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ADDENDUM TO REPORT

from : Presidency

to : COUNCIL

No. prev. doc. : 10066/08 TRANS 174 CODEC 680 + COR 1

No. Cion prop. : 10092/07 TRANS 189 CODEC 599 + REV 2 (en, fr, de)

Subject : **Road transport**

Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the **international road haulage market** (recast)

- *Political agreement*

Delegations will find in Annex the text of the draft Regulation including Presidency compromise texts and reflecting deliberations at COREPER.

In comparison to doc. 9816/08 ADD 1 new text is in **bold**, deleted text is indicated by **...** and new footnotes are underlined.

General Scrutiny Reservation: all delegations.

Parliamentary Reservation: DK, MT, UK.

↓ 881/92

⇒ new

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

~~on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States~~

↓ 3118/93

~~laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State~~

↓ new

~~on common rules for access to the international road haulage market~~

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article ~~75~~
☒ 71 ☒ thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

↓ new

- (1) A number of substantial changes are to be made to Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States⁵, to Council Regulation (EEC) No 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State⁶, and to Directive 2006/94/EC of the European Parliament and of the Council of 12 December 2006 on the establishment of common rules for certain types of carriage of goods by road⁷. In the interests of clarity and simplification, those legal acts should be recast and incorporated into one single regulation.
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↓ 881/92 Recital 1 (adapted)

- (2) The establishment of a common transport policy involves, inter alia, laying down common rules applicable to access to the market in the international carriage of goods by road within the territory of the Community ☒, as well as laying down the conditions under which non-resident hauliers may operate transport services within a Member State ☒. Those rules must be laid down in such a way as to contribute to the ~~attainment~~ ☒ smooth operation ☒ of the internal transport market.

⁵ OJ L 95, 9.4.1992, p. 1. Regulation as last amended by Regulation (EC) No 484/2002 of the European Parliament and of the Council, OJ L 76, 19.3.2002, p. 1.

⁶ OJ L 279, 12.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 484/2002.

⁷ OJ L 374, 27.12.2006, p. 5.

↓ 3118/93 Recital 1 (adapted)

~~Pursuant to Article 75 (1) (b) of the Treaty, the establishment of a common transport policy entails, inter alia, laying down the conditions under which non-resident carriers may operate transport services within a Member State.~~

↓ 881/92 Recital 2

- (3) These uniform arrangements for market access also involve introducing the freedom to provide services by eliminating all restrictions imposed on the provider of services because of his nationality or the fact that he is established in a Member State other than that in which the service is to be provided.
-

↓ new

- (4) To assure a coherent framework for international road haulage throughout the Community this Regulation should apply to all international carriage on Community territory. Carriage from Member States to third countries is still largely covered by bi-lateral agreements between the Member States and those third countries. Therefore, this Regulation should not apply to that part of the journey within the territory of the Member State of loading or unloading as long as the necessary agreements between the Community and the third countries concerned have not been concluded. It should, however, apply to the territory of a Member State crossed in transit.

↓ 881/92 Recital 3 (adapted)

~~As regards carriage from a Member State to a non member country and vice versa, implementation of the freedom to provide services for the journey within the territory of the Member State of loading or unloading should be deferred until appropriate agreements with the non member countries concerned have been concluded or amended, in order to guarantee compliance with the principle of non discrimination and equality of conditions of competition between Community carriers.~~

↓ 881/92 Recital 4 (adapted)

~~Whereas, following the Judgment of the Court of Justice of 22 May 1985 in Case 13/83 and the conclusions adopted on 28 and 29 June 1985 by the European Council on the Commission communication on the completion of the internal market, on 21 June 1988 the Council adopted Regulation (EEC) No 1841/88 amending Regulation (EEC) No 3164/76 on access to the market in the international carriage of goods by road⁸;~~

⁸ ~~OJ No L 357, 29. 12. 1976, p. 1. Regulation last amended by Regulation (EEC) No 3914/90 (OJ No L 375, 31. 12. 1990, p. 7).~~

↓ 881/92 Recital 5 (adapted)

~~Whereas under Article 4a of Regulation (EEC) No 3164/76 inserted by Regulation (EEC) No 1841/88 from 1 January 1993, Community quotas, bilateral quotas between Member States and quotas for transit traffic to and from non-member countries will be abolished for the types of carriage referred to in that Article, and arrangements for access to a market without quantitative restrictions based on qualitative criteria which hauliers must meet will be introduced;~~

↓ 881/92 Recital 6 (adapted)

~~Whereas these qualitative criteria are laid down principally in Council Directive 74/561/EEC of 12 November 1974 on admission to the occupation of road haulage operator in national and international transport operations, as last amended by Council Directive 89/483/EEC of 21 June 1989⁹;~~

↓ 881/92 Recital 7 (adapted)

~~Whereas pursuant to Article 4b of Regulation (EEC) No 3164/76, as inserted by Regulation (EEC) No 1841/88, the Council must adopt the measures necessary for the implementation of the aforementioned Article 4a;~~

⁹ ~~OJ No L 308, 19. 11. 1974, p. 1. Directive last amended by Regulation (EEC) No 3572/90 (OJ No L 353, 17. 12. 1990, p. 12).~~

↓ 3118/93 Recital 2 (adapted)

~~Whereas this provision implies the removal of all restrictions against the person providing the services in question on the grounds of his nationality or the fact that he is established in a different Member State from the one in which the service is to be provided;~~

↓ 3118/93 Recital 3 (adapted)

~~Whereas, in order for this provision to be implemented smoothly and flexibly, provision should be made for a transitional cabotage system prior to the implementation of the definitive system;~~

↓ 3118/93 Recital 2 (adapted)

↻ Council

(4a) **↻ [...] ↻** **↻The establishment of a common transport policy ↻** implies the removal of all restrictions against the person providing the services in question on the grounds of his nationality or the fact that he is established in a different Member State from the one in which the service is to be provided;

↓ 3118/93 Recital 3 (adapted)

↻ Council

- (4b) ~~↻ [...]~~ In order for this ~~↻ [...]~~ to be ~~↻ [...]~~ ~~↻ achieved~~ smoothly and flexibly, provision should be made for a transitional cabotage ~~↻ [...]~~ ~~↻ regime as long as~~ ~~↻ [...]~~ harmonisation of the road transport market has not yet been completed. prior to the implementation of the definitive system;
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↓ 881/92 Recital 9 (adapted); 2006/94

Recital 4 (adapted)

- (5) ~~At present, u~~~~Under the First Council Directive of 23 July 1962~~
~~↗ Directive 2006/94/EC~~~~↗ on the establishment of common rules for certain types of~~
~~carriage of goods by road between Member States~~, a certain number of types of carriage
are exempt from ~~any~~ ↗ Community authorisation and from any other ↗ carriage
authorisation ↗ . ↗ ~~in~~ ↗ Within ↗ the framework of the ~~new~~ organisation of the
market ~~introduced~~ ↗ provided for ↗ by this Regulation, a system of exemption from
↗ the ↗ Community ~~authorization~~ ↗ licence ↗ and from any other carriage
authorisation must be maintained for some of those types of transport, because of their
special nature.

↓ new

⇒ Council

- (6) Under Directive 2006/94/EC, the carriage of goods using vehicles with a maximum mass of between 3,5 tonnes and 6 tonnes was exempt from the requirement of a Community licence. Community rules in the field of road transport of goods and passengers, however, apply in general to vehicles with a maximum mass of ⇒ more than ≤ 3,5 tonnes ⇒ [...] ≤ . Thus the provisions of this Regulation should be aligned to the general scope of application of Community road transport rules and only provide for an exemption for vehicles with a maximum mass of ⇒ not more than ≤ ⇒ [...] ≤ 3,5 tonnes.
-

↓ 881/92 Recital 8 (adapted)

⇒ new

- (7) ~~With regard to the rules for applying the access arrangements~~ ~~†~~ The international carriage of goods by road must be made conditional on the possession of a quota-free Community ~~transport authorization~~ ⊗ licence ⊗. ⇒ Hauliers should be required to carry a certified true copy of the Community licence aboard each of their vehicles in order to facilitate effective controls by enforcement bodies, especially those outside the Member State in which the haulier is established. To this end it is necessary to lay down more detailed specifications as regards the layout and other features of the Community licence and the certified copies. ⇐

↓ 881/92 Recital 10 (adapted)

- (8) The conditions governing the issue and withdrawal of ~~authorizations~~ ☒ Community licences ☒ and the types of carriage to which they apply, their periods of validity and the detailed rules for their use ~~must~~ ☒ should ☒ be determined.
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↓ new

- (9) A driver attestation should also be established, in order to allow Member States to check effectively whether drivers from third countries are lawfully employed or at the disposal of the haulier responsible for a given transport operation.

↓ 3118/93 Recital 4 (adapted)

⇒ new

↻ Council

- (10) ~~Only carriers~~ ☒ Hauliers ☒ who are holders of Community ~~authorizations~~
☒ licences ☒ provided for in ~~Council~~ this Regulation ~~(EEC) No 881/92 of 26 March~~
~~1992 on access to the market in the carriage of goods by road within the Community to or~~
~~from the territory of a Member State or passing through the territory of one or more~~
~~Member States~~¹⁰ and hauliers authorised to operate certain categories of international
haulage services ~~may~~ ⇒ should ⇐ be permitted to carry out ☒ national transport services
within a Member State ↻ ~~on a temporary basis~~ ↻, without having a registered office or
other establishment therein ☒ ~~(cabotage)~~ . ↻ ~~When such cabotage operations are~~
~~performed, they should be subject to Community legislation such as regulation 561/2006~~
~~and to~~ ↻ [...] ↻ national law ↻ in specified areas ↻ in force in the host Member
State. ↻¹¹

↓ 3118/93 Recital 5 (adapted)

~~Whereas such a transitional system should entail the introduction of a progressive quota of~~
~~Community cabotage authorizations;~~

↓ 3118/93 Recital 6 (adapted)

~~Whereas the conditions for the issue and use of the said cabotage authorizations should be~~
~~determined;~~

¹⁰ ~~OJ No L 95, 9. 4. 1992, p. 1.~~

¹¹ Scrutiny reservation: PT.

