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10252/2/21 REV 2

LIMITE

TRANS 432 CODEC 992

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 12287/21 ST 12526/21
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 informal meeting of the members of the Land transport working party meeting on 11 October 2021, delegations will find attached a four-column document, revised in column 4 to show compromise suggestions. The document reflects the status after the technical meeting with the European Parliament on 7 October. The most political issues (lines 43, 44 and 46) are covered by the previous documents (options paper ST 12287/21 and explanatory working document ST 12526/21)

Changes compared to REV 1 of this document are marked in grey shaded.

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TREE.2.A **LIMITE EN**

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

	COM proposal, COM(2017)	European Parliament/	Council general approach, doc.	Compromise/notes
	0282 final	Plenary vote 1st reading	ST 9398/21	
		P8_TA(2019)0006		
1.	THE EUROPEAN PARLIAMENT	AND THE COUNCIL OF THE EUR	OPEAN UNION,	
	Having regard to the Treaty on the l	Functioning of the European Union, ar	nd in particular Article 91(1) thereof,	
	Having regard to the proposal from	the European Commission,		
	After transmission of the draft legis	lative act to the national parliaments,		
	Having regard to the opinion of the	European Economic and Social Comm	nittee ¹ ,	
	Having regard to the opinion of the	Committee of the Regions ² ,		
	Acting in accordance with the ordin	ary legislative procedure,		
	(1) OJ C , , p			
	OJC, p			
2.	Whereas:			
3.	(1) Directive 2006/1/EC of the		(1) Directive 2006/1/EC of the	(1) Directive 2006/1/EC of the
	European Parliament and of		European Parliament and of	European Parliament and of
	the Council ³ provides for a		the Council ³ provides for a	the Council ³ provides for a
	minimum level of the market		minimum level of the market	minimum level of the market
	opening for the use of		opening for the use of vehicles	opening for the use of vehicles
	vehicles hired without drivers		hired without drivers for the	hired without drivers for the

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	for the carriage of goods by road. (3) 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. (3) 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. 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.	= - :	Amendment 1 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 Compromise proposal: (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

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		Moreover, as hired vehicles	undertakings concerned.		Moreover, as hired vehicles		and competitiveness of the
		tend to be younger than the	Moreover, since hired vehicles		tend to be younger than the		undertakings concerned.
		average fleet, they are also	tend to be younger than the		average fleet, they are also		Moreover, as hired vehicles
		safer and less polluting.	average fleet, they may often		safer and less polluting.		tend to be younger than the
			be safer and less polluting.				average fleet, they are on
							average also safer and less
							polluting.
6.			Amendment 2				
			Recital 3				
7.	(3)	Directive 2006/1/EC does not	(3) Directive 2006/1/EC does not	(3)	Directive 2006/1/EC does not	A	
		enable undertakings to fully	enable undertakings to fully		enable undertakings to fully	GA	provisionally acceptable
		benefit from the advantages	benefit from the advantages of		benefit from the advantages	(3)	Directive 2006/1/EC does not
		of using hired vehicles. That	using hired vehicles. That		of using hired vehicles. That		enable undertakings to fully
		Directive allows Member	Directive allows Member		Directive allows Member		benefit from the advantages
		States to restrict the use by	States to restrict the use, by the		States to restrict the use by		of using hired vehicles. That
		their undertakings of hired	undertakings <i>established</i>		undertakings established on		Directive allows Member
		vehicles with a maximum	within their territories, of		their respective territories		States to restrict the use by
		permissible laden weight of	hired vehicles with a		of hired vehicles with a		undertakings established on
		more than six tonnes for own	maximum permissible laden		maximum permissible laden		their respective territories
		account operations.	weight of more than six tonnes		weight of more than six		of hired vehicles with a
		Moreover, Member States are	for own account operations.		tonnes for own account		maximum permissible laden
		not required to allow the use	Moreover, Member States are		operations. Moreover,		weight of more than six
		of a hired vehicle on their	not required to allow the use		Member States are not		tonnes for own account
		respective territories if the	on their respective territories		required to allow the use of a		operations. Moreover,
		vehicle has been registered or	of a hired vehicle that has been		hired vehicle on their		Member States are not

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	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.	TM 7 Oct: compromise

