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## **WORKING DOCUMENT**

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	ST 9669/17
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road – Four column table

In view of the Land transport working party meeting on 20 September 2021, delegations find attached a four column document, revised in column 4 to show compromise suggestions and notes from the meetings with the parliament.

**Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road - 2017/0113(COD)**

**4 column-document**

	<b>COM proposal, COM(2017) 0282 final</b>	<b>European Parliament/ Plenary vote 1st reading P8_TA(2019)0006</b>	<b>Council general approach, doc. ST 9398/21</b>	<b>Compromise/notes</b>
1.	<p>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 Committee<sup>1</sup>,            Having regard to the opinion of the Committee of the Regions<sup>2</sup>,            Acting in accordance with the ordinary legislative procedure,</p> <p>_____</p> <p>(1) OJ C , , p. .            (2) OJ C , , p. .</p>			
2.	Whereas:			
3.	(1) Directive 2006/1/EC of the European Parliament and of the Council <sup>3</sup> provides for a minimum level of the market opening for the use of vehicles hired without drivers		(1) Directive 2006/1/EC of the European Parliament and of the Council <sup>3</sup> provides for a minimum level of the market opening for the use of vehicles hired without drivers for the	(1) Directive 2006/1/EC of the European Parliament and of the Council <sup>3</sup> provides for a minimum level of the market opening for the use of vehicles hired without drivers for the

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
	for the carriage of goods by road.  <sup>(3)</sup> 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 road (codified version) (OJ L 33, 4.2.2006, p. 82).		carriage of goods by road.  <sup>(3)</sup> 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 road (codified version) (OJ L 33, 4.2.2006, p. 82).	carriage of goods by road.  <sup>(3)</sup> 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 road (codified version) (OJ L 33, 4.2.2006, p. 82).
4.		<b>Amendment 1</b> Recital 2		
5.	(2) The use of hired vehicles can reduce the costs of undertakings carrying goods on their own account or for hire and reward and at the same time increase their operational flexibility. It can therefore contribute to an increase in the productivity and competitiveness of the undertakings concerned.	(2) Such use of hired vehicles can reduce the costs of undertakings carrying goods on their own account or for hire and reward whilst increasing their operational flexibility. That use of hired vehicles can therefore contribute to an increase in the productivity and competitiveness of the	(2) The use of hired vehicles can reduce the costs of undertakings carrying goods on their own account or for hire and reward and at the same time increase their operational flexibility. It can therefore contribute to an increase in the productivity and competitiveness of the undertakings concerned.	A <i>Compromise proposal:</i> (2) The use of hired vehicles can reduce the costs of undertakings carrying goods on their own account or for hire and reward and at the same time increase their operational flexibility. It can therefore contribute to an increase in the productivity

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
	Moreover, as hired vehicles tend to be younger than the average fleet, they are also safer and less polluting.	undertakings concerned. Moreover, since hired vehicles tend to be younger than the average fleet, they <i>may often be</i> safer and less polluting.	Moreover, as hired vehicles tend to be younger than the average fleet, they are also safer and less polluting.	and competitiveness of the undertakings concerned. Moreover, as hired vehicles tend to be younger than the average fleet, they are <i>on average</i> also safer and less polluting.
6.		<b>Amendment 2</b> Recital 3		
7.	(3) Directive 2006/1/EC does not enable undertakings to fully benefit from the advantages of using hired vehicles. That Directive allows Member States to restrict the use by their undertakings of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account operations. Moreover, Member States are not required to allow the use of a hired vehicle on their respective territories if the vehicle has been registered or	(3) Directive 2006/1/EC does not enable undertakings to fully benefit from the advantages of using hired vehicles. That Directive allows Member States to restrict the use, by the undertakings <i>established within their territories</i> , of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account operations. Moreover, Member States are not required to allow the use on their respective territories of a hired vehicle that has been	(3) Directive 2006/1/EC does not enable undertakings to fully benefit from the advantages of using hired vehicles. That Directive allows Member States to restrict the use by undertakings <b>established on their respective territories</b> of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account operations. Moreover, Member States are not required to allow the use of a hired vehicle on their	A GA provisionally acceptable (3) Directive 2006/1/EC does not enable undertakings to fully benefit from the advantages of using hired vehicles. That Directive allows Member States to restrict the use by undertakings <b>established on their respective territories</b> of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account operations. Moreover, Member States are not