↓ 3118/93 Recital 7 (adapted)

~~Whereas the provisions of the host Member State applicable to cabotage operations should be fixed;~~

↓ 3118/93 Recital 8 (adapted)

~~Whereas provisions should be adopted so that action can be taken in the event of serious disturbance of the transport markets affected; whereas for that purpose it is necessary to introduce a suitable decision-making procedure and for the required statistical data to be collected;~~

↓ new

☞ Council

(11) ☞ **[Without prejudice to the provisions of the Treaty on the right of establishment,]**
cabotage operations represent the provision of services by hauliers within a Member State in which they are not established and should not be prohibited as long as they are not carried out in a way that creates a permanent or continuous activity within a host Member State. To assist in enforcing this requirement, the frequency of cabotage operations and the period in which they can be performed should be limited. ☹ In the past, such national transport services were ☞ [...] ☹ ☞ **permitted** ☹ on a temporary basis. In practice, it has been difficult to ascertain which services are ☞ [...] ☹ ☞ **permitted** ☹. Clear and easily enforceable rules are thus needed.

↓ new

↻ Council

(12) The provisions of 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 services¹² apply ↻ [...] ↻ to transport undertakings performing a cabotage operation ↻.¹³

↻ (12a) In order to perform efficient controls of cabotage operations, the host Member States' enforcement authorities should at least have access to the data from the consignment notes and from recording equipment according to Regulation 3821/05 . ↻

↓ 2006/94 Recital 1 (adapted)

~~The First Council Directive of 23 July 1962 on the establishment of certain common rules for international transport (carriage of goods by road for hire or reward) has been substantially amended several times. In the interests of clarity and rationality the said Directive should be codified.~~

↓ 2006/94 Recital 2 (adapted)

~~A common transport policy involves inter alia laying down common rules for the international carriage of goods by road to or from the territory of a Member State or passing across the territory of one or more Member States. These rules must be laid down in such a way as to contribute to the smooth operation of the internal transport market.~~

¹² OJ L 18, 21.1.1997, p. 1.

¹³ Scrutiny reservation: BE.
Reservation: PT.

↓ 2006/94 Recital 3 (adapted)

~~It is necessary to ensure a progressive expansion of the international carriage of goods by road, bearing in mind developments in trade and movement of goods within the Community.~~

↓ 2006/94 Recital 4 (adapted)

~~A certain number of types of carriage were exempt from any quota and carriage authorisation system. Within the framework of the organisation of the market introduced by Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States, a system of exemption from Community authorisation and from any other carriage authorisation should be maintained for some of those types of transport, because of their special nature.~~

↓ 2006/94 Recital 5 (adapted)

~~This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex II, Part B,~~

- (13) It is desirable that Member States should grant each other mutual assistance with a view to the sound application ~~on the system introduced~~ ☒ of this Regulation ☒₁; ~~particularly in respect of penalties applicable in the event of infringements. Penalties should be non-discriminatory and in proportion to the seriousness of the infringements. There is a need to provide for the possibility of lodging an appeal.~~
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- (14) Administrative formalities should be reduced as far as possible without abandoning the controls and ☞ [...] ☞ ☞ penalties ☞ that guarantee the correct application and effective enforcement of this Regulation. To this end the existing rules on the withdrawal of the Community licence should be clarified and strengthened. The current rules should be adapted to allow the effective sanctioning of serious ☞ [...] ☞ infringements committed in a Member State other than the Member State of establishment. ☞ [...] ☞ ☞ Penalties ☞ should be non-discriminatory and in proportion to the seriousness of the infringements. It should be possible to lodge an appeal in respect of any ☞ [...] ☞ ☞ penalties ☞ imposed.
- (15) Member States should enter in their national register of road transport undertakings all serious infringements ☞ [...] ☞ committed by hauliers and which have led to the imposition of a ☞ [...] ☞ ☞ penalty ☞.

- (16) In order to strengthen and facilitate the exchange of information between national authorities Member States should exchange the relevant information through the national contact points set up pursuant to Regulation (EC) No XX of the European Parliament and of the Council of [date] *[establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator]*¹⁴.
- (17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁵.
- (18) In particular power should be conferred on the Commission to adapt Annexes I and II to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (19) On grounds of efficiency, the normal time-limits for the regulatory procedure with scrutiny should be curtailed for the adoption of those measures.
- (20) Member States should take the necessary measures to implement this Regulation, in particular as regards effective, proportionate and dissuasive ➡ [...] ⚙ ➡ penalties ⚙.
- (21) Since the objectives of the action to be taken cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and the effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this regulation does not go beyond what is necessary in order to achieve those objectives,

¹⁴ OJ [...] [...], [...], p. [...].

¹⁵ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

HAVE ADOPTED THIS REGULATION:

⊠ Chapter I: General provisions ⊠

Article 1

⊠ Scope ⊠

↓ 881/92 (adapted)

⇒ new

↻ Council

1. This Regulation shall apply to the international carriage of goods by road for hire or reward for journeys carried out within the territory of the Community.
2. In the event of carriage from a Member State to a ~~non-member~~ ⊠ 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 any journey carried out within the territory of the Member State of loading or unloading, ~~after conclusion of~~ ⊠ as long as ⊠ the necessary agreement between the Community and the ~~non-member~~ ⊠ third ⊠ country concerned ⊠ has not been concluded ⊠.
3. Pending the conclusion of ⊠ the ⊠ agreements ⊠ referred to in paragraph 2 ⊠ between the Community and the ~~non-member~~ ⊠ third ⊠ countries concerned, this Regulation shall not affect:

- (a) provisions relating to the carriage referred to in paragraph 2 ~~from a Member State to a third country and vice versa~~ included in bilateral agreements concluded by Member States with those ~~non-member~~ third countries; ~~However, Member States shall endeavour to adapt those agreements to ensure compliance with the principle of non-discrimination between Community hauliers.~~
- (b) provisions relating to the carriage referred to in paragraph 2 ~~from a Member State to a third country and vice versa~~ included in bilateral agreements concluded between Member States which, either under bilateral authorisations or under liberalisation arrangements, allow loading and unloading in a Member State by hauliers not established in that Member State.

➡ [...] ⬅

↓ new

4. This Regulation shall apply to national carriage of goods by road undertaken on a temporary basis by a non-resident haulier as provided for in Chapter III.

↓ 2006/94 (adapted)

⇒ new

~~Article 1~~

~~1. Under the conditions laid down in paragraph 2, Member States shall liberalise the types of international carriage of goods by road for hire or reward and on own account listed in Annex I where such carriage is performed to or from or in transit through their territory.~~

~~25. ⇒ This Regulation shall not apply to ⇐ The types of carriage and unladen journeys made in conjunction with the ☒ following types of ☒ carriage ☒ and unladen journeys made in conjunction with such carriage ☒ listed in Annex I shall be exempted from Community authorisation and from any carriage authorisation.~~

↓ 2006/94 (adapted)

⇒ new

☞ Council

~~ANNEX I~~

~~Types of carriage to be exempted from any Community authorisation and from any carriage authorisation~~

~~1.(a)~~ carriage of mail as a ☞ [...] ☞ ☞ **universal** ☞ service;

~~2.(b)~~ carriage of vehicles which have suffered damage or breakdown;

3.(c) carriage of goods in motor vehicles the permissible laden ~~⊖ [...]~~ ~~⊖ mass~~ of which, including that of trailers, does not exceed ~~six~~ ⇨ 3,5 ⇐ tonnes ~~or the permissible payload of which, including that of trailers, does not exceed 3,5 tonnes;~~

4.(d) ~~⊖~~carriage of goods in motor vehicles provided the following conditions are fulfilled:

~~(a)~~(i) the goods carried must be the property of the undertaking or must have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;

~~(b)~~(ii) the purpose of the journey must be to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own requirements;

~~(c)~~(iii) motor vehicles used for such carriage must be driven by ~~⊖ [...]~~ ~~⊖ personnel employed by or put at the disposal of the undertaking under a contractual obligation~~ ~~⊖~~;

~~(d)~~(iv) the vehicles carrying the goods must be owned by the undertaking or have been bought by it on deferred terms or hired provided that in the latter case they meet the conditions of Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road¹⁶.

~~This provision shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used;~~

~~(e)~~(v) ~~⊗~~ such ~~⊗~~ carriage must be no more than ancillary to the overall activities of the undertaking.

¹⁶ OJ L 33, 4.2.2006, p. 82.

5.(e) carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters.

☒ Point (d)(iv) of the first subparagraph ☒ ~~This provision~~ shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used.

↓ 2006/94 (adapted)

~~Article 2~~

6. ~~This Directive~~ ☒ The provisions in paragraph 5 ☒ shall not affect the conditions under which any Member State authorises its own nationals to engage in the activities mentioned in ~~this Directive~~ ☒ that paragraph ☒.

