



Brussels, 15 October 2021
(OR. en)

12743/21

LIMITE

TRANS 593
CODEC 1307

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

REPORT

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee (Part 1) |
| 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 – Preparation for the trilogue |

I. INTRODUCTION

1. The Commission presented its proposal to amend Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road in May 2017 as part of the Mobility Package I.
2. Directive 2006/1/EC codifies earlier rules and provides for a minimum level of market opening for the use of vehicles hired without drivers for the carriage of goods by road between Member States, both for undertakings established in their territories and undertakings established in another Member State. However, the Directive:
 - allows a Member State to restrict the use of hired vehicles by undertakings established on its territory to those which are registered in that Member State, and in addition allows to prohibit the use of hired vehicles with a total permissible laden mass above six tonnes for own-account operations;

- is limited, in respect of undertakings established in another Member State, to hiring vehicles registered in that same Member State for the purpose of traffic between Member States.
- 3. The Commission proposes to amend Directive 2006/1/EC mainly to remove the existing restrictions and to establish a clear and uniform regulatory framework, giving transport operators across the EU equal access to the market for hired vehicles.
- 4. The European Parliament's Committee on Transport and Tourism (TRAN) appointed Ms Cláudia Monteiro de Aguiar (EPP, PT) as rapporteur. The TRAN Committee voted on her report on 24 May 2018, and the European Parliament adopted its first reading position, containing 15 amendments, on 15 January 2019.¹
- 5. The European Economic and Social Committee and the European Committee of the Regions adopted their opinions on 6 December 2017 and 1 February 2018, respectively.

II. WORK WITHIN THE COUNCIL

- 6. The Working Party on land transport met first under the Maltese, then regularly under the Estonian, Bulgarian, Romanian and Croatian Presidencies in order to discuss the proposal and to work on compromise texts. After three attempts to move the file towards negotiations, the Council on 3 June 2021 reached a general approach under the Portuguese Presidency.²

III. NEGOTIATIONS WITH THE EUROPEAN PARLIAMENT

- 7. The first trilogue, organised under the current Presidency on 15 July 2021, served to compare positions, identify main issues of divergence and organise the work during the negotiations. While many of the amendments on both sides were considered to be of a political nature, the key issues were the options for Member States to restrict the access to the market of hiring goods vehicles.

¹ See doc. ST 5386/19.

² See doc. ST 9398/21.

8. During technical meetings on 10 September and 7 October 2021, the negotiating teams prepared compromise proposals on all secondary issues and also on a number of political ones. The Presidency consulted the Working Party on 20 September, and 4 and 11 October 2021. The Parliament accepted most of the Council's amendments and compromise proposals, including those that are related to the monitoring and control of hired vehicles in the fleets of haulage undertakings (Article 3a of the amended Directive, lines 50 to 56). The compromise texts can be found in the 4-column table set out in annex to this report.³

IV. MAIN OPEN ISSUES

9. The remaining political issues consist of the formulation of options for Member States to restrict the access to the hired vehicles market (Article 3(2), lines 43 to 46).

a) Limitation of the hire in the fleet

10. As regards the possible limitation of the number of vehicles in the overall fleet of an undertaking established in the Member State which adopts the measure (line 44 and part of recital line 13), the Presidency considers that the positions of the Council and the European Parliament are quite close already. The general approach should be maintained because it offers more clarity. However, in case a compromise is needed to dispel remaining concerns, an alternative formulation in Article 3(2) b), line 44, could read⁴:

“...the Member State of establishment of the road transport undertaking may limit the number of hired vehicles that can be used by an undertaking engaged in the carriage of goods by road for hire or reward, provided that they allow the use of at least a number of vehicles corresponding to 25% of the undertaking's vehicle fleet for transport of goods 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. For this purpose, the vehicle fleet for transport of goods corresponds only to vehicles registered or put into circulation in conformity with the legislation of that Member State;”

³ The table is identical to the one in doc. 10252/2/21 REV 2.

⁴ See document ST 12287/21, page 5.

b) Limitation of the hire for own account

11. As regards the possible limitation of the access of own account operators to the hired vehicles market (Article 3(2) c), line 46 and recital line 18), the Presidency considers that the Parliament's amendment in this regard should not be accepted. The work in the Council has shown that a limitation in respect of vehicles registered in the Member State where also the own account operator is established, is no longer necessary, and that a distinction of vehicles according to their weight is too difficult to enforce. The Presidency will therefore try to convince the Parliament to accept the general approach, which provides an option for a limiting measure with a smaller scope.

c) Limitation in time

12. As regards the possible limitation of the period of use of a vehicle hired by an undertaking established in the Member State which adopts the measure (line 43 and recitals lines 13 and 14), the negotiations have shown that the Council needs to make a move toward the Parliament. However, this part of the compromise was also particularly difficult for achieving a general approach.
13. The Presidency has suggested two different options for developing a compromise, one building on a distinction according to national vehicle registration rules, the other building on *ex ante* authorisation in case that an undertaking wants to extend the period of use.
14. According to the first option, the generally guaranteed minimum period of hire would be [two consecutive months] per calendar year (instead of 30 consecutive days in the general approach). However, the Member State explicitly retains the right to have vehicle registration rules in place that require the vehicle's registration after 30 days of use by one of its undertakings. Thus, in case the Member State goes this way of regulating through its national registration law, it can ensure that the effective use of the vehicle carrying a foreign number plate does not go beyond 30 days. In case the Member State does not go this way, it can still limit the time of the individual use of hire (but not to less than [two months]) or it may maintain its more liberal approach. A formulation in Article 3(2), line 43, could read as follows (and the corresponding recital would have to be enlarged by a justification for differentiation):