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				defective or damaged vehicles, while ensuring compliance with the necessary safety requirements and ensuring adequate working conditions for drivers.
9.		Amendment 3 Recital 4 a (new)		
10.		(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	(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	Example 23 Example 24 Example 25 Example 26 Example 26 Example 27 Example 28

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		by the Member State of	1072/2009, authorised to be	vehicle requiring a certified
		establishment of the	used by the Member State	true copy of the Community
		undertaking responsible.	of establishment of the	licence in accordance with
			undertaking by means of	Regulation (EC) No
			this certified true copy.	1072/2009, has been
				authorised to be used by the
				Member State of
				establishment of the
				undertaking by means of such certified true copy.
11.			(4b) In order to simplify the	B
11.			provision of relevant	GA provisionally acceptable
			evidence, documents in	(4b) In order to simplify the
			electronic form should be	provision of relevant
			recognised as means of	evidence, documents in
			proving compliance with	electronic form should be
			Directive 2006/1/EC.	recognised as means of
				proving compliance with
				Directive 2006/1/EC.
12.		Amendment 4		
		Recital 5		
13.	(5) The level of road transport	(5) The level of road transport	(5) The level of road transport	C – dependent on agreement in line
	taxation still differs	taxation still differs	taxation still differs	44
	considerably within the	considerably within the Union.	considerably within the	
	Union. Therefore, certain	Therefore, certain restrictions,	Union. Therefore, certain	

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restrictions, which also	which also indirectly affect the	restrictions, which also	
indirectly affect the freedom	freedom to provide vehicle	indirectly affect the freedom	
to provide vehicle hiring	hiring services, remain	to provide vehicle hiring	
services, remain justified in	justified for the purpose of	services, remain justified in	
order to avoid fiscal	avoiding fiscal distortions.	order to avoid fiscal	
distortions. Consequently,	Consequently, Member States	distortions. Consequently,	
Member States should have	should have the option to limit,	Member States should have	
the option to limit the length	subject to the conditions laid	the option to limit the length	
of time a vehicle hired in a	down in this Directive and	of time undertakings	
Member State other than the	within their respective	established on their	
one of establishment of the	territories, the length of time	respective territories may	
undertaking hiring it can be	an established undertaking	use a hired vehicle	
used within their respective	can use a hired vehicle	registered or put into	
territories.	registered or put into	circulation in another	
	circulation in another	Member State. They should	
	Member State. They should	also be allowed to limit the	
	also be allowed to limit the	number of such vehicles	
	number of such vehicles being	being hired by an	
	hired by an undertaking	undertaking established on	
	established within their	their respective territories.	
	territories.	That limit should not be	
		lower than a certain share	
		of the number of vehicles at	
		the disposal of the	
		undertaking calculated	

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		18_1A(2019)0000	exclusive of vehicles hired	
			in another Member State	
			and not registered in the	
			Member State of	
			establishment of the	
			undertaking.	
14.			(5a) In order to improve the	C - dependent on agreement in line
			enforcement of a restriction	43
			on the use of a hired vehicle	
			that is registered or put into	
			circulation in compliance	
			with the laws of a Member	
			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	

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			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.	
15.		Amendment 5		
		Recital 5 a (new)		
16.		(5a) In order to enforce these	(5b) The circulation of hired	С
		measures, the information	vehicles should not hamper	GA provisionally acceptable
		on the registration number	the monitoring and control	(5b) The circulation of hired
		of the hired vehicle should	of the legality of operations	vehicles should not hamper
		be provided in the Member	carried out by operators in	the monitoring and control
		States' national electronic	Member States other than	of the legality of operations
		registers as established by	their Member State of	carried out by operators in
		Regulation (EC) No	establishment. In	Member States other than
		1071/2009.* Competent	accordance with Regulation	their Member State of
		authorities of the Member	(EC) No 1071/2009 of the	establishment. In
		State of establishment that	European Parliament and	accordance with Regulation
		are being informed of the	of the Council ⁴ , national	(EC) No 1071/2009 of the
		use of a vehicle which the	electronic registers have to	European Parliament and
		operator has hired and	contain the registration	of the Council ⁴ , national

