



Council of the
European Union

Brussels, 5 October 2021
(OR. en)

12526/21

LIMITE

TRANS 583
CODEC 1291

**Interinstitutional File:
2017/0113(COD)**

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 12287/21
No. Cion doc.:	ST 9669/17 + ADD 1-4
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 – Presidency paper (description of examples)

In preparation of the informal meeting of the members of the Working Party on Land Transport on 11 October 2021, delegations find attached a description of various MS situation, intended to illustrate the options described in the Presidency paper (ST 12287/21).

Explanation of possible compromises for line 43

(all periods mean “per calendar year”)

Note: Under all options for compromise, the draft directive as stated by the **general approach** intends to liberalise the market of hire for at least 30 days. This implies that the national rules on registration (or other rules) will have to adapt in case that the MS at present do not cater for this minimum liberalisation.

Option 1

Baseline option:

MS can restrict the use of foreign vehicles hired by its undertakings. A distinction could be made between two alternative guaranteed minimum periods of use. As a possible scenario: If the MS requires re-registration after 30 days, the minimum allowed period of use is 30 days. If it does not require re-registration after 30 days, the minimum allowed period of use is [two months].

Application to the different situations: Depending on the national registration rules, the shorter minimum period (30 days) would be kept for a MS who would decide so in accordance with national registration rules, while for all other MS the minimum period of use would be longer [2 months].

Variant:

MS can restrict the use of foreign vehicles hired by its undertakings. The minimum allowed period of use is [two months]; however, the Member State is not prevented from requiring re-registration after 30 days.

Application to the different situations: a MS with re-registration rules after 30 days can still apply the rule on its own territory while the minimum hire contract is longer [two months] (the vehicle would have to leave the territory after presence in the MS for 30 days). For the MS without the 30 days registration rule, a longer minimum period [2 months] minimum period would apply in general.

Summary:

This option would make a clearer link of the minimum of 30 days liberalisation set out in the general approach with the national registration rules: national rules on re-registration have to adapt to 30 days liberalisation, for other MS with longer periods requested for re-registration it is up to the decision of the MS to change rules or have minimum 2 months allowed for the hire.

Option 2

MS can restrict the use of foreign vehicles hired by its undertakings. The minimum allowed period is 30 days.

Baseline option:

In case the MS opts for the minimum period, it has to allow extension of use to another 30 days, in which case it may require notification and provision of reasons (seasonal demand, operational necessity).

Application to the situation: The MS would have to allow 30 days use minimum. However, the company has the right to ask for extension by another 30 days, providing reason.

Variant:

MS can restrict the use of foreign vehicles hired by its undertakings. The minimum allowed period is 30 days. Alternatively, the haulage company may hire for a minimum period of [two months], in which latter case the MS may require prior (before starting the use) notification and provision of reasons (seasonal demand, operational necessity).

Application to the situation: The MS would offer to the company to use the vehicle either 30 days without further requirements (except, if needed, the Community licence), or to use it for [two months] but subject to prior (before starting the use) provision of reason.

Summary

This option does not make a link to the national rules on registration, but instead provides an additional flexibility for the company to go beyond 30 days use subject to verification by the authorities that there is an operational reason to use the vehicle registered in the other MS.

General considerations

Under all options, considering **that the restriction is only a possibility for the MS** to act, the MS **can maintain a liberal approach**. As the MS will be obliged to update the national electronic register with the foreign number plates, it has the obligation to organise notification of hired vehicles by the haulage company (one possibility: through the company's request of the Community licence).

In case the MS would like **to establish a restriction of two or three or fourth months maximum use**: under all options, the MS can establish the restriction. If option 2 is the compromise, the MS could attach a justification requirement for all hires envisaged for more than 30 days. As the MS will be obliged to update the national electronic register with the foreign number plates, it has the obligation to organise notification of hired vehicles by the haulage company (one possibility: through the company's request of the Community licence).

The two options slightly differ in terms of administrative effort. While the first option does not require any additional administrative effort, **once the MS has transposed the directive and thereby clarified the applicable rules**, in the second option an administrative follow-up is necessary in case that the Member State opts for maximum restriction; this, on the other hand, allows for better monitoring of the uptake of short-term hires.