↓ 2006/94 Art. 3 (adapted)

~~Article 3~~

~~The First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road is hereby repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.~~

~~References made to the repealed Directive shall be construed as being made to this Directive and should be read in accordance with the correlation table in Annex III.~~

Article 2

⊠ Definitions ⊠

For the purposes of this Regulation:

(1) ‘*vehicle*’ ~~shall mean~~ ⊠ means ⊠ a motor vehicle registered in a Member State or a coupled combination of vehicles the motor vehicle of which at least is registered in a Member State and which are used exclusively for the carriage of goods;

(2) ‘*international carriage*’ ~~shall mean~~ ⊠ means ⊠:

- (a) a ⊠ laden ⊠ journey undertaken by a vehicle the point of departure and the point of arrival of which are in two different Member States, with or without transit through one or more Member States or ~~non-member~~ ⊠ third ⊠ countries;
- (b) a ⊠ laden ⊠ journey undertaken by a vehicle from a Member State to a ~~non-member~~ ⊠ third ⊠ country or vice versa, with or without transit through one or more Member States or ~~non-member~~ ⊠ third ⊠ countries;
- (c) a ⊠ laden ⊠ journey undertaken by a vehicle between ~~non-member~~ ⊠ third ⊠ countries, with transit through the territory of one or more Member States;
- (d) an unladen journey in conjunction with ~~such~~ ⊠ the ⊠ carriage ⊠ referred to in (a), (b) and (c) ⊠;

↓ new

(3) ‘*host Member State*’ means a Member State in which a haulier operates other than the Member State where the haulier is established;

(4) ‘*non-resident haulier*’ means a road haulage undertaking which operates in a host Member State;

↓ 484/2002 Art. 1(1) (adapted)

⇒ new

(5) ‘*driver*’ ~~shall mean~~ ☒ means ☒ ~~the~~ ☒ any ☒ person who drives ~~a~~ ☒ the ☒ vehicle
⇒ even for a short period ⇐, or who is carried in ~~that~~ ☒ a ☒ vehicle ⇒ as part of his duties ⇐ ~~in~~
~~order~~ to be available for driving if necessary;

↓ new

➡ Council

(6) ‘*cabotage operations*’ means national carriage for hire or reward carried out on a temporary basis in a host Member State;

(7) ‘*serious infringement* ➡ [...] ⬅ of Community road transport legislation’ means infringements which ➡ may ⬅ lead to the loss of good repute in accordance with Article 6(1) and (2) of Regulation (EC) No [...] [*establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator*] ➡ and/or the temporary or permanent withdrawal of the licence ⬅.

↓ 881/92 (adapted)

⊗ Chapter II: International carriage ⊗

Article 3

⊗ *Principle* ⊗

↓ 484/2002 Art. 1(2)(a) (adapted)

~~1.~~ International carriage shall be carried out subject to a Community ~~authorisation~~ ⊗ licence and, if the driver is a national of a third country, ⊗ in conjunction with a driver attestation ~~if the driver is a national of a non-member country.~~

↓ 881/92 (adapted)

Article 4

⊗ *Community licence* ⊗

~~1. The Community authorization referred to in Article 3 shall replace the document issued by the competent authorities of the Member State of establishment, where such a document exists, certifying that the haulier has been granted access to the market in the international carriage of goods by road.~~

~~For carriage falling within the scope of this Regulation it shall also replace both the Community authorizations and the bilateral authorizations exchanged between Member States which are necessary until this Regulation comes into force.~~

↓ 881/92 Article 3(2) (adapted)

☞ Council

21. ☒ The ☒ Community ~~authorization~~ ☒ licence ☒ shall be issued by a Member State, in accordance with ~~Article 5 and 7~~ ☒ this Regulation ☒, to any haulier carrying goods by road for hire or reward who:

- (a) is established in ☞ [...] ☞ ☞ that ☞ Member State, ~~hereinafter referred to as the «Member State of establishment»~~ in accordance with the ☒ Community ☒ legislation ☒ and the national legislation ☒ of that Member State;
- (b) is entitled in ~~that~~ ☒ the ☒ Member State ☒ of establishment ☒, in accordance with the ☒ Community ☒ legislation ~~of the Community~~ and ☒ the national legislation ☒ of that ☒ Member ☒ State concerning admission to the occupation of road haulage operator to carry out the international carriage of goods by road.

↓ 484/2002 Art. 1(3) (adapted)

~~2. The driver attestation referred to in Article 3 shall certify that in the context of transport by road covered by Community authorization, a driver who is a national of a non-member country carrying out such transport is employed in the haulier's Member State of establishment in accordance with the laws, regulations or administrative provisions and, as appropriate, the collective agreements, in accordance with the rules applicable in that Member State, on the conditions of employment and of vocational training of drivers to carry out road transport operations in that State.~~

↓ 881/92 (adapted)

⇒ new

⇒ Council

Article 5

21. The Community ~~authorization~~ ☒ licence ☒ ~~referred to in Article 3~~ shall be issued by the competent authorities of the Member State of establishment ☒ for a renewable period of ☐ [...] ☐
☐ up to ten ☐ years ☒. ⇒ Community licences and certified copies issued before the date of application of this Regulation shall remain valid until the date of their expiry. ⇐

☐ The Commission shall adapt the period of validity of the Community licence to technical progress, notably the national electronic registers as provided for in Article 15 of Regulation No XX [occupation of road transport operator]. Since these measures are designed to amend non-essential elements of this Regulation, they shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(1a). ☐

32. The ~~Member States~~ ☒ Member State of establishment ☒ shall issue the holder with the original of the Community ~~authorization~~ ☒ licence ☒, which shall be kept by the haulage undertaking, and the number of certified true copies corresponding to the number of vehicles at the disposal of the holder of the Community ~~authorization~~ ☒ licence ☒, whether wholly owned or, for example, under hire purchase, hire or leasing contracts.

43. The Community ~~authorization~~ ☒ licence ☒ ⇒ and the certified true copies ⇐ shall correspond to the model set out in ☐ of Annex I, which also lays down the conditions governing its use. ☐ It shall contain at least two of the security features listed in Annex I ☐

⇒ The Commission shall adapt Annex I to technical progress. Since these measures are designed to amend non-essential elements of this Regulation, they shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(1a)

↓ new

⇒ Council

5. The Community licence and the certified true copies shall bear [...] the seal of the issuing authority as well as a [...] signature and a serial number. The serial numbers of the Community licence and the certified true copies shall be recorded in the national electronic register of road transport undertakings provided for in Article 15 of Regulation (EC) No xx/xxxx *[establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator]* as part of the data set of the haulier.

↓ 881/92 (adapted)

⇒ new

~~64.~~ The Community ~~authorization~~ licence shall be made out in the haulier's name. The haulier ~~he may~~ shall not transfer it to any third party. A certified true copy of the Community licence shall be kept in each of the haulier's vehicle and must be produced whenever required by an authorised inspecting officer.

↓ 881/92 Annex I, second page,
seventh paragraph, second and third
sentences (adapted)

In the case of a coupled combination of vehicles ~~it~~ ☒ the certified true copy ☒ ~~must~~ ☒ shall ☒
accompany the motor vehicle. It ~~covers~~ ☒ shall cover ☒ the coupled combination of vehicles
even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the
~~authorization~~ ☒ licence ☒ holder or if it is registered or authorised to use the roads in another
Member State.

↓ 484/2002 Art. 1(4) (adapted)

~~5. A Community authorisation shall be issued for a renewable period of five years.~~

↓ 484/2002 Art. 1(2)(b) and Art. 1(5)
(adapted)
⇒ new
⇒ Council

Article ~~65~~

☒ Driver attestation ☒

~~13.~~ A driver attestation shall be issued by a Member State, in accordance with this Article ~~6~~, to any
haulier who:

(a) is the holder of a Community ~~authorization~~, ☒ licence; ☒

(b) ~~☞ [...] ☞ ☞~~ in that Member State lawfully employs a driver who is neither a national of a Member State nor a long-term resident within the meaning of Directive 2003/109/EC or lawfully uses a driver who is neither a national of a Member State nor a long-term resident within the meaning of Directive 2003/109/EC put at his disposal in accordance with the conditions of employment and of vocational training laid down in that same Member State: ☞¹⁷

(i) by laws, regulations or administrative provisions, and, as appropriate, ~~☞~~

(ii) by collective agreements, in accordance with the rules applicable in that Member State.

2. ~~☞ ☞~~ The ~~☞~~ driver attestation shall be issued by ~~☞~~ the competent authorities of ~~☞~~ the Member State ~~☞~~ of establishment of the haulier ~~☞~~ at the request of the holder of the Community ~~authorization~~ ~~☞~~ licence ~~☞~~ for each driver who is ~~☞ neither a national of a Member State nor a long-term resident within the meaning of Directive 2003/109/EC whom he lawfully employs, or for each driver put at his disposal who is neither a national of a Member State nor a long-term resident within the meaning of Directive 2003/109/EC ☞ ☞ [...] ☞ in accordance with the laws, regulations or administrative provisions and, as appropriate, the collective agreements, in accordance with the rules applicable in that Member State, on the conditions of employment and of vocational training of drivers applicable in that same Member State.~~ Each driver attestation shall certify that the driver named therein is employed in accordance with the conditions laid down in ~~Article 4~~ ~~☞~~ paragraph 1 ~~☞~~.

3. The driver attestation shall conform to the model set out in Annex ~~IIII, which also lays down the conditions governing its use.~~ ☞ It shall contain at least two of the security features listed in Annex II ☞

¹⁷ Scrutiny reservation: DE, MT.

⇒ 4. The Commission shall adapt Annex II to technical progress. Since these measures are designed to amend non-essential elements of this Regulation, they shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14 (1a).

⇒ 5. The driver attestation shall bear the seal of the issuing authority as well as a signature and a serial number. The serial number of the driver attestation may be recorded in the national electronic register of road transport undertakings provided for in Article 15 of Regulation (EC) No xx/xxxx [*establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator*] as part of the data set of the haulier who puts it at the disposal of the driver designated therein.

~~Member States shall take all steps necessary to prevent the forgery of driver attestations. They shall inform the Commission thereof.~~

46. The driver attestation shall belong to the haulier, who puts it at the disposal of the driver designated therein when that driver drives a vehicle using a Community ~~authorization~~ licence issued to that haulier. A certified true copy of the driver attestation issued by the competent authorities of the Member State of establishment of the haulier shall be kept at the haulier's premises. The driver attestation shall be produced whenever required by an authorised inspecting officer.