	<b>COM proposal, COM(2017) 0282 final</b>	<b>European Parliament/ Plenary vote 1st reading P8_TA(2019)0006</b>	<b>Council general approach, doc. ST 9398/21</b>	<b>Compromise/notes</b>
	put into circulation in compliance with the laws in a Member State other than the one of establishment of the undertaking hiring it.	registered or put into circulation in compliance with the laws in a Member State other than the one of establishment of the undertaking hiring it.	respective territories if the vehicle has been registered or put into circulation in compliance with the laws in a Member State other than the one of establishment of the undertaking hiring it.	required to allow the use of a hired vehicle on their respective territories if the vehicle has been registered or put into circulation in compliance with the laws in a Member State other than the one of establishment of the undertaking hiring it.
8.	(4) In order to enable undertakings to benefit to a greater extent from the advantages of using hired vehicles, it should be possible for them to use vehicles hired in any Member State, not only the one of their establishment. That would make it easier for them to meet in particular short-term, seasonal or temporary demand peaks or to replace defective or damaged vehicles.		(4) In order to enable undertakings to benefit to a greater extent from the advantages of using hired vehicles, it should be possible for them to use vehicles hired in any Member State, not only the one of their establishment. That would make it easier for them to meet in particular short-term, seasonal or temporary demand peaks or to replace defective or damaged vehicles.	(4) In order to enable undertakings to benefit to a greater extent from the advantages of using hired vehicles, it should be possible for them to use vehicles hired in any Member State, not only the one of their establishment. That would make it easier for them to meet in particular short-term, seasonal or temporary demand peaks or to replace defective or damaged vehicles.

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9.		<b>Amendment 3</b> <i>Recital 4 a (new)</i>		
10.		<i>(4a) Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking duly established on the territory of another Member State, provided that the vehicle is registered and complies with operating standards and safety requirements, or put into circulation in compliance with the laws of any Member State and authorised to be operated by the Member State of establishment of the undertaking responsible.</i>	<b>(4a) Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking established on the territory of another Member State, provided that the vehicle is registered or put into circulation in compliance with the laws of any Member State and, if it is a vehicle requiring a certified true copy of the Community licence in accordance with Regulation (EC) No 1072/2009, authorised to be used by the Member State of establishment of the undertaking by means of this certified true copy.</b>	B Link to line 33 <i>Proposal for possible compromise:</i> <i>In the condition (for free circulation), that the vehicle is registered or put into circulation in compliance with the laws of any Member State, the “operating standards and safety requirements” might be mentioned as an example. However, a common understanding of what the operating standards entail needs to be found.</i>
11.			<b>(4b) In order to simplify the provision of relevant</b>	B <i>GA provisionally acceptable</i>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			evidence, documents in electronic form should be recognised as means of proving compliance with Directive 2006/1/EC.	(4b) In order to simplify the provision of relevant evidence, documents in electronic form should be recognised as means of proving compliance with Directive 2006/1/EC.
12.		<b>Amendment 4</b> Recital 5		
13.	(5) The level of road transport taxation still differs considerably within the Union. Therefore, certain restrictions, which also indirectly affect the freedom to provide vehicle hiring services, remain justified in order to avoid fiscal distortions. Consequently, Member States should have the option to limit the length of time a vehicle hired in a Member State other than the one of establishment of the undertaking hiring it can be	(5) The level of road transport taxation still differs considerably within the Union. Therefore, certain restrictions, which also indirectly affect the freedom to provide vehicle hiring services, remain justified <i>for the purpose of avoiding</i> fiscal distortions. Consequently, Member States should have the option to limit, <i>subject to the conditions laid down in this Directive</i> and within their respective territories, <i>the length of time an established undertaking</i>	(5) The level of road transport taxation still differs considerably within the Union. Therefore, certain restrictions, which also indirectly affect the freedom to provide vehicle hiring services, remain justified in order to avoid fiscal distortions. Consequently, Member States should have the option to limit the length of time <b>undertakings established on their respective territories may use a hired</b> vehicle	C – <i>dependent on agreement in line 44</i>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
	used within their respective territories.	<i>can use a hired vehicle registered or put into circulation in another Member State. They should also be allowed to limit the number of such vehicles being hired by an undertaking established within their territories.</i>	<b>registered or put into circulation in another Member State. They should also be allowed to limit the number of such vehicles being hired by an undertaking established on their respective territories. That limit should not be lower than a certain share of the number of vehicles at the disposal of the undertaking calculated exclusive of vehicles hired in another Member State and not registered in the Member State of establishment of the undertaking.</b>	
14.			<b>(5a) In order to improve the enforcement of a restriction on the use of a hired vehicle that is registered or put into circulation in compliance with the laws of a Member</b>	<i>C - dependent on agreement in line 43</i>