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	which is registered or put	numbers of vehicles at the	electronic registers have to
	into circulation in	disposal of a transport	contain the registration
	compliance with the laws in	undertaking. This	numbers of vehicles at the
	another Member State	information should also	disposal of a transport
	should inform the competent	cover vehicles hired in a	undertaking. This
	authorities of that other	Member State other than	information should also
	Member State thereof.	the Member State of	cover vehicles hired in a
	Member States should use	establishment of the	Member State other than
	the Internal Market	undertaking. Regulation	the Member State of
	Information System (IMI) to	(EC) No 1071/2009 also	establishment of the
	that end.	provides for the	undertaking. Regulation
	*Regulation (EC) No	accessibility of data	(EC) No 1071/2009 also
	1071/2009 of the European	contained in national	provides for the
	Parliament and of the	registers by authorities of	accessibility of data
	Council of 21 October 2009	other Member States; the	contained in national
	establishing common rules	national electronic registers	registers by authorities of
	concerning the conditions to	should allow for targeted	other Member States; the
	be complied with to pursue	search in respect of vehicles	national electronic registers
	the occupation of road	with a registration number	should allow for targeted
	transport operator and	other than those issued by	search in respect of vehicles
	repealing Council Directive	the Member States of	with a registration number
	96/26/EC (OJ L 300,	establishment.	other than those issued by
	14.11.2009, p. 51).		the Member States of
	17.11.2007, p. 31).	⁴ Regulation (EC) No	establishment.
		1071/2009 of the European	

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			Parliament and of the	⁴ Regulation (EC) No
			Council of 21 October 2009	1071/2009 of the European
			establishing common rules	Parliament and of the
			concerning the conditions	Council of 21 October 2009
			to be complied with to	establishing common rules
			pursue the occupation of	concerning the conditions
			road transport operator	to be complied with to
			and repealing Council	pursue the occupation of
			Directive 96/26/EC (OJ L	road transport operator
			300, 14.11.2009, p. 51).	and repealing Council
				Directive 96/26/EC (OJ L
				300, 14.11.2009, p. 51).
17.			(5c) In order to ensure that the	В
			obligation to provide	GA provisionally acceptable
			information on a hired	(5c) In order to ensure that the
			vehicle's registration	obligation to provide
			number in the national	information on a hired
			electronic register is	vehicle's registration
			fulfilled in a uniform	number in the national
			manner, implementing	electronic register is
			powers should be conferred	fulfilled in a uniform
			on the Commission relating	manner, implementing
			to the minimum	powers should be conferred
			requirements for the data to	on the Commission relating
			be entered in the national	to the minimum

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				electronic register. Those	requirements for the data to
				powers should be exercised	be entered in the national
				in accordance with	electronic register. Those
				Regulation (EU) No	powers should be exercised
				182/2011 of the European	in accordance with
				Parliament and of the	Regulation (EU) No
				Council ⁵	182/2011 of the European
					Parliament and of the
			5	Regulation (EU) No	Council ⁵
				182/2011 of the European	
				Parliament and of the	5 Regulation (EU) No
				Council of 16 February	182/2011 of the European
				2011 laying down the rules	Parliament and of the
				and general principles	Council of 16 February
				concerning mechanisms for	2011 laying down the rules
				control by Member States	and general principles
				of the Commission's	concerning mechanisms for
				exercise of implementing	control by Member States
				powers, OJ L 55, 28.2.2011,	of the Commission's
				p. 13	exercise of implementing
					powers, OJ L 55, 28.2.2011,
					p. 13
18.	(6) In order to allow own		(6)	In order to allow own account	C – dependent on agreement in line
	account transport operations			transport operations to be	46
	to be conducted more			conducted more efficiently,	

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	efficiently, Member States should no longer be allowed to restrict the possibility to use hired vehicles for such operations.		Member States should no longer be allowed to restrict the possibility to use hired vehicles for such operations. However, to avoid potential fiscal issues, this possibility should be maintained if the vehicle is registered outside the Member State of establishment of the undertaking using it.	
19.		Amendment 6 Recital 6 a (new)		
20.		(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.		C TM 7 October: first part incorporated in line 8, second part dropped