57. A driver attestation shall be issued for a period to be determined by the issuing Member State, subject to a maximum validity of five years. ⇒ Driver attestations issued before the date of application of this Regulation shall remain valid until the date of their expiry.

The driver attestation shall be valid only as long as the conditions under which it was issued are satisfied. Member States shall take appropriate measures to ensure that if those conditions are no longer met the haulier returns the attestation immediately to the issuing authorities.

↓ 881/92 Art. 7 (adapted)
→₁ 484/2002 Art. 1(6)
↻ Council

Article ~~7~~6

⊗ Verification of conditions ⊗

→₁ 1. ← Whenever an application for a Community ~~authorization~~ ⊗ licence ⊗ ↻ or the application for the renewal of the Community licence in accordance with Article 4.2 ↻ is lodged ↻ [...] ↻, the competent authorities of the Member State of establishment shall verify whether the haulier satisfies or still satisfies the conditions laid down in Article ~~3(2)~~ 4(1).

↓ 484/2002 Art. 1(6)

2. The competent authorities of the Member State of establishment shall regularly verify, by carrying out checks each year, covering at least 20% of the valid attestations issued in that Member State, whether the conditions referred to in Article ~~3(2)~~ 5(1) under which a driver attestation has been issued are still satisfied.

Article ~~8~~7

~~☒~~ Refusal to issue and withdrawal of Community licence and driver attestation ~~☒~~

1. If the conditions laid down in Article ~~3(2)~~ 4(1) or those referred to in Article ~~3(3)~~ 5(1) are not satisfied, the competent authorities of the Member State of establishment shall reject an application for the issue or renewal of a Community ~~authorization~~ ~~☒~~ licence ~~☒~~ or of a driver attestation, by means of a decision which states the reasons therefor.
2. The competent authorities shall withdraw a Community ~~authorization~~ ~~☒~~ licence ~~☒~~ or a driver attestation where the holder:
- (a) no longer satisfies the conditions laid down in Article ~~3(2)~~ 4(1) or those referred to in Article ~~3(3)~~ 5(1), or
 - (b) has supplied incorrect information in relation to ~~the data required for the issue of~~ ~~☒~~ an application for ~~☒~~ a Community ~~authorization~~ ~~☒~~ licence ~~☒~~ or for a driver attestation.

~~2. The Member States shall guarantee that the holder of a Community authorization can appeal against any decision by the competent authorities of the Member State of establishment to refuse or withdraw a driver attestation or to make the issue of driver attestations subject to additional conditions.~~

⊠ Chapter III: Cabotage ⊠

Article ~~18~~¹⁸

⊠ Principle ⊠

1. Any ~~road haulage carrier~~ ⊠ haulier ⊠ for hire or reward who is a holder of ~~the~~ ⊠ a ⊠ Community ~~authorization~~ ⊠ licence ⊠ ~~provided for in Regulation (EEC) No 881/92~~ and whose driver, if he is a national of a ~~non-member~~ ⊠ third ⊠ country, holds a driver attestation ~~in accordance with the conditions laid down in the said Regulation~~, shall be entitled, under the conditions laid down in this ~~Regulation~~ ⊠ Chapter ⊠, to ~~operate on a temporary basis national road haulage services for hire or reward in another Member State, hereinafter referred to respectively as «cabotage» and as the «host Member State», without having a registered office or other establishment therein~~ ⊠ carry out cabotage operations ⊠.

¹⁸ Reservation: AT, EL, IT.

↓ new

→ Council

2. Hauliers referred to in paragraph 1 shall be permitted to carry out, with the same vehicle, ~~or, if question is of coupled combination, the motor vehicle of that same vehicle,~~ up to three cabotage operations¹⁹ consecutive to an international carriage from another Member State or from a third country to the host Member State once the goods carried in the course of the incoming international carriage have been delivered. The last unloading of a load in the course of a cabotage operation before leaving the host Member State must take place within seven days from the last unloading in the host Member State in the course of the incoming international carriage.

~~Within the time limit of 7 days referred to in subparagraph 1, hauliers may carry out some or all of the cabotage operations permitted under subparagraph 1 in any Member State under the condition that they are limited to 1 cabotage operation per Member State within 3 days following the [...] unladen entry into the territory of that Member State.~~²⁰

3.²¹ National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed in conformity with this Regulation if the haulier can produce clear evidence of the international carriage in the course of which he has arrived in the host Member State and of each consecutive cabotage operation carried out there.

Such evidence shall comprise [...] the following details for each operation:

¹⁹ UK, supported by AT, DE, EL, FR and IT requested the inclusion of "on a non-systematic basis".

²⁰ Scrutiny reservation: AT, BE, DK, EE, EL, IT, NL, PT, RO.

Reservation: FR.

²¹ AT, EL and IT expressed their doubts about the efficiency of the means of control stipulated in this paragraph.

- (a) the name, address and signature of the sender;
- (b) the name, address and signature of the ~~carrier~~ haulier;
- (c) the name and address of the consignee as well as his signature and the date of delivery once the goods have been delivered;
- (d) the place and the date of taking over of the goods and the place designated for delivery;
- (e) the description in common use of the nature of the goods and the method of packing, and, in the case of dangerous goods, their generally recognised description as well as the number of packages and their special marks and numbers;
- (f) the gross weight of the goods or their quantity otherwise expressed;
- (g) the number plates of the motor vehicle and trailer.

➡ [...] ⬅

↓ 3118/93 (adapted)

42. ~~In addition, Any carrier~~ ☒ 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 ~~mentioned~~ ☒ specified ☒ in Article 1 (5), points (a) (1), (b) (2) and (c) (3) of the Annex to the First Directive²² shall be permitted, under the conditions set out in this ~~Regulation~~ ☒ Chapter ☒, to carry out, as the case may be, cabotage operations of the same kind or cabotage operations with vehicles in the same category.

²² ~~First Council Directive of 23 July 1962 on the establishment of certain common rules for international transport (carriage of goods by road). (OJ No 70, 6. 8. 1962, p. 2005/62). Directive as last amended by Regulation (EEC) No 881/92 (OJ No L 95, 9. 4. 1992, p. 1).~~

↓ 484/2002 Art. 2(2) (adapted)

~~If the driver is a national of a non member country, he must hold a driver attestation in accordance with the conditions laid down in Regulation (EEC) No 881/92.~~

↓ 3118/93 (adapted)

⇒ new

⇒ Council

52. Permission to carry out cabotage operations, within the framework of the types of carriage referred to in Article 1(5) ⇒ (d) and ◐ (e) ~~5 of the Annex to the First Directive~~, shall be unrestricted.

⇒ [...] ◐

~~The Commission shall adopt the detailed rules for implementing this paragraph.~~

↓ 3118/93 (adapted)

~~Article 2~~

~~1. With a view to the progressive introduction of the definitive system defined in Article 12, cabotage operations shall be carried out from 1 January 1994 to 30 June 1998 within the framework of Community cabotage quotas, without prejudice to Article 1 (3).~~

~~Cabotage authorizations shall correspond to the model in Annex I.~~

↓ 3315/94 Art. 1(1)

~~A Community cabotage quota shall consist of cabotage authorizations, each valid for two months, in accordance with the following table:~~

Year	Number of authorizations
1994	30000
1995	46296
1996	60191
1997	83206
1 January to 30 June 1998	54091

↓ 3118/93

~~2. At the request of a Member State, to be submitted before 1 November of each year, one cabotage authorization may be converted into two short duration authorizations, each valid for one month.~~

~~The short duration cabotage authorizations shall correspond to the model in Annex II.~~

~~3. The quota shall be allocated amongst the Member States as follows:~~

↓ 3315/94 Art. 1.2

	1995	1996	1997	1 January to 30 June 1998
Belgium	3647	4742	6223	4045
Denmark	3538	4600	6037	3925
Germany	5980	7774	10203	6632
Greece	1612	2096	2751	1789
Spain	3781	4916	6452	4194
France	4944	6428	8436	5484
Ireland	1645	2139	2808	1826
Italy	4950	6435	8445	5490
Luxembourg	1699	2209	2899	1885
Netherlands	5150	6695	8786	5711
Austria	0	0	4208	2736
Portugal	2145	2789	3661	2380
Finland	1774	2307	3029	1969
Sweden	2328	3027	3973	2583
United Kingdom	3103	4034	5295	3442

~~Article 3~~

~~1. The cabotage authorizations referred to in Article 2 shall allow the recipient to carry out the cabotage operations.~~

~~2. Cabotage authorizations shall be distributed by the Commission to the Member States of establishment and issued to carriers applying for them by the competent authority or body of the Member State of establishment.~~

~~They shall bear the distinctive sign of the Member State of establishment.~~

~~3. A cabotage authorization shall be made out in the name of the carrier. That carrier may not transfer it to a third party. Each cabotage authorization may be used by only one vehicle at a time.~~

~~«Vehicle» means a motor vehicle registered in the Member State of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the Member State of establishment and which are used exclusively for the carriage of goods.~~

~~The non-resident carrier shall have the vehicle at his disposal either under full ownership or on another basis, inter alia, a hire purchase, hire or leasing contract.~~

~~In the case of hiring, the vehicle shall be hired by the carrier in the Member State of establishment to carry out cabotage operations. However, the non-resident carrier may, in order to complete a cabotage operation interrupted because of a breakdown or an accident, hire a vehicle in the host Member State under the same conditions as resident carriers.~~

~~The cabotage authorization and the hiring contract, if any, shall accompany the motor vehicle.~~

~~4. The cabotage authorization must be produced whenever requested by inspecting officers.~~

~~5. The date from which a cabotage authorization is valid must be entered on the authorization before it is used by the competent authority or body of the Member State of establishment.~~

~~Article 4~~

~~Transport operations effected under a cabotage authorization shall be entered in a book of record sheets and the sheets shall be returned with the authorization to the competent authority or body of the Member State of establishment which issued the authorization within eight days of the expiry of the validity of the authorization.~~