	<b>COM proposal, COM(2017) 0282 final</b>	<b>European Parliament/ Plenary vote 1st reading P8_TA(2019)0006</b>	<b>Council general approach, doc. ST 9398/21</b>	<b>Compromise/notes</b>
			<p><b>State other than the one where the undertaking hiring it is established, a Member State should be allowed to require that the duration of the contract of hire does not exceed the length of the time allowed for using the vehicle concerned. In addition, the validity of certified true copies of the Community licence issued in accordance with Regulation (EC) No 1072/2009 may be limited to the period corresponding to the length of the contract of hire. Moreover, the registration number of the hired vehicle may be indicated on these certified true copies.</b></p>	

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
15.		<b>Amendment 5</b> <i>Recital 5 a (new)</i>		
16.		<i>(5a) In order to enforce these measures, the information on the registration number of the hired vehicle should be provided in the Member States' national electronic registers as established by Regulation (EC) No 1071/2009. * Competent authorities of the Member State of establishment that are being informed of the use of a vehicle which the operator has hired and which is registered or put into circulation in compliance with the laws in another Member State should inform the competent authorities of that other Member State thereof. Member States should use the Internal Market</i>	<b>(5b)</b> The circulation of hired vehicles should not hamper the monitoring and control of the legality of operations carried out by operators in Member States other than their Member State of establishment. In accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council <sup>4</sup> , national electronic registers have to contain the registration numbers of vehicles at the disposal of a transport undertaking. This information should also cover vehicles hired in a Member State other than the Member State of establishment of the undertaking. Regulation	C <i>GA provisionally acceptable</i> <b>(5b)</b> The circulation of hired vehicles should not hamper the monitoring and control of the legality of operations carried out by operators in Member States other than their Member State of establishment. In accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council <sup>4</sup> , national electronic registers have to contain the registration numbers of vehicles at the disposal of a transport undertaking. This information should also cover vehicles hired in a Member State other than the Member State of