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21.		Amendment 7		
		Recital 7		
22.	(7) The implementation and	(7) The implementation and	(7) The implementation and	C – linked to line 59
	effects of this Directive	effects of this Directive should	effects of Directive	Compromise TM 7 October :
	should be monitored by the	be monitored by the	2006/1/EC should be	(7) The implementation and
	Commission and be	Commission and be	monitored by the	effects of Directive
	documented by it in a report.	documented by it in a report at	Commission and be	2006/1/EC should be
	Any future action in this area	the latest three years after the	documented by it in a report.	monitored by the
	should be considered in light	date of transposition of this	That report should pay	Commission and be
	of that report.	Directive. The report should	special attention to whether	documented by it in a report
		take due account of the	this Directive has resulted	at the latest <u>four</u> years after
		impact on road safety, on tax	in the increased usage of	the date of transposition of
		revenues and on the	older vehicles or certain	this Directive. The report
		environment. The report	types of vehicles and	should take due account of
		should also assess all	thereby has had an effect on	the impact of this Directive
		infringements of this	road safety, whether it has	on road safety and on the
		Directive, including cross-	entailed difficulties in	environment through
		border infringements. The	relation to enforcement,	changes in the age and type
		<i>need for</i> future action in this	including the enforcement	composition of the vehicle
		area should be considered in	of cabotage rules, and to the	fleets, and on tax revenues,
		light of that report.	effects on tax revenues of	with particular regard to
			the Member States. The	the justification of
			compilation of that report	restrictions provided for in
			would be facilitated by	this Directive [refer to
			Member States providing,	Article 3(2)]. The report

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			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.	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.
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		(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 accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the	A GA provisionally acceptable (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 accordance with the principle of subsidiarity as
	proportionality, this Directive		principle of proportionality as	set out in Article 5 of the

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	does not go beyond what is		set out in this Article, this	Treaty on European Union.
	necessary in order to achieve		Directive does not go beyond	In accordance with the
	those objectives.		what is necessary in order to	principle of proportionality
			achieve those objectives.	as set out in this Article, this
				Directive does not go beyond
				what is necessary in order to
				achieve those objectives.
24.	(9) Directive 2006/1/EC should		(9) Directive 2006/1/EC should	(9) Directive 2006/1/EC should
	therefore be amended		therefore be amended	therefore be amended
	accordingly,		accordingly,	accordingly,

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25.	HAVE ADOPTED THIS DIRECT	IVE:		
26.	Article 1		Article I	Article 1
27.	Directive 2006/1/EC is amended		Directive 2006/1/EC is amended as	Directive 2006/1/EC is amended as
	as follows:		follows:	follows:
28.	(1) Article 2 is amended as		(1) Article 2 is amended as	(1) Article 2 is amended as
	follows:		follows:	follows:
29.	(a) paragraph 1 is amended		(a) paragraph 1 is amended as	(a) paragraph 1 is amended as
	as follows:		follows:	follows:
30.	i) the introductory		(i) the introductory part is	A
	sentence is replaced		replaced by the	GA provisionally acceptable
	by the following:		following:	(i) the introductory part is
	"Each Member State		"Each Member State	replaced by the following:
	shall allow the use		shall allow the use	"Each Member State shall
	within its territory of		within its territory of	allow the use within its
	vehicles hired by		vehicles hired by	territory of vehicles hired
	undertakings		undertakings established	by undertakings established
	established on the		on the territory of	on the territory of another
	territory of another		another Member State	Member State provided
	Member State		provided that:";	that:";
	provided that:";			
31.	ii) point (a) is replaced		(ii) point (a) is replaced by	(ii) point (a) is replaced by the
	by the following:		the following:	following:

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32.		Amendment 8		
		Article 1 - paragraph 1-		
		point 1 - point a - point ii		
33.	"(a) the vehicle is	"(a) the vehicle is	"(a) the vehicle is	В
	registered or put into	registered or put into	registered or put into	TM 7 October: together with a
	circulation in	circulation in	circulation in	compromise on line 10 the
	compliance with the	compliance with the	compliance with the	Presidency compromise is
	laws of a Member	laws of any Member	laws of any Member	acceptable:
	State;";	State, including	State and used in	"(a) the vehicle is registered
		operating standards and	compliance with the	or put into circulation in
		safety requirements;"	provisions of	compliance with the laws of any
			Regulations (EC) No	Member State and, if
			1071/2009 and (EC) No	applicable, used in compliance
			1072/2009 in the	with the provisions of
			Member State of	Regulations (EC) No
			establishment of the	1071/2009 and (EC) No
			undertaking using it, if	1072/2009;"
			applicable.".	