~~The book of record sheets shall correspond to the model in Annex III.~~

~~Article 5~~

~~1. At the end of each quarter and within three months, which may be reduced by the Commission to one month in the case referred to in Article 7, the competent authority or body of each Member State shall communicate to the Commission the data concerning the cabotage operations carried out during that quarter by resident carriers, such data being expressed in tonnes carried and in tonnes/kilometres.~~

~~The communication shall be effected by means of a table, the model for which is set out in Annex IV.~~

~~2. The Commission shall send the Member States as soon as possible summary statements drawn up on the basis of the data submitted under paragraph 1.~~

↓ 3118/93 Art. 6 (adapted)

⇒ new

⇒ Council

Article ~~69~~

⊠ Rules applicable to cabotage operations ⊠

1. The performance of cabotage ~~transport~~ operations shall be subject, save as otherwise provided in Community ~~Regulations~~ ⊠ legislation ⊠, to the laws, regulations and administrative provisions in force in the host Member State in the following areas:

- (a) ~~rates and~~ conditions governing the transport contract;
- (b) weights and dimensions of road vehicles; ~~such weights and dimensions may, where appropriate, exceed those applicable in the carrier's Member State of establishment, but they may under no circumstances exceed the technical standards certified by the proof of compliance referred to in Article 1 (1) of Council Directive 86/364/EEC²³;~~
- (c) requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs, live animals;
- (d) ⊠ [...] ⊠ driving ⊠ time ⊠ and rest ~~time~~ ⊠ periods ⊠;
- (e) value added tax (VAT) on transport services. ~~In this area Article 21 (1) (a) of Directive [77/388/EEC]²⁴ shall apply to the services referred to in Article 1 of this Regulation.~~

²³ ~~OJ No L 221, 7. 8. 1986, p. 48.~~

²⁴ ~~Council Directive 77/388/EEC of 17 May 1977 on the harmonization for the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment (OJ No L 145, 13. 6. 1977, p. 1). Directive as last amended by Directive 92/111/EEC (OJ No L 384, 30. 12. 1992, p. 47).~~

⊗ The ⊗ weights and dimensions ⊗ referred to in point (b) of the first subparagraph ⊗ may, where appropriate, exceed those applicable in the carrier's ⊗ haulier's ⊗ Member State of establishment, but they may under no circumstances exceed ⇒ the limits set by the host Member State for national traffic or ⇐ the technical standards certified by the proof ⊗ characteristics mentioned in the proofs ⊗ of compliance referred to in Article 4 ⊗ 6 ⊗ (1) of Council Directive 86/364/EEC²⁵ ⊗ 96/53/EC²⁶ ⊗.

~~2. The technical standards of construction and equipment which vehicles used to carry out cabotage operations must meet shall be those laid down for vehicles put into circulation in international transport.~~

~~2.~~ The ⊗ laws, regulations and administrative ⊗ provisions referred to in paragraph 1 shall be applied to non-resident transport operators ⊗ hauliers ⊗ on ⊗ under ⊗ the same conditions as ⊗ are imposed on that Member State's ⊗ those which that Member State imposes on its own nationals, so as to prevent any open or hidden discrimination on grounds of nationality or place of establishment.

~~4. If it is established that, in the light of experience, the list of areas covered by the host Member State's laws, regulations and administrative provisions referred to in paragraph 1 needs to be adapted, the Council shall amend that list, acting by a qualified majority on a proposal from the Commission.~~

²⁵ ~~OJ No L 221, 7. 8. 1986, p. 48.~~

²⁶ OJ L 235, 17.9.1996, p. 59.

Safeguard procedure

1. In the event of serious disturbance of the national transport market in a given geographical area due to or aggravated by cabotage, any Member State may refer the matter to the Commission with a view to the adoption of safeguard measures and shall provide the Commission with the necessary information and notify it of the measures it intends to take as regards resident carriers.

2. For the purposes of paragraph 1:

- 'serious disturbance of the national transport market in a given geographical area' means the existence on the market of problems specific to it, such that there is a serious and potentially enduring excess of supply over demand implying a threat to the financial stability and survival of a significant number of road haulage undertakings.

- 'geographical area' means an area covering all or part of the territory of a Member State or extending to all or part of the territory of other Member States.

²⁷ Scrutiny reservation: DK, EE, PL.
Reservation: BE, NL, PT.

3. The Commission shall examine the situation, on the basis in particular of the relevant data and, after consulting the Committee referred to in Article 14.1, shall decide within one month of receipt of the relevant Member State's request whether or not safeguard measures are necessary and shall adopt them if they are necessary. Such measures may involve the temporary exclusion of the area concerned from the scope of this Regulation. The measures introduced in accordance with this Article shall remain in force for a period not exceeding six months, renewable once within the same limits of validity. The Commission shall without delay notify the Member States and the Council of any decision taken pursuant to this paragraph.
4. If the Commission decides to take safeguard measures concerning one or more Member States, the competent authorities of the Member States involved shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof. These measures shall be applied at the latest as from the same date as the safeguard measures decided on by the Commission.
5. Any Member State may submit a Commission decision as referred to in paragraph 3 to the Council within 30 days of its notification. The Council, acting by a qualified majority within 30 days of referral by a Member State or, if there are referrals by several Member States, of the first referral, may take a different decision. The limits of validity laid down in the third subparagraph of paragraph 3 shall apply to the Council's decision. The competent authorities of the Member States concerned shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof. If the Council takes no decision within the period referred to in the second subparagraph, the Commission decision shall become final.

6. Where the Commission considers that the measures referred to in paragraph 3 need to be prolonged, it shall submit a proposal to the Council, which shall take a decision by qualified majority. ☐

↓ 3118/93 (adapted)

~~Article 7~~

~~1. In the event of serious disturbance of the national transport market in a given geographical area due to or aggravated by cabotage, any Member State may refer the matter to the Commission with a view to the adoption of safeguard measures and shall provide the Commission with the necessary information and notify it of the measures it intends to take as regards resident carriers.~~

~~2. For the purposes of paragraph 1:~~

~~'serious disturbance of the national transport market in a given geographical area' means the existence on the market of problems specific to it, such that there is a serious and potentially enduring excess of supply over demand implying a threat to the financial stability and survival of a significant number of road haulage undertakings;~~

~~'geographical area' means an area covering all or part of the territory of a Member State or extending to all or part of the territory of other Member States.~~

~~3. The Commission shall examine the situation, on the basis in particular of the latest quarterly data referred to in Article 5 and, after consulting the Advisory Committee set up by Article 5 of Regulation (EEC) No 3916/90²⁸, shall decide within one month of receipt of the relevant Member State's request whether or not safeguard measures are necessary and shall adopt them if they are necessary.~~

²⁸ ~~OJ No L 375, 31. 12. 1990, p. 10.~~

~~Such measures may involve the temporary exclusion of the area concerned from the scope of this Regulation.~~

~~The measures introduced in accordance with this Article shall remain in force for a period not exceeding six months, renewable once within the same limits of validity.~~

~~The Commission shall without delay notify the Member States and the Council of any decision taken pursuant to this paragraph.~~

~~4. If the Commission decides to take safeguard measures concerning one or more Member States, the competent authorities of the Member States involved shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof.~~

~~These measures shall be applied at the latest as from the same date as the safeguard measures decided on by the Commission.~~

~~5. Any Member State may submit a Commission decision as referred to in paragraph 3 to the Community within 30 days of its notification.~~

~~The Council, acting by a qualified majority within 30 days of referral by a Member State or, if there are referrals by several Member States, of the first referral, may take a different decision.~~

~~The limits of validity laid down in the third subparagraph of paragraph 3 shall apply to the Council's decision.~~

~~The competent authorities of the Member States concerned shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof.~~

~~If the Council takes no decision within the period referred to in the second subparagraph, the Commission decision shall become final.~~

~~6. Where the Commission considers that the measures referred to in paragraph 3 need to be prolonged, it shall submit a proposal to the Council, which shall take a decision by qualified majority.~~

↓ 881/92 Art. 11(1) (adapted)

⇒ new

⇒ Council

⊗ Chapter IV: Mutual assistance and ⊙ [...] ⊖ ⊙ penalties ⊖ ⊗²⁹

Article 10

⊗ Mutual assistance ⊗

~~1. The Member States shall give each other mutual assistance~~ ⊗ assist one another ⊗ in ensuring the application and monitoring of this Regulation. ⇒ They shall exchange information via the national contact points established pursuant to Article 17 of Regulation (EC) No xx/xxxx [establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator]. ⇐

↓ 3118/93 Art. 8

~~Article 8~~

~~1. Member States shall assist one another in applying this Regulation.~~

²⁹ Reservation on Chapter IV: AT.

↓ 484/2002 Art. 1(7) (adapted)

⇒ new

⇒ Council

Article 11

⊗ Sanctioning of infringements by Member State of establishment ⊗

13. In the event of ⊗ a ⊗ serious infringements ⊗ [...] ⊗ of ~~carriage regulations~~ ⇒ Community road transport legislation committed or ascertained in any Member State, ⇐ the competent authorities of the Member State of establishment of the haulier who has committed such infringements ~~may, inter alia, temporarily or partially withdraw the certified true copies of the Community authorisation and may withdraw driver attestations.~~ ⇒ shall ⊗ [...] ⊗ ⇒ take the appropriate action to pursue the matter which ⊗ may, ⊗ lead ⊗ inter alia, ⊗ [...] ⊗ ⇒ to the imposition of ⊗ the following administrative ⊗ [...] ⊗ ⇒ penalties ⊗ : ⇐

(a) ⇒ temporary or permanent withdrawal of some or all of the certified true copies of the Community licence; ⇐

(b) ⇒ temporary or permanent withdrawal of the Community licence. ⇐

These ⊗ [...] ⊗ ⇒ penalties ⊗ ⊗ [...] ⊗ ⇒ may ⊗ be determined ⊗ after the final decision on the matter has been taken ⊗ ⊗ [...] ⊗ ⇒ and shall have ⊗ regard to the seriousness of the infringement ⊗ [...] ⊗ committed by the holder of the Community ~~authorization~~ ⊗ licence ⊗ and having regard to the total number of certified true copies of that ~~authorization~~ ⊗ licence ⊗ that he holds in respect of international traffic.