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
		<p><i>Information System (IMI) to that end.</i></p> <p><i>*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).</i></p>	<p>(EC) No 1071/2009 also provides for the accessibility of data contained in national registers by authorities of other Member States; the national electronic registers should allow for targeted search in respect of vehicles with a registration number other than those issued by the Member States of establishment.</p> <hr/> <p><sup>4</sup> 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</p>	<p>establishment of the undertaking. Regulation (EC) No 1071/2009 also provides for the accessibility of data contained in national registers by authorities of other Member States; the national electronic registers should allow for targeted search in respect of vehicles with a registration number other than those issued by the Member States of establishment.</p> <hr/> <p><sup>4</sup> 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</p>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			300, 14.11.2009, p. 51).	and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).
17.			<p>(5c) In order to ensure that the obligation to provide information on a hired vehicle's registration number in the national electronic register is fulfilled in a uniform manner, implementing powers should be conferred on the Commission relating to the minimum requirements for the data to be entered in the national electronic register. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>5</sup></p> <p><sup>5</sup> Regulation (EU) No</p>	<p>B</p> <p><i>GA provisionally acceptable</i></p> <p>(5c) In order to ensure that the obligation to provide information on a hired vehicle's registration number in the national electronic register is fulfilled in a uniform manner, implementing powers should be conferred on the Commission relating to the minimum requirements for the data to be entered in the national electronic register. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>5</sup></p>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13	<sup>5</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13
18.	(6) In order to allow own account transport operations to be conducted more efficiently, Member States should no longer be allowed to restrict the possibility to use hired vehicles for such operations.		(6) In order to allow own account transport operations to be conducted more efficiently, Member States should no longer be allowed to restrict the possibility to use hired vehicles for such operations. <b>However, to avoid potential fiscal issues, this possibility should be maintained if the vehicle is registered outside the Member State of</b>	C – <i>dependent on agreement in line 46</i>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			establishment of the undertaking using it.	
19.		<b>Amendment 6</b> <i>Recital 6 a (new)</i>		
20.		<i>(6 a) In order to maintain operational standards, meet safety requirements and ensure decent working conditions for drivers, it is important for carriers to have guaranteed access to assets and direct support infrastructure in the country in which they are performing their operations.</i>		C EP open towards new formulation, insists on highlighting the importance of high operation and safety standards and good working conditions for drivers
21.		<b>Amendment 7</b> Recital 7		
22.	(7) The implementation and effects of this Directive should be monitored by the Commission and be documented by it in a report. Any future action in this area should be considered in light	(7) The implementation and effects of this Directive should be monitored by the Commission and be documented by it in a report <i>at the latest three years after the date of transposition of this</i>	(7) The implementation and effects of Directive <b>2006/1/EC</b> should be monitored by the Commission and be documented by it in a report. <b>That report should pay</b>	C – linked to line 59 <i>Pres compromise proposal :</i> (7) The implementation and effects of Directive <b>2006/1/EC</b> should be monitored by the Commission and be

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
	of that report.	<i>Directive. The report should take due account of the impact on road safety, on tax revenues and on the environment. The report should also assess all infringements of this Directive, including cross-border infringements. The need for future action in this area should be considered in light of that report.</i>	<b>special attention to whether this Directive has resulted in the increased usage of older vehicles or certain types of vehicles and thereby has had an effect on road safety, whether it has entailed difficulties in relation to enforcement, including the enforcement of cabotage rules, and to the effects on tax revenues of the Member States. The compilation of that report would be facilitated by Member States providing, on a voluntary basis, relevant information on tax revenues to the Commission. Any future action in this area should be considered in light of that report.</b>	documented by it in a report <i>at the latest <u>four</u> years after the date of transposition of this Directive. The report should take due account of the <u>possible</u> impact on road safety and on the environment through increased usage of older vehicles, and on tax revenues. The report should also assess whether its implementation has entailed difficulties in relation to enforcement, including the enforcement of cabotage rules. The need for future action in this area should be considered in light of that report.</i>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
23.	(8) Since the objectives of this Directive cannot be sufficiently achieved by the Member States alone but can rather, by reason of the cross-border nature of road transport and of the issues this Directive is intended to address, be better achieved at Union level, 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 line with the principle of proportionality, this Directive does not go beyond what is necessary in order to achieve those objectives.		(8) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the cross-border nature of road transport and of the issues this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in <b>accordance</b> with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In <b>accordance</b> with the principle of proportionality <b>as set out in this Article</b> , this Directive does not go beyond what is necessary in order to achieve those objectives.	A <i>GA provisionally acceptable</i> (8) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the cross-border nature of road transport and of the issues this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in <b>accordance</b> with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In <b>accordance</b> with the principle of proportionality <b>as set out in this Article</b> , this Directive does not go beyond what is necessary in order to achieve those objectives.