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34.		Amendment 9		
		Article 1 – paragraph 1 – point 1 –		
		point b		
35.	(b) the following paragraph	deleted	deleted	Deleted.
	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."			

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36.			(b) in paragraph 2, the introductory part is replaced by the following:	В
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 GA provisionally acceptable "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.		Amendment 10 Article 1 – paragraph 1 – point 2 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.	"Article 3 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	 "Article 3 1. Member States shall take the necessary measures to ensure that undertakings established within their territories may use hired vehicles for the 	"Article 3 1. Member States shall take the necessary measures to ensure that undertakings established on their respective territories may use hired vehicles for the	A GA provisionally acceptable "Article 3 1. Member States shall take the necessary measures to ensure

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	conditions as vehicles owned by them, provided that the conditions laid down in Article 2 are satisfied."	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."	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.	that undertakings established on their respective territories 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 2 are satisfied.
41.		Amendment 11 Article 1 – paragraph 1 – point 2 Article 3 – paragraph 1 a (new)		
42.		"1a. Where the vehicle is registered or put into circulation in compliance with the laws of another Member State of establishment of the undertaking may:	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:	2. Where the hired vehicle is registered or put into circulation in compliance with the laws of another Member State of establishment of the undertaking may:
43.		(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	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	С

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		given calendar year; in	30 consecutive days in any	
		which case the contract o	given calendar year; in that	
		hire may be required not a	case the contract of hire may	
		last longer than the time	be required not to last longer	
		limit set by the Member	than the time limit set by the	
		State;	Member State;	
44.		(b) limit the number of hired	b) limit the number of hired	С
		vehicles that can be used	by vehicles that can be used by	
		any undertaking, provided	d an undertaking provided	
		that they allow the use of	at that it allows the use of a	
		least a number of vehicles	minimum number of	
		corresponding to 25% of t	the vehicles. This minimum	
		overall goods vehicle fleet	number shall be at least	
		owned by the undertaking	25% of the goods vehicle	
		on 31 December of the year	ar fleet which is at the disposal	
		preceding the request for	of the undertaking pursuant	
		authorisation; in which co	to point (g) of Article 5(1) of	
		an undertaking that has a	n Regulation (EC) No	
		overall fleet of more than		
		one and less than four	December of the year	
		vehicles, shall be allowed	_	
		use at least one such hire	v	
		vehicle."	when the undertaking begins	
			to use the hired vehicle, as	

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		1 8_1A(2017)0000	determined by the Member State. In case of an undertaking having an 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.		Amendment 28 and 34 Article 1 - paragraph 1 - point 2 Article 3 paragraph 1b (new)		
46.		"1b. Member States may exclude from the provisions of paragraph 1 own account transport operations carried out by vehicles with a total	c) limit the use of such vehicles for own account transport operations."	С

47.	COM proposal, COM(2017) 0282 final	European Parliament/ Plenary vote 1st reading P8_TA(2019)0006 permissible laden weight of more than 6 tonnes." Amendment 12 Article 1 – paragraph 1 – point 2 a (new)	Council general approach, doc. ST 9398/21	Compromise/notes
48.		Article 3 a (new) (2a) the following Article 3a is inserted	(2a) the following Article 3a is inserted:	(2a) the following Article 3a is inserted
49. 50.		"Article 3a 1. The information on a hired vehicle's registration	"Article 3a 1. Member States shall take the necessary measures to	B Compromise TM 7 October
		number shall be entered in the national electronic register as defined in Article 16 of Regulation (EC) 1071/2009*.	ensure that the registration number of a hired vehicle at the disposal of a road transport undertaking to which Regulation (EC) No	Member States shall take the necessary measures to ensure that the registration number of a hired vehicle used by an operator
		*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.	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	which engages in the carriage of goods by road for hire and reward is entered in the national electronic register referred to in Article 16 of Regulation (EC) 1071/2009.