☞ [...]☹ The competent authorities of the Member State ☒ of establishment ☒ ~~in which the haulier is established~~ shall ☞ [...]☹ communicate ~~their decision~~ to the competent authorities of the Member State ➔₁ in which the infringements were ascertained ☞☞ as soon as possible, and at the latest within ☞ [...]☹ ☞ two ☹ months ☞ [...]☹, ☞ after the final decision in the matter whether and ☹ which of the ☞ [...]☹ ☞ penalties ☹ provided for in paragraphs 1 and 2 of this Article have been imposed.

If ☞ [...]☹ ☞ such penalties are not imposed ☹, ☞ [...]☹ ☞ the competent authority of the Member State ☹ shall state the reasons. ☞

24. In the event of a serious infringement, ☞ [...]☹ regarding any misuse whatsoever of driver attestations, the competent authorities of the Member State of establishment of the haulier who committed such infringements shall impose appropriate ☞ [...]☹ ☞ penalties ☹, such as:

- (a) suspension of the issue of driver attestations;
- (b) withdrawal of driver attestations;
- (c) making the issue of driver attestations subject to additional conditions in order to prevent misuse;
- (d) temporary or ~~partial~~ ☒ permanent ☒ withdrawal of ☒ some or all of ☒ the certified true copies of the Community ~~authorization~~ ☒ licence ☒;
- (e) ☞ temporary or permanent withdrawal of the Community licence. ☞

These ☞ [...]☹ ☞ penalties ☹ ☞ [...]☹ ☞ may ☹ be determined ☞ after the final decision on the matter has been taken ☹ ☞ [...]☹ ☞ and shall have ☹ regard to the seriousness of the infringement committed by the holder of the Community ~~authorization~~ ☒ licence ☒.

↓ 881/92 (adapted)

⇒ Council

3. ⇒ [...] C

⇒ [...] C

↓ 3118/93 Art. 8(4) (adapted)

⇒ new

⇒ Council

~~4. The competent authority of the host Member State shall inform that of the Member State of establishment of the infringements recorded and any penalties imposed on the carrier and may, in the event of serious or repeated infringements, at the same time transmit a request that a penalty be imposed.~~

~~4. In the event of serious or repeated infringements, the competent authority of the Member State of establishment shall decide whether an appropriate penalty should be imposed on the carrier concerned; the authority~~ ☒ The competent authorities ☒ shall ⇒ ensure that the C penalties ☒ ⇒ [...] C ⇒ penalties C ☒ imposed on the carrier ☒ haulier ☒ concerned are, as a whole, proportionate to the infringement or infringements which gave rise to such penalties ☒ ⇒ [...] C ⇒ penalties C ☒ ⇒ [...] C ⇒ taking C into account any penalty ☒ ⇒ [...] C ⇒ penalty C ☒ imposed in the host Member State ☒ in which the infringements were ascertained ☒ ⇒ [...] C.

↓ 3118/93 Art. 8(4) subparagraph 3
(adapted)

⇒ new

~~The penalty imposed by the competent authority of the Member State of establishment, after consulting the competent authorities of the host Member State, may extend to withdrawal of authorization to pursue the activity of road haulage operator.~~

↓ 3118/93 Art. 8(4) subparagraphs 4
and 5 (adapted)

5. The competent ~~authority~~ ☒ authorities ☒ of the Member State of establishment ☒ of the haulier ☒ may also, pursuant to its national law, ~~arraign~~ ☒ bring proceedings against ☒ the ~~carrier~~ ☒ haulier ☒ concerned before a competent national court or tribunal. ~~It~~ ☒ They ☒ shall inform the competent authority of the host Member State of the decisions taken ☒ to this effect ☒ ~~pursuant to the preceding paragraphs.~~

↓ new

☞ Council

6. Member States shall ensure that hauliers have the right to appeal against any administrative
☞ [...] ☞ ☞ penalty ☞ imposed on them pursuant to this Article.

↓ 881/92 Art. 9 (adapted)

~~The Member States shall guarantee that the applicant or the holder of a Community authorization is able to appeal against any decision by the competent authorities of the Member State of establishment to refuse or withdraw an authorization.~~

↓ 881/92 Art. 9 (adapted)

~~2. The Member States shall guarantee that the holder of a Community authorisation can appeal against any decision by the competent authorities of the Member State of establishment to refuse or withdraw a driver attestation or to make the issue of driver attestations subject to additional conditions.~~

↓ 881/92 (adapted)
 →₁ Corrigendum, OJ L 213, 29.7.1992,
 p. 36
 ⇒ new
 ⇒ Council

Article ~~11~~12

⊗ Sanctioning of infringements by host Member State ⊗

21. Where the competent authorities of a Member State are aware of a ~~an~~ ⊗ serious ⊗ infringement
 ⇒ ~~of this Regulation~~ ⇒ or of Community road transport legislation ⇒ attributable to a
 ⊗ non-resident ⊗ haulier ~~from another Member State~~, the Member State within the territory of
 →₁ which the infringement is ascertained ← shall ~~inform~~ ⇒ transmit to ⇒ the competent authorities
 of the Member State ~~in which the haulier is established~~ ⊗ of establishment ⊗ ⇒ as soon as
 possible, but at the latest within ⇒ [...] ⇒ ~~two~~ months ⇒ [...] ⇒ after the final decision on
the matter ⇒ , the following information: ⇒

- (a) ⇒ a description of the infringement and date, time when it was committed; ⇒
- (b) ⇒ the category, type and seriousness of the infringement; ⇒
- (c) ⇒ the ⇒ [...] ⇒ penalties ⇒ imposed and the ⇒ [...] ⇒ penalties ⇒ executed. ⇒ ~~and~~
 ⊗ The competent authorities of the host Member State ⊗ may ~~ask~~ ⊗ request ⊗ the
 competent authorities of the Member State of establishment to impose ⇒ administrative ⇒
 ⇒ [...] ⇒ penalties ⇒ in accordance with this Regulation Article 11.

↓ 3118/93 Art. 8(2) and (3) (adapted)

⇒ new

⇒ Council

2. Without prejudice to any criminal ~~proceedings~~ prosecution the competent authorities of the host Member State shall be empowered to impose ~~penalties~~ [...] penalties on a non-resident ~~carrier~~ haulier who has committed infringements of this Regulation or of national Community or Community national road transport legislation in their territory during a cabotage operation. They shall impose such ~~penalties~~ [...] penalties on a non-discriminatory basis ~~and in accordance with paragraph 3. The~~ These penalties referred to in paragraph 2 [...] penalties may, inter alia, consist of a warning, or, in the event of a serious infringement [...], a temporary ban on cabotage ~~transport~~ operations within the territory of the host Member State where the infringement was committed.

↓ new

⇒ Council

3. Member States shall ensure that hauliers have the right to appeal against any administrative [...] penalty imposed on them pursuant to this Article.

↓ 3118/93 (adapted)

~~Member States shall ensure that any applicant for, or holder of, an authorization may appeal against a decision refusing or withdrawing that authorization and against any other administrative penalty taken against him by the competent authority of the Member State of establishment or of the host Member State.~~

↓ new
→ Council

Article 13³⁰

Entry in national register

Member States shall ensure that serious infringements → [...] of Community road transport legislation committed by hauliers established in their territory which have led to the imposition of a → [...] → penalty by any Member State as well as → [...] → any temporary or permanent withdrawal of the Community licence or of the certified true copy are recorded in the national register of road transport undertakings as established under Article 15 of Regulation (EC) No [...] [*establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator*] →, in accordance with the provisions, including time limits, set out therein . Those entries in the register which concern a temporary or permanent withdrawal of a Community licence shall remain in the database for → [...] two years → counted from, in the case of temporary withdrawal, from the time of the expiry of the period of withdrawal and, in the case of permanent withdrawal, from the date of withdrawal.

³⁰ Reservation: BE, EL, NL, MT and PT.

↓ 484/2002 Art. 1(10) (adapted)

⊠ Chapter V: Implementation ⊠

~~Article 11a~~

~~The Commission shall examine the consequences of restricting the obligation to hold a driver attestation to drivers who are nationals of non-member countries and shall, should there be sufficient justification for doing so, submit a proposal for the amendment of this Regulation.~~

↓ 3118/93 (adapted)

~~Article 11~~

~~Every two years and, for the first time by 30 June 1996, the Commission shall submit a report to the Community on the application of this Regulation.~~

↓ new

→ Council

Article 14

Committee

1. The Commission shall be assisted by the committee established by Article 18(1) of Council Regulation (EEC) No 3821/85³¹.

→ 1.a Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. →

2. → [...] →

→ [...] →

Article 15

→ [...] → Penalties →

The Member States shall lay down the rules on → [...] → penalties → applicable to infringements of the provisions of this Regulation, and shall take all the measures necessary to ensure that they are implemented. The → [...] → penalties → provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by [→ 24 → [...] → months from the date on which this Regulation enters into force] at the latest and shall notify it without delay of any subsequent amendment affecting them.

The Member States shall ensure that all such measures are applied without discrimination as to the nationality or place of establishment of the haulier.

³¹ OJ L 370, 31.12.1985, p. 8.

↓ 881/92 Art. 10 (adapted)

⇒ new

⇒ Council

Article ~~10~~16

⊠ Reporting ⊠

1. ~~⇒ [...]~~ ~~⇒ Every two years~~ ~~⇒~~ Member States shall inform the Commission of the number of hauliers possessing Community ~~authorizations~~ ⊠ licences ⊠ on 31 December of the previous year and of the number of certified true copies corresponding to the vehicles in circulation at that date.