	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
24.	(9) Directive 2006/1/EC should therefore be amended accordingly,		(9) Directive 2006/1/EC should therefore be amended accordingly,	(9) Directive 2006/1/EC should therefore be amended accordingly,
25.	HAVE ADOPTED THIS DIRECTIVE:			
26.	<i>Article 1</i>		<i>Article 1</i>	<i>Article 1</i>
27.	Directive 2006/1/EC is amended as follows:		Directive 2006/1/EC is amended as follows:	Directive 2006/1/EC is amended as follows:
28.	(1) Article 2 is amended as follows:		(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:
29.	(a) paragraph 1 is amended as follows:		(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:
30.	i) the introductory sentence is replaced by the following: "Each Member State shall allow the use within its territory of vehicles hired by undertakings established on the territory of another Member State provided that:";		(i) the introductory <b>part</b> is replaced by the following: "Each Member State shall allow the use within its territory of vehicles hired by undertakings established on the territory of another Member State provided that:";	A GA provisionally acceptable (i) the introductory <b>part</b> is replaced by the following: "Each Member State shall allow the use within its territory of vehicles hired by undertakings established on the territory of another Member State provided that:";
31.	ii) point (a) is replaced by the following:		(ii) point (a) is replaced by the following:	(ii) point (a) is replaced by the following:

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
32.		<b>Amendment 8</b> Article 1 - paragraph 1- point 1 - point a - point ii		
33.	"(a) the vehicle is registered or put into circulation in compliance with the laws of a Member State;"	"(a) the vehicle is registered or put into circulation in compliance with the laws of <i>any</i> Member State, <b>including operating standards and safety requirements</b> ;"	"(a) the vehicle is registered or put into circulation in compliance with the laws of <b>any</b> Member State <b>and used in compliance with the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009 in the Member State of establishment of the undertaking using it, if applicable</b> ."	B <i>Possible compromise (see below): To mention EP additions in the recital line 10 as examples of the applied laws, but for this a better understanding of the term "operating standards" is needed. EP might insist that likewise the reference to Regulations 1071/09 and 1072/09 will only be mentioned in recital</i>  "(a) the vehicle is registered or put into circulation in compliance with the laws of <b>any</b> Member State <b>and, if applicable, used in compliance with the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009</b> ;"

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
34.		<b>Amendment 9</b> Article 1 – paragraph 1 – point 1 – point b		
35.	(b) the following paragraph 1a is inserted: "1a. Where the vehicle is not registered or put into circulation in compliance with the laws of the Member State where the undertaking hiring the vehicle is established, Member States may limit the time of use of the hired vehicle within their respective territories. However, Member States shall in such a case allow its use for at least four months in any given calendar year."	<i>deleted</i>	<i>deleted</i>	<i>Deleted.</i>
36.			(b) in paragraph 2, the introductory part is replaced by the following:	B

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
37.			"Proof of compliance with the conditions referred to in paragraph 1, points (a) to (d) shall be provided by the following documents, which must be on board the vehicle and shall be presented in paper or electronic form:";	B <i>GA provisionally acceptable</i> "Proof of compliance with the conditions referred to in paragraph 1, points (a) to (d) shall be provided by the following documents, which must be on board the vehicle and shall be presented in paper or electronic form:";
38.		<b>Amendment 10</b> <b>Article 1 – paragraph 1 – point 2</b> Article 3 – paragraph 1		
39.	(2) Article 3 is replaced by the following:		(2) Article 3 is replaced by the following:	(2) Article 3 is replaced by the following:
40.	<i>"Article 3</i>  Member States shall take the necessary measures to ensure that their undertakings may use hired vehicles for the carriage of goods by road under the same conditions as vehicles owned by them, provided that the conditions laid down in Article	<i>"Article 3</i>  <b>1.</b> Member States shall take the necessary measures to ensure that undertakings <b><i>established within their territories</i></b> may use hired vehicles for the carriage of goods by road under the same conditions as vehicles owned by them,	<i>"Article 3</i>  <b>1.</b> Member States shall take the necessary measures to ensure that undertakings <b>established on their respective territories</b> may use hired vehicles for the carriage of goods by road under the same conditions as vehicles owned by them,	A <i>GA provisionally acceptable</i> <i>"Article 3</i>  <b>1.</b> Member States shall take the necessary measures to ensure that undertakings <b>established on their respective territories</b> may use hired