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			national electronic register referred to in Article 16 of	
			Regulation (EC) No	
			1071/2009.	
51.		2. Competent authorities of the		С
		Member State of		Compromise TM 7 October:
		establishment of an operator		2. Competent authorities of the
		that are informed of the use of		Member States shall cooperate
		a vehicle which that operator		closely and shall swiftly provide
		has hired and which is		one another with mutual
		registered or put into		assistance and with any other
		circulation in compliance		relevant information in order to
		with the laws of another		facilitate the implementation and
		Member State shall inform		enforcement of this Directive.
		the competent authorities of		For this purpose, Member States
		that other Member State		shall designate a national contact
		thereof.		point responsible for the
52.		3. The administrative		exchange of information with the
		cooperation provided for in		other Member States.
		paragraph 2 shall be by		2a. The exchange of information
		means of the Internal market		referred to in paragraph 1 shall
		Information System (IMI),		take place through the message
		established by Regulation		exchange system, namely the
		(EU) No 1024/2012**.		European Registers of Road
				Transport Undertakings (ERRU)

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	** OJ L 316, 14.11.2012, p.1."		as specified by Commission
			Regulation (EU) 2016/480.
			2b. Member States shall ensure
			that the information transmitted
			to them pursuant to this Article
			is used only in respect of the
			matters for which it was
			requested. Any processing of
			personal data shall be carried out
			solely for the purposes of
			complying with this Regulation
			and shall be in accordance with
			Regulation (EU) 2016/679 of the
			European Parliament and of the
			Council.
			2c. Mutual administrative
			cooperation and assistance shall
			be provided free of charge.
			2d. A request for information
			shall not preclude the competent
			authorities from taking measures
			in line with the relevant national
			and Union law to investigate and
			prevent alleged breaches of rules
			resulting from the transposition

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				of this Directive.
53.			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 specificed in subparagraphs 3 and 5 of Article 16(2), and in Article 16(3) and (4) of that Regulation.	Member States shall take the necessary measures to ensure that the processing of the data referred to in paragraph one complies with the requirements for the information referred to in point (g) of Article 16(2) of Regulation (EC) No 1071/2009 as specificed in subparagraphs 3 and 5 of Article 16(2), and in Article 16(3) and (4) of that Regulation.
54.			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	calculating the risk rating

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		Parliament and the	subparagraph 2 of
		Council*, the Commission	Directive 2006/22/EC of the
		shall, by means of	European Parliament and
		implementing acts, adopt	the Council*, the
		the minimum requirements	Commission shall, by
		for the data to be entered in	means of implementing
		the national electronic	acts, adopt the minimum
		register in order to facilitate	requirements for the data
		the interconnection of	to be entered in the national
		registers, and specify the	electronic register in order
		functionalities that allow for	to facilitate the
		this information to be made	interconnection of registers,
		available to the competent	and specify the
		authorities during roadside	functionalities that allow
		checks. Those minimum	for this information to be
		requirements and	made available to the
		functionalities shall	competent authorities
		conform with the	during roadside checks.
		requirements and	Those minimum
		functionalities established	requirements and
		pursuant to Article 16(6) of	functionalities shall
		Regulation (EC) 1071/2009.	conform with the
			requirements and
			functionalities established
			pursuant to Article 16(6) of

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				Regulation (EC) 1071/2009.
55.			Those implementing acts	С
			shall be adopted in	GA provisionally acceptable
			accordance with the	Those implementing acts
			advisory procedure	shall be adopted in
			referred to in Article 5b(2).	accordance with the
				advisory procedure
			* Directive 2006/22/EC of the	referred to in Article 5b(2).
			European Parliament and	
			of the Council of 15 March	* Directive 2006/22/EC of the
			2006 on minimum	European Parliament and
			conditions for the	of the Council of 15 March
			implementation of Council	2006 on minimum
			Regulations (EEC) No	conditions for the
			3820/85 and (EEC) No	implementation of Council
			3821/85 concerning social	Regulations (EEC) No
			legislation relating to road	3820/85 and (EEC) No
			transport activities and	3821/85 concerning social
			repealing Council Directive	legislation relating to road
			88/599/EEC (OJ L 102,	transport activities and
			11.4.2006, p. 35).	repealing Council Directive
				88/599/EEC (OJ L 102,
				11.4.2006, p. 35).