⇒ 2. Member States shall also inform the Commission of the number of driver attestations issued in the previous calendar year as well as the number of driver attestation in circulation on 31 December of that year. ⇐

3. The Commission shall draw up a report on the state [...] of the Community road transport [...] market [...] by the end of [...] [2012]³². The report shall contain [...] an analysis of the market situation, **including an evaluation of the effectiveness of controls**, [...] ³³ and the evolution of employment conditions in the profession, as well as an assessment as to whether the harmonisation of the rules in, inter alia, the fields of enforcement, [...] road user charges [...], as well as social and safety legislation has progressed to such an extent that the further [...] opening of the domestic road transport [...] markets, including cabotage, could be envisaged. ³⁴

↓ 881/92 (adapted)

Article 12

The following shall be repealed:

~~Council Regulation (EEC) No 3164/76~~

~~Article 4 of Council Directive 75/130/EEC of 17 February 1975 on the establishment of common rules for certain types of combined carriage of goods between Member States³⁵~~

³² UK suggested to extend the deadline by one year. The Commission supported this request given that the interconnection of national registers is also foreseen for the end of 2012. AT, EL and IT requested to extend the date to 2015. BE, EE, NL and PT requested to replace the date by "two years after the entry into force of this Regulation".

³³ Reservation on the deletion of "pay": IT.

³⁴ Scrutiny reservation: AT.

³⁵ OJ L 48, 22. 2. 1975, p. 31. Directive last amended by Directive 91/224/EEC (OJ L 103, 23. 4. 1991, p. 1).

~~Council Directive 65/269/EEC of 13 May 1965 concerning the standardization of certain rules relating to authorizations for the carriage of goods by road between Member States³⁶.~~

~~Council Decision 80/48/EEC of 20 December 1979 on the adjustment of capacity for the carriage of goods by road for hire or reward between Member States³⁷.~~

~~Article 13~~

~~The First Council Directive of 23 July 1962 is hereby amended as follows:~~

~~1. the title shall be replaced by: «First Council Directive of 23 July 1962 on the establishment of common rules for certain types of carriage of goods by road»;~~

~~2. Article 1 shall be replaced by:~~

~~«Article 1~~

~~1. Under the conditions laid down in paragraph 2, Member States shall liberalize the types of international carriage of goods by road for hire or reward and on own account listed in the Annex where such carriage is performed to or from or in transit through their territory.~~

~~2. The types of carriage and unladen journeys made in conjunction with the carriage listed in the Annex shall be exempted from Community authorization and from any carriage authorization»;~~

~~3. Annex II shall be deleted and the text of Annex I shall be replaced by that appearing in Annex II to this Regulation.~~

³⁶ ~~OJ 88, 24. 5. 1965, p. 1469/65. Directive as last amended by Directive 85/505/EEC (OJ L 309, 21. 11. 1985, p. 27).~~

³⁷ ~~OJ L 18, 24. 1. 1980, p. 21.~~

~~Article 14~~

~~The Member States shall communicate to the Commission the measures they take to implement this Regulation.~~

~~Article 15~~

~~This Regulation shall enter into force on the day following of its publication in the Official Journal of the European Communities.~~

~~It shall apply from 1 January 1993.~~

↓ 3118/93 Art. 11 and Art. 12

~~Article 11~~

~~Every two years and, for the first time by 30 June 1996, the Commission shall submit a report to the Community on the application of this Regulation.~~

~~Article 12~~

~~1. This Regulation shall enter into force on 1 January 1994.~~

~~2. The Community authorization and quota system for cabotage operations provided for in Article 2 shall cease to apply on 1 July 1998.~~

~~3. From that date any non-resident carrier meeting the conditions laid down in Article 1 shall be entitled to operate, on a temporary basis and without quantitative restrictions, national road haulage services in another Member State, without having a registered office or other establishment in that State.~~

~~The Commission shall submit to the Council, where appropriate, taking account of experience acquired, of developments in the transport market and of progress made towards harmonization in the transport sector, a proposal on the detailed rules accompanying the definitive system as regards an appropriate system for observing the market in cabotage operations and the adjustment of the safeguard measures provided for in Article 7.~~



→ Council

Chapter VI: Final provisions

Article 17

Repeals

Regulations (EEC) No 881/92 and (EEC) No 3118/93 and Directive 2006/94/EC are repealed.³⁸

References to the repealed Regulations and Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 18

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from  [...]   24 months after the date of entry into force .

³⁸ In order to respect transitional periods and to avoid a possible legal vacuum the dates of repeal will be aligned with the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

For the European Parliament

The President

[...]

For the Council

The President

[...]

↓ 881/92 Annex I (adapted)
 →₁ Accession Act of 2003
 →₂ 1791/2006 Annex pt. 6(B)(2)
 →₃ Act of Accession of Austria,
 Sweden and Finland Art. 29 and Annex
 I, p. 166
 ⇒ new
 ⇒ Council

ANNEX I

EUROPEAN ~~ECONOMIC~~ COMMUNITY

(a)

(~~Blue card~~ ~~DIN A4~~ ☒) ⇒ Colour ⇒ [...] ⇒ Pantone light blue, format DIN A4 ⇒ [...] ⇒
 ⇒ cellulose paper ⇒ [...] ⇒ 100g/m² /m² or more ☒)

⇒ The document must have at least two of the following security features:

- a hologram;
- special fibres in the paper which become visible under UV-light;
- at least one microprint line (printing visible only with a magnifying glass and not reproduced by photocopying machines);
- tactile characters, symbols or patterns;
- double numbering: serial number of licence/certified copy and issuing number;
- a security design background with fine guilloche patterns and rainbow printing. ☒

(First page of the ~~authorization~~ ☒ licence ☒)

(Text in (one of) the official language(s) of the Member State issuing the ~~authorization~~ ☒ licence ☒)

State issuing the ~~authorization~~ ☒ licence ☒

Distinguishing sign⁽¹⁾

Name of the competent authority or body

~~AUTHORIZATION~~ ☒ LICENCE ☒ No

⇒ CERTIFIED TRUE COPY No ⇐

for the international carriage of goods by road for hire or reward

This ~~authorization~~ ☒ licence ☒ entitles⁽²⁾

to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys effected for hire or reward within the territory of the Community, as laid down in ~~Council Regulation (EEC) No 881/92 of 26 March 1992~~ ☒ Regulation (EC) No [...] of the European Parliament and of the Council on common rules for access to the international road haulage market⁽³⁾ ☒ and subject to the general ~~provisions~~ ☒ conditions ☒ of this ~~authorization~~ ☒ licence ☒.

Particular remarks:

This ~~authorization~~ ☒ licence ☒ shall be valid from to

Issued in, on

(4)

- (1) The distinguishing signs of the Member States are: (B) Belgium, →₂ (BG) Bulgaria, ← →₁ (CZ) Czech Republic, ← (DK) Denmark, (D) Germany, →₁ (EST) Estonia, ← (IRL) Ireland, (GR) Greece, (E) Spain, (F) France, (I) Italy, →₁ (CY) Cyprus, (LV) Latvia, (LT) Lithuania, ← (L) Luxembourg, →₁ (H) Hungary, (MT) Malta, ← (NL) Netherlands, →₃ (A) Austria, ← →₁ (PL) Poland, ← (P) Portugal, →₂ (RO) Romania, ← →₃ (SLO) Slovenia, (SK) Slovakia, ← →₃ (FIN) Finland, (S) Sweden, ← (UK) United Kingdom.
- (2) Name or business name and full address of the haulier.
- (3) ☒ See page 1 of this Official Journal. ☒
- (4) ☒ Signature and stamp of the issuing competent authority or body. ☒

(b)

(SECOND PAGE OF THE ~~AUTHORIZATION~~ ☒ LICENCE ☒)

(Text in (one of) the official language(s) of the Member State issuing the ~~authorization~~ ☒ licence ☒)

GENERAL PROVISIONS

This ~~authorization~~ ☒ licence ☒ is issued under ~~Council Regulation (EEC) No 881/92 of 26 March 1992, on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States~~ ☒ Regulation (EC) No [this Regulation] ☒.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys effected within the territory of the Community and, where appropriate, subject to the conditions laid down herein:

- where the point of departure and the point of arrival are situated in two different Member States, with or without transit through one or more Member States or ~~non-member~~ ☒ third ☒ countries,
- from a Member State to a ~~non-member~~ ☒ third ☒ country or vice versa, with or without transit through one or more Member States or ~~non-member~~ ☒ third ☒ countries,
- between ~~non-member~~ ☒ third ☒ countries with transit through the territory of one or more Member States,

and unladen journeys in connection with such carriage.

In the case of carriage from a Member State to a ~~non-member~~ ☒ third ☒ country or vice versa, this ~~authorization~~ ☒ licence ☒ is valid for that part of the journey effected on the territory of ☒ the Community. It shall be valid in ☒ the Member State of loading or unloading ~~upon~~ ☒ only after the ☒ conclusion of the necessary agreement between the Community and the ~~non-member~~ ☒ third ☒ country in question in accordance with Regulation ~~(EEC) No 881/92~~ ☒ (EC) No [...][*this Regulation*] ☒.

The ~~authorization~~ ☒ licence ☒ is personal to the holder and is not transferable.

It may be withdrawn by the competent authority of the Member State which issued it, notably where the ~~authorization~~ ☒ holder ☒ has:

- not complied with all the conditions for using the ~~authorization~~ ☒ licence ☒,
- supplied incorrect information with regard to the data needed for the issue or extension of the ~~authorization~~ ☒ licence ☒.

The original of the ~~authorization~~ ☒ licence ☒ must be kept by the haulage undertaking.