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
	2 are satisfied."	provided that the conditions laid down in Article 2 are satisfied."	provided that the conditions laid down in Article 2 are satisfied.	vehicles for the carriage of goods by road under the same conditions as vehicles owned by them, provided that the conditions laid down in Article 2 are satisfied.
41.		<b>Amendment 11</b> <b>Article 1 – paragraph 1 – point 2</b> <i>Article 3 – paragraph 1 a (new)</i>		
42.		<b>"1a. Where the vehicle is registered or put into circulation in compliance with the laws of another Member State, the Member State of establishment of the undertaking may:</b>	<b>2. Where the hired vehicle is registered or put into circulation in compliance with the laws of another Member State, the Member State of establishment of the undertaking may:</b>	<b>2. Where the vehicle is registered or put into circulation in compliance with the laws of another Member State, the Member State of establishment of the undertaking may:</b>
43.		<b>(a) limit the time of use of the hired vehicle within its respective territory provided that it allows the use of the hired vehicle for at least four consecutive months any given calendar year; in which case the contract of hire may be required not to</b>	<b>a) limit the time of use of the hired vehicle on its respective territory provided that it allows the use of the hired vehicle by the same undertaking for a period of 30 consecutive days in any given calendar year; in that case the contract of hire may</b>	C EP insists on seasonal needs longer than 30 days. EP considers that more work is needed also technically: this line seems to cover all undertakings in the MS, not only haulage companies; it should also be made more clear that the period to

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
		<i>last longer than the time limit set by the Member State;</i>	<b>be required not to last longer than the time limit set by the Member State;</b>	be agreed on is a guaranteed minimum (see EP text, “at least”)
44.		<i>(b) limit the number of hired vehicles that can be used by any undertaking, provided that they allow the use of at least a number of vehicles corresponding to 25% of the overall goods vehicle fleet owned by the undertaking on 31 December of the year preceding the request for authorisation; in which case an undertaking that has an overall fleet of more than one and less than four vehicles, shall be allowed to use at least one such hired vehicle.”</i>	<b>b) limit the number of hired vehicles that can be used by an undertaking provided that it allows the use of a minimum number of vehicles. This minimum number shall be at least 25% of the goods vehicle fleet which is at the disposal of the undertaking pursuant to point (g) of Article 5(1) of Regulation (EC) No 1071/2009 either on 31 December of the year preceding the use of the hired vehicle or on the day when the undertaking begins to use the hired vehicle, as determined by the Member State. In case of an undertaking having an</b>	C EP notes the disadvantages associated with “owned”; might consider a compromise which clearly ensures that the short hires from abroad are not part of calculating the overall fleet

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			overall fleet of more than one and less than four vehicles, it shall be allowed to use at least one such hired vehicle. The minimum share in accordance with this point refers to the goods vehicle fleet at the disposal of the undertaking on the basis of the vehicles registered or put into circulation in conformity with the legislation of that Member State;	
45.		<b>Amendment 28 and 34</b> <b>Article 1 - paragraph 1 - point 2</b> <i>Article 3 paragraph 1b (new)</i>		
46.		<i>"1b. Member States may exclude from the provisions of paragraph 1 own account transport operations carried out by vehicles with a total permissible laden weight of more than 6 tonnes."</i>	c) limit the use of such vehicles for own account transport operations."	C

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
47.		Amendment 12 Article 1 – paragraph 1 – point 2 a (new) Article 3 a (new)		
48.		<i>(2a) the following Article 3a is inserted</i>	<b>(2a) the following Article 3a is inserted:</b>	<b><i>(2a) the following Article 3a is inserted</i></b>
49.		<b><i>“Article 3a</i></b>	<b><i>“Article 3a</i></b>	<b><i>“Article 3a</i></b>
50.		<p><b>1. The information on a hired vehicle’s registration number shall be entered in the national electronic register as defined in Article 16 of Regulation (EC) 1071/2009*.</b></p> <p><b><i>*Referring to Article 16 of Regulation (EC) No 1071/2009 taking into account the extension of the information to be recorded as proposed by the Commission.</i></b></p>	<p><b>1. Member States shall take the necessary measures to ensure that the registration number of a hired vehicle at the disposal of a road transport undertaking to which Regulation (EC) No 1071/2009 applies, where this vehicle is registered or put in circulation in compliance with the laws of a Member State other than the Member State of establishment of the undertaking hiring the vehicle, is entered in the national electronic register referred to in Article 16 of</b></p>	<p>B - depends on the solution in line 44 (“at the disposal”), otherwise the substance is the same</p> <p><i>Pres compromise solution:</i>  <b>Member States shall take the necessary measures to ensure that the registration number of a hired vehicle is entered in the national electronic register referred to in Article 16 of Regulation (EC) 1071/2009.</b></p>