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56.			3. Member States shall ensure that the data referred to in the first paragraph is available to the competent authorities during roadside checks.";	C GA acceptable at tech level 3. Member States shall ensure 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 are inserted:	A
58.		Amendment 13 Article 1 – paragraph 1 – point 3 Article 5 a – paragraph 1		
59.	"Article 5a 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	"Article 5a 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	"Article 5a By [5 years after the deadline for transposition of the Directive referred to in Article 2(1) 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. That report shall include information on the use of vehicles hired in a Member State	C Compromise TM 7 October: By [4 years after the deadline for transposition of the Directive referred to in Article 2(1) 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. That report shall include information on the use of

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	State other than the Member State of establishment of the undertaking hiring the vehicle. On the basis of this report, the	hiring the vehicle. The report shall pay particular attention to the impact on road safety, and on tax revenues, including fiscal	other than the Member State of establishment of the undertaking hiring the vehicle. That report shall also look into the impacts	vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. <i>The report</i>
	Commission shall assess whether it is necessary to propose additional measures."	distortions, and on the enforcement of cabotage rules in accordance with Regulation (EC) No 1072/2009*. On the basis of this report, the Commission shall assess whether it is necessary to propose additional measures." * 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,	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."	shall pay particular attention to the impact on road safety, on the environment, 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."
60.		14.11.2009, p. 72)	Article 5b	
61.			The Commission shall be	С
			assisted by the Committee	GA could be acceptable because
			set up by Article 42(1) of	this is in line with ERRU.
			Regulation (EU) No	

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	P8_TA(2019)0006	* Regulation (EU) No 165/2014 of the European Parliament and of the Council.* * 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).	

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62.		10_1A(2017)0000	Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 of the European Parliament and of the Council** shall apply.	C GA could be acceptable because this is in line with ERRU.
			** 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)."	
63.	Article 2	Article 2	Article 2	Article 2

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64.		Amendment 14		
		Article 2 – paragraph 1 –		
		subparagraph 1		
65.	1. Member States shall bring	1. Member States shall bring into	1. Member States shall bring	C
	into force the laws,	force the laws, regulations and	into force the laws,	TM 7 October: EP calculation
	regulations and	administrative provisions	regulations and	acceptable, the resulting timeline
	administrative provisions	necessary to comply with this	administrative provisions	must at least correspond to GA
	necessary to comply with this	Directive by [20 months	necessary to comply with this	date
	Directive by [OP: please	<i>after</i> the date <i>of</i> entry into	Directive by 21 August 2023	
	insert the date calculated 18	force of this Directive].	at the latest.	
	months following the entry			
	into force] at the latest. They	They shall communicate to the	They shall communicate to the	
	shall communicate to the	Commission the text of those	Commission the text of those	
	Commission the text of those	provisions without delay.	provisions without delay.	
	provisions without delay.			
	When Member States adopt	When Member States adopt	When Member States adopt	
	those provisions, they shall	those provisions, they shall	those provisions, they shall	
	contain a reference to this	contain a reference to this	contain a reference to this	
	Directive or be accompanied	Directive or be accompanied	Directive or be accompanied	
	by such a reference on the	by such a reference on the	by such a reference on the	
	occasion of their official	occasion of their official	occasion of their official	
	publication. Member States	publication. Member States	publication. Member States	
	shall determine how such	shall determine how such	shall determine how such	
	reference is to be made.	reference is to be made.	reference is to be made.	

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66.	2. Member States shall		2. Member States shall	2. Member States shall
	communicate to the		communicate to the	communicate to the
	Commission the text of the		Commission the text of the	Commission the text of the
	main provisions of national		main provisions of national	main provisions of national
	law which they adopt in the		law which they adopt in the	law which they adopt in the
	field covered by this		field covered by this Directive.	field covered by this
	Directive.			Directive.
67.	Article 3		Article 3	Article 3
68.	This Directive shall enter into		This Directive shall enter into force	This Directive shall enter into force
	force on the twentieth day		on the twentieth day following that	on the twentieth day following that
	following that of its publication in		of its publication in the Official	of its publication in the Official
	the Official Journal of the		Journal of the European Union.	Journal of the European Union.
	European Union.			
69.	Article 4		Article 4	Article 4
70.	This Directive is addressed to the		This Directive is addressed to the	This Directive is addressed to the
	Member States.		Member States.	Member States.