checks performed in accordance with Article 5 of Directive 2006/22/EC</i> . Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. [...] <i>Member States</i> shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.	[...]	

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	(****) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).';			
300.	(8) the following Articles 14a and 14b are inserted:		(8) the following Articles 14a and 14b are inserted:	
301.	<i>'Article 14a</i> Liability		<i>'Article 14a</i> Liability	
302.		Amendment 181 Article 2 – paragraph 1 – point 7 Regulation (EC) No 1072/2009 Article 14a – paragraph 1		
303.	Member States shall provide for sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Chapters II and III, where they	Member States shall provide for <i>effective, proportionate and dissuasive</i> sanctions against consignors, freight forwarders, contractors and subcontractors for	Member States shall provide for sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Chapters II and III, where they	

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	knowingly commission transport services which involve infringements of this Regulation.	noncompliance with Chapters II and III, where they [...] <i>know or ought reasonably to know that the</i> transport services [...] <i>that they commission</i> involve infringements of this Regulation.	knowingly commission transport services which involve infringements of this Regulation.	
304.		<i>Where consignors, freight forwarders, contractors and subcontractors commission transport services from transport undertakings with a low risk rating, as referred to in Article 9 of Directive 2006/22/EC, they shall not be liable for sanctions for infringements, unless it is proved that they had actual knowledge of those infringements</i>		
305.	<i>Article 14b</i> Exercise of the delegation		<i>Article 14b</i> Exercise of the delegation	
306.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
307.	2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 5(4) is conferred on the		2. The power to adopt delegated acts referred to in Article 4 [...] (4) and Article 5(4) is conferred on the	

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	Commission for an indeterminate period of time from [date of entry into force of this (amending) Regulation].		Commission for an indeterminate period of time from [date of entry into force of this (amending) Regulation].	
308.	3. The delegation of power referred to in Article 4(2) and (4) and Article 5(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		3. The delegation of power referred to in Article 4 [...] (4) and Article 5(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
309.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in line with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.***** _____		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in line with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.***** _____	

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	(*****) OJ L 123, 12.5.2016, p. 1.';		(*****) OJ L 123, 12.5.2016, p. 1.';	
310.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
311.	6. A delegated act adopted under Article 4(2) and (4) and Article 5(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		6. A delegated act adopted under Article 4 [...] (4) and Article 5(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
312.	(9) Article 15 is deleted;		(9) Article 15 is deleted;	
313.	(10) Article 17 is replaced by the following:		(10) Article 17 is replaced by the following:	
314.	<i>'Article 17</i> Reporting		<i>'Article 17</i> Reporting	

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315.	1. By 31 January of every year, at the latest, Member States shall inform the Commission of the number of hauliers possessing Community licences as of 31 December of the previous year and of the number of certified true copies corresponding to the vehicles in circulation on that date.		1. By 31 [...] March of every second year, at the latest, Member States shall inform the Commission of the number of hauliers possessing Community licences [...] on 31 December of each of the previous two years and of the number of certified true copies corresponding to the vehicles in circulation on that date. Reports relating to the period after [the date referred to in point (ca) of Article 1(5)] shall also include a breakdown of these items by road haulage operators engaged in international transport operations solely by means of vehicles the permissible laden mass of which does not exceed 3.5 tonnes and the remaining road haulage operators.	
316.	2. By 31 January of every year, at the latest, Member States shall inform the Commission of the number of driver attestations issued in the previous calendar year as well as		2. By 31 [...] March of every second year, at the latest, Member States shall inform the Commission of the number of driver attestations issued in each	

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	the total number of driver attestations as of 31 December of the previous calendar year.		of the previous two calendar years, as well as the total number of driver attestations [...] in circulation on 31 December of each of the previous two [...] years. Reports relating to the period after [the date referred to in point (ca) of Article 1(5)] shall also include a breakdown of these items by road haulage operators engaged in international transport operations solely by means of vehicles the permissible laden mass of which does not exceed 3.5 tonnes and the remaining road haulage operator.	

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317.		Amendment 182 Article 2 – paragraph 1 – point 10 Regulation (EC) No 1072/2009 Article 17 – paragraph 3		
318.	3. By 31 January of every year, at the latest, Member States shall inform the Commission on the number of cabotage checks performed in the previous calendar year pursuant to Article 10a. This information shall include the number of vehicles checked and the number of tonnes-kilometres checked.';	3. <i>By ... [two years after the date of entry into force of this Regulation], at the latest, Member States shall [...] forward to the Commission their national enforcement strategy adopted pursuant to Article 10a.</i> By 31 January of every year, at the latest, Member States shall inform the Commission on the [...] <i>enforcement operations</i> performed in the previous calendar year pursuant to Article 10a, <i>including, where appropriate, the number of checks performed.</i> This information shall include the number of vehicles checked and the number of tonnes kilometres checked;	3. By 31 [...] March of every second year, at the latest, Member States shall inform the Commission on the number of cabotage checks performed in the previous two [...] years pursuant to Article 10a. This information shall include the number of roadside checks performed and the number of vehicles checked [...].	

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319.		Amendment 183 Article 2 – paragraph 1 – point 10 Regulation (EC) No 1072/2009 Article 17 – paragraph 3a (new)		
320.		<i>3a. The Commission shall draw up a report on the state of the Union road transport market by the end of 2022. The report shall contain an analysis of the market situation, including an evaluation of the effectiveness of controls and the evolution of employment conditions in the profession.</i>	4. The Commission shall draw up a report on the state of the Community road transport market by the end of [four years after the entry into force of this amending Regulation]. The report shall contain an analysis of the market situation, including an evaluation of the effectiveness of controls and the evolution of employment conditions in the profession, as well as an assessment as to whether harmonisation of the rules in the fields, inter alia, of enforcement and road user charges, as well as social and safety legislation, has progressed to such an extent that the further opening of domestic road transport markets, including cabotage, could be envisaged.';	

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321.	<i>Article 3</i> Review		<i>Article 3</i> Review	
322.	1. The Commission shall evaluate the implementation of this Regulation, in particular the impact of Article 2 amending Article 8 of Regulation (EC) No 1072/2009, by [3 years after the date of entry into force of this Regulation] and report to the European Parliament and the Council on the application of this Regulation. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.		1. The Commission shall evaluate the implementation of this Regulation, in particular the impact of Article 2 amending Article 8 of Regulation (EC) No 1072/2009, by [OJ : 3 years after the date of entry into force of this Regulation] and report to the European Parliament and the Council on the application of this Regulation. The report by the Commission shall, if appropriate, be accompanied by a legislative proposal.	
323.	2. Following the report referred to in paragraph 1, the Commission shall regularly evaluate this Regulation and submit the evaluation results to the European Parliament and the Council.		2. Following the report referred to in paragraph 1, the Commission shall regularly evaluate this Regulation and submit the evaluation results to the European Parliament and the Council.	
324.	3. Where appropriate, the reports referred to in paragraphs 1 and 2 shall be accompanied by relevant proposals.		3. Where appropriate, the reports referred to in paragraphs 1 and 2 shall be accompanied by relevant proposals.	
325.	<i>Article 4</i>		<i>Article 4</i>	

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	Entry into force		Entry into force	
326.	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
327.	It shall apply from [xx].		It shall apply from [...] [OJ: 18 months after date of entry into force].	
328.	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	