	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			Regulation (EC) No 1071/2009.	
51.		2. <i>Competent authorities of the Member State of establishment of an operator that are informed of the use of a vehicle which that operator has hired and which is registered or put into circulation in compliance with the laws of another Member State shall inform the competent authorities of that other Member State thereof.</i>		C <i>Pres compromise proposal:</i> to make a link with art 18 of Regulation 1071/09 (administrative cooperation)
52.		3. <i>The administrative cooperation provided for in paragraph 2 shall be by means of the Internal market Information System (IMI), established by Regulation (EU) No 1024/2012**.</i>  ** <i>OJ L 316, 14.11.2012, p.1."</i>		C <i>See previous line</i>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
53.			<p><b>Member States shall take the necessary measures to ensure that the processing of the data referred to in the first subparagraph of this paragraph complies with the requirements for the information referred to in point (g) of Article 16(2) of Regulation (EC) No 1071/2009 as specified in subparagraphs 3 and 5 of Article 16(2), and in Article 16(3) and (4) of that Regulation.</b></p>	<p><i>GA acceptable, precision of the reference to be checked</i></p> <p><b>Member States shall take the necessary measures to ensure that the processing of the data referred to in the first subparagraph of this paragraph complies with the requirements for the information referred to in point (g) of Article 16(2) of Regulation (EC) No 1071/2009 as specified in subparagraphs 3 and 5 of Article 16(2), and in Article 16(3) and (4) of that Regulation.</b></p>
54.			<p><b>2. No later than 14 months after the adoption of an implementing act on a common formula for calculating the risk rating as referred to in Article 9(1) subparagraph 2 of Directive 2006/22/EC of the European Parliament and the</b></p>	<p><b>C</b></p> <p><i>GA provisionally acceptable</i></p> <p><b>2. No later than 14 months after the adoption of an implementing act on a common formula for calculating the risk rating as referred to in Article 9(1) subparagraph 2 of</b></p>