A certified copy of the ~~authorization~~ ☒ licence ☒ must be kept in the vehicle⁽¹⁾. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the ~~authorization~~ ☒ licence ☒ holder or if it is registered or authorised to use the roads in another Member State.

The ~~authorization~~ ☒ licence ☒ must be produced whenever required by an authorised inspecting officer.

Within the territory of each Member State the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

⁽¹⁾ 'Vehicle' means a motor vehicle registered in a Member State or a coupled combination of vehicles, the motor vehicle of which at least is registered in a Member State, used exclusively for the carriage of goods.

~~ANNEX II~~

~~"ANNEX~~

~~Types of carriage to be exempted from any Community authorization and from any carriage authorization~~

~~1. Carriage of mail as a public service.~~

~~2. Carriage of vehicles which have suffered damage or breakdown.~~

~~3. Carriage of goods in motor vehicles the permissible laden weight of which, including that of trailers, does not exceed six tonnes or the permissible payload of which, including that of trailers, does not exceed 3,5 tonnes.~~

~~4. Carriage of goods in motor vehicles provided the following conditions are fulfilled:~~

- ~~(a) the goods carried must be the property of the undertaking or must have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;~~
- ~~(b) the purpose of the journey must be to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own requirements;~~
- ~~(c) motor vehicles used for such carriage must be driven by employees of the undertaking;~~

~~(d) the vehicles carrying the goods must be owned by the undertaking or have been bought by it on deferred terms or hired provided that in the latter case they meet the conditions of Council Directive 84/647/EEC of 19 December 1984 on the use of vehicles hired without drivers for the carriage of goods by road³⁹;~~

~~————— This provision shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used;~~

~~(e) carriage must be no more than ancillary to the overall activities of the undertaking.~~

~~5. Carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters."~~

³⁹ ~~OJ L 335, 22. 12. 1984, p. 72.~~

↓ 484/2002 Annex (adapted)
 →₁ Act of Accession of Austria,
 Sweden and Finland Art. 29 and Annex
 I, p. 166
 →₂ Accession Act of 2003
 →₃ 1791/2006 Annex pt. 6(B)(2)
 ☞ Council

ANNEX II

☞ [...] ☞

EUROPEAN COMMUNITY

(a)

(Colour ☞ Pantone ☞ pink – ☒ format ☒ DIN A4; ☒ ☞ [...] ☞ ☞ cellulose ☞ paper ☞ [...] ☞
 ☞ 100g/m² ☞ or more ☒)

☞ The document must have at least two of the following security features:

- a hologram;
- special fibres in the paper which become visible under UV-light;
- at least one microprint line (printing visible only with a magnifying glass and not reproduced by photocopying machines);
- tactile characters, symbols or patterns;
- double numbering: serial number of licence/certified copy and issuing number;
- a security design background with fine guilloche patterns and rainbow printing. ☞

(First page of the attestation)

(Text in (one of) the official language(s) of the Member State issuing the attestation)

Distinguishing sign of the Member State ⁽¹⁾ issuing the attestation
--

Name of the competent authority or body

DRIVER ATTESTATION No.....

for the carriage of goods by road for hire or reward under a Community ~~authorisation~~ ☒ licence ☒

~~(Regulation (EEC) No 881/92 as amended by Regulation (EC) No 484/2002 of 1 March 2002 ☒~~ Regulation (EC) No [...] *[this Regulation]* ☒)

This attestation certifies that on the basis of the documents presented by:

⁽²⁾

The following driver:

Name and forename.....

Date and place of birth..... Nationality.....

Type and reference number of identity paper.....

Date of issue..... Place of issue.....

Driving licence number.....

Date of issue..... Place of issue.....

Social security number.....

Is employed, in accordance with the laws, regulations or administrative provisions and, as appropriate, the collective agreements, in accordance with the rules applicable in the following Member State, on the conditions of employment and of vocational training of drivers applicable in that Member State to carry out road transport operations in that State:

.....⁽³⁾

Particular remarks.....

.....

This attestation shall be valid from..... to.....

Issued in, on.....

(4)

-
- (1) The distinguishing signs of the Member States are: (B) Belgium, ➔₃ (BG) Bulgaria, ⬅ ➔₂ (CZ) Czech Republic, ⬅ (DK) Denmark, (D) Germany, ➔₂ (EST) Estonia, ⬅ (IRL) Ireland, (GR) Greece, (E) Spain, (F) France, (I) Italy, ➔₂ (CY) Cyprus, (LV) Latvia, (LT) Lithuania, ⬅ (L) Luxembourg, ➔₂ (H) Hungary, (MT) Malta, ⬅ (NL) Netherlands, ➔₁ (A) Austria, ⬅ ➔₂ (PL) Poland, ⬅ (P) Portugal, ➔₃ (RO) Romania, ⬅ ➔₂ (SLO) Slovenia, (SK) Slovakia, ⬅ ➔₁ (FIN) Finland, (S) Sweden, ⬅ (UK) United Kingdom.
- (2) Name or business name and full address of the haulier
- (3) Name of the haulier's Member State of establishment
- (4) Signature and stamp of the issuing competent authority or body

(Second page of the attestation)

(Text in (one of) the official language(s) of the Member State issuing the attestation)

GENERAL PROVISIONS

This attestation is issued under ~~Council Regulation (EEC) N° 881/92 of 26 March 1992, as amended, on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States~~ ☒ Regulation (EC) No [...] of [date] the European Parliament and of the Council on common rules for the access to the international road haulage market ☒.

It certifies that the driver named therein is employed, in accordance with the laws, regulations or administrative provisions and, as appropriate, the collective agreements, in accordance with the rules applicable in the Member State mentioned on the attestation, on the conditions of employment and of vocational training of drivers applicable in that same Member State to carry out road operations in that State.

The driver attestation shall belong to the haulier, who puts it at the disposal of the driver designated therein when that driver drives a vehicle ☒ ⁽¹⁾ ☒ engaged in carriage using a Community ☒ licence ☒ issued to that haulier. The driver attestation is not transferable. The driver attestation shall be valid only as long as the condition under which it was issued are still satisfied and must be returned immediately by the haulier to the issuing authorities if these conditions are no longer met.

It may be withdrawn by the competent authority of the Member State which issued it, in particular where the ☒ holder ☒ has:

- ~~N~~not complied with all the conditions for using the attestation;
- ~~S~~supplied incorrect information with regard to the data needed for the issue or extension of attestation;

~~A~~A ☒ A ☒ certified true copy of the attestation must be kept by the haulage undertaking;

☒ A ☒ original attestation must be kept in the vehicle and must be produced by the driver whenever required by an authorised inspecting officer.

☒ ⁽¹⁾ ☒ “Vehicle” means a motor vehicle registered in a Member State of a coupled combination of vehicles, the motor vehicle of which at least is registered in a Member State, used exclusively for the carriage of goods.

ANNEX III

CORRELATION TABLE

Regulation (EEC) No 881/92	Regulation (EEC) No 3118/93	Directive 2006/94	This Regulation
Article 1(1)			Article 1(1)
Article 1(2)			Article 1(2)
Article 1(3)			Article 1(3)
			Article 1(4) new
		Article 1(1) and (2), Annex I; Article 2	Article 1(5)
		Article 2	Article 1(6)
Article 2			Article 2 amended
Article 3(1)			Article 3
Article 3(2)			Article 4(1) amended
Article 3(3)			Article 5(1) amended
Article 4			-
Article 5(1)			Article 4(2) amended
Article 5(2)			Article 4(3) amended
Article 5(3)			Article 4(4) amended
			Article 4(5) new

Regulation (EEC) No 881/92	Regulation (EEC) No 3118/93	Directive 2006/94	This Regulation
Article 5(4), Annex I, second page, seventh paragraph, second and third sentences			Article 4(6) amended
Article 5(5)			Article 4(2)
Article 6(1)			Article 5(2) amended
Article 6(2)			Article 5(2) amended
Article 6(3)			Article 5(3) amended
Article 6(4)			Article 5(4)
Article 6(5)			Article 5(5)
Article 7			Article 6
Article 8(1)			Article 7(1)
Article 8(2)			Article 7(2)
Article 8(3)			Article 11(1) amended
Article 8(4)			Article 11(2)
Article 9(1)			Article 11(6) amended
Article 9(2)			Article 11(6) amended
	Article 1(1)		Article 8(1)
	-		Article 8(2)
	-		Article 8(3)

Regulation (EEC) No 881/92	Regulation (EEC) No 3118/93	Directive 2006/94	This Regulation
	Article 1(2)		Article 8(4)
	Article 1(3)		Article 8(5)
	Article 1(4)		Article 8(6)
			Article 8(7) new
	Article 2		-
	Article 3		-
	Article 4		-
	Article 5		-
	Article 6(1)		Article 9(1) amended
	Article 6(2)		-
	Article 6(3)		Article 9(2)
	Article 6(4)		-
	Article 7		-
Article 10			Article 16(1) amended
Article 11(1)			Article 10 amended
Article 11(2)			Article 12(1) amended
Article 11(3)			Article 11(3) amended
Article 11a			-
	Article 8(1)		Article 10 amended
	Article 8(2)		Article 12(2) amended
	Article 8(3)		Article 12(2) amended
	Article 8(4) subparagraphs 1		-

Regulation (EEC) No 881/92	Regulation (EEC) No 3118/93	Directive 2006/94	This Regulation
	and 3		
	Article 8(4) subparagraph 2		Article 11(4) amended
	Article 8(4) subparagraphs 4 and 5		Article 11(5) amended
	Article 9		Article 12(3) amended
Article 12			Article 17
Article 13			-
Article 14	Article 10		-
	Article 11		-
Article 15	Article 12		Article 18
		Article 3	-
		Article 4	-
		Article 5	-
		Annex II, III	-
Annex I			Annex I
Annex II			Article 1(5)
Annex III			Annex II
	Annex I		-
	Annex II		-
	Annex III		-
	Annex IV		-