	<b>COM proposal, COM(2017) 0282 final</b>	<b>European Parliament/ Plenary vote 1st reading P8_TA(2019)0006</b>	<b>Council general approach, doc. ST 9398/21</b>	<b>Compromise/notes</b>
			<p><b>Council*, the Commission shall, by means of implementing acts, adopt the minimum requirements for the data to be entered in the national electronic register in order to facilitate the interconnection of registers, and specify the functionalities that allow for this information to be made available to the competent authorities during roadside checks. Those minimum requirements and functionalities shall conform with the requirements and functionalities established pursuant to Article 16(6) of Regulation (EC) 1071/2009.</b></p>	<p><b>Directive 2006/22/EC of the European Parliament and the Council*, the Commission shall, by means of implementing acts, adopt the minimum requirements for the data to be entered in the national electronic register in order to facilitate the interconnection of registers, and specify the functionalities that allow for this information to be made available to the competent authorities during roadside checks. Those minimum requirements and functionalities shall conform with the requirements and functionalities established pursuant to Article 16(6) of Regulation (EC) 1071/2009.</b></p>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
55.			<p>Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 5b(2).</p> <hr/> <p>* 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 and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).</p>	<p>C</p> <p><i>GA provisionally acceptable</i></p> <p>Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 5b(2).</p> <hr/> <p>* 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 and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).</p>
56.			<p>3. Member States shall ensure that the data referred to in the first paragraph is</p>	<p>C</p> <p><i>GA acceptable at tech level</i></p> <p>3. Member States shall ensure</p>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			available to the competent authorities during roadside checks.";	that the data referred to in the first paragraph is available to the competent authorities during roadside checks.";
57.	(3) the following Article 5a is inserted:		(3) the following Articles <b>are</b> inserted:	A
58.		<b>Amendment 13</b> <b>Article 1 – paragraph 1 – point 3</b> Article 5 a – paragraph 1		
59.	<p><i>"Article 5a</i></p> <p>By [OP: please insert the date calculated 5 years after the deadline for transposition of the Directive], the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. The report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle.</p>	<p><i>"Article 5a</i></p> <p>By ...[3 years after the deadline for transposition of this amending Directive], the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. The report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. <b><i>The report shall pay particular attention to the impact on road safety, and</i></b></p>	<p><i>"Article 5a</i></p> <p>By [5 years after the deadline for transposition of the Directive <b>referred to in Article 2(1) of this amending Directive</b>], the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. <b>That</b> report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. <b>That report</b></p>	<p><i>C</i></p> <p><i>Pres compromise proposal:</i></p> <p>By [<b>4</b> years after the deadline for transposition of the Directive <b>referred to in Article 2(1) of this amending Directive</b>], the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. <b>That</b> report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking</p>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
	On the basis of this report, the Commission shall assess whether it is necessary to propose additional measures."	<p><i>on tax revenues, including fiscal distortions, and on the enforcement of cabotage rules in accordance with Regulation (EC) No 1072/2009</i>*. On the basis of this report, the Commission shall assess whether it is necessary to propose additional measures."</p> <p><i>* Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72)</i></p>	shall also look into the impacts on road safety, on tax revenues and on the enforcement of the cabotage rules in accordance with Regulation (EC) No 1072/2009. On the basis of that report, the Commission shall assess whether it is necessary to propose additional measures."	hiring the vehicle. <i>The report shall pay particular attention to the impact on road safety, on tax revenues and on the enforcement of the cabotage rules in accordance with Regulation (EC) No 1072/2009.</i> On the basis of that report, the Commission shall assess whether it is necessary to propose additional measures."
60.			<i>Article 5b</i>	
61.			The Commission shall be assisted by the Committee set up by Article 42(1) of Regulation (EU) No 165/2014 of the European Parliament and of the Council.*	C <i>GA could be acceptable because this is in line with ERRU.</i>

	<b>COM proposal, COM(2017) 0282 final</b>	<b>European Parliament/ Plenary vote 1st reading P8_TA(2019)0006</b>	<b>Council general approach, doc. ST 9398/21</b>	<b>Compromise/notes</b>
			<p>_____</p> <p><b>* 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).</b></p>	
62.			<b>Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 of the European Parliament and of the</b>	<b>C</b> <i>GA could be acceptable because this is in line with ERRU.</i>

	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
			<p><b>Council** shall apply.</b></p> <hr/> <p><b>** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)."</b></p>	
63.	<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>
64.		<b>Amendment 14 Article 2 – paragraph 1 – subparagraph 1</b>		
65.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP: please	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... <b><i>[20 months after</i></b> the date <b><i>of</i></b> entry into	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by <b>21 August 2023</b>	<p>C</p> <p><i>Close positions, they should indicate the landing zone. Could also accept EP proposal. EP wants to decide at final stage, notes that the file has needed</i></p>



	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006	Council general approach, doc. ST 9398/21	Compromise/notes
	insert the date calculated 18 months following the entry into force] at the latest. They shall communicate to the Commission the text of those provisions without delay. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	force <i>of this Directive</i> .  They shall communicate to the Commission the text of those provisions without delay.  When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	at the latest.  They shall communicate to the Commission the text of those provisions without delay.  When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	<i>much more time at Council</i>
66.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.		2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

	<b>COM proposal, COM(2017) 0282 final</b>	<b>European Parliament/ Plenary vote 1st reading P8_TA(2019)0006</b>	<b>Council general approach, doc. ST 9398/21</b>	<b>Compromise/notes</b>
67.	<i>Article 3</i>		<i>Article 3</i>	<i>Article 3</i>
68.	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .
69.	<i>Article 4</i>		<i>Article 4</i>	<i>Article 4</i>
70.	This Directive is addressed to the Member States.		This Directive is addressed to the Member States.	This Directive is addressed to the Member States.