“...the Member State of establishment of the road transport undertaking may: a) limit the time of use of such vehicles on its respective territory provided that it allows the use of the hired vehicle by the same road transport undertaking for a period of at least [two consecutive months] in any given calendar year; in that case, the contract of hire may be required not to last longer than the time limit set by the Member State;

new b) require that such vehicles be registered in accordance with its laws after a period of no less than 30 days; the contract of hire may in that case be required not to last longer than the period of circulation prior to the registration requirement; ...”

15. The second option could be an alternative to the above. In order to find a compromise between the two positions as regards the minimum guaranteed use (30 consecutive days in the general approach *versus* four consecutive months in the EP position), a limitation would still be possible down to 30 consecutive days, but always with a possibility of two consecutive months if it is justified by the operational needs. A formulation in Article 3(2) a), line 43, could read as follows:

“...If the Member State limits the time of use to a period shorter than two consecutive months in any given calendar year, it shall allow the road transport undertaking to request an extension of that period to at least two months; the extension may be made subject to evidence that operational needs require the continued use of the vehicle; ...” OR

“...If the Member State limits the time of use to a period shorter than two consecutive months in any given calendar year, it shall provide the road transport undertaking with the alternative to use the vehicle for at least two consecutive months upon request; this alternative may be made subject to evidence that operational needs require the use over that period; ...”

The operational needs would then be specified in the recital.⁵

⁵ E.g. by saying: “If Member States opt for a strict time limit, they should nevertheless provide the undertaking with a certain flexibility to cater for operational needs linked to the use of a vehicle, which is registered or put into circulation in another Member State, such as seasonal needs or the continued unavailability of a wrecked vehicle.”

16. Several delegations still have scrutiny reservations on the various compromise texts. The first option has received more support among delegations at technical level than the second option, in particular for concerns about the administrative work involved when following the latter. A few delegations have reiterated their position that they cannot show any flexibility.

V. CONCLUSION

17. The Permanent Representatives Committee is invited to
- endorse the compromise proposals as regards technical and secondary political issues, set out in the fourth column of the table annexed, and
 - examine the open political issues summarised under part IV. above, indicate flexibility/preference concerning the options presented under point c), and endorse the way forward in view of the forthcoming second trilogue.
18. The second trilogue is scheduled for 26 October 2021 (Council premises).
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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

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| 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 Committee¹, Having regard to the opinion of the Committee of the Regions², 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 ³ provides for a minimum level of the market | | (1) Directive 2006/1/EC of the European Parliament and of the Council ³ provides for a minimum level of the market | (1) Directive 2006/1/EC of the European Parliament and of the Council ³ provides for a minimum level of the market |

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| | <p>opening for the use of vehicles hired without drivers for the carriage of goods by road.</p> <hr/> <p>(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).</p> | | <p>opening for the use of vehicles hired without drivers for the carriage of goods by road.</p> <hr/> <p>(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).</p> | <p>opening for the use of vehicles hired without drivers for the carriage of goods by road.</p> <hr/> <p>(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).</p> |
| 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 | (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 | (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 | <p>A</p> <p><i>Compromise proposal:</i></p> <p>(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</p> |

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| | and competitiveness of the undertakings concerned. Moreover, as hired vehicles tend to be younger than the average fleet, they are also safer and less polluting. | productivity and competitiveness of the undertakings concerned. Moreover, since hired vehicles tend to be younger than the average fleet, they <i>may often be</i> safer and less polluting. | and competitiveness of the undertakings concerned. Moreover, as hired vehicles tend to be younger than the average fleet, they are also safer and less polluting. | therefore contribute to an increase in the productivity 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. | | Amendment 2 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 | (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 | (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 established on their respective territories of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account operations. Moreover, Member States are not | 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 established on their respective territories of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account |

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| | 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. | on their respective territories of a hired vehicle that 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. | 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 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 | | (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 | TM 7 Oct: compromise :incorporating main content from line 20: (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, |

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| | vehicles. | | vehicles. | seasonal or temporary demand peaks or to replace defective or damaged vehicles, <i>while ensuring compliance with the necessary safety requirements and ensuring adequate working conditions for drivers.</i> |
| 9. | | Amendment 3 <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</i> | (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 | B Link to line 33 Compromise TM 7 October: (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, if the vehicle has been registered or put into circulation in accordance with the applicable laws, safety requirements and other |

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| | | <i>of any Member State and authorised to be operated by the Member State of establishment of the undertaking responsible.</i> | 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. | mandatory standards of a 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, 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 provision of relevant evidence, documents in electronic form should be recognised as means of proving compliance with Directive 2006/1/EC. | B <i>GA provisionally acceptable</i> (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. |

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| 12. | | Amendment 4 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 used within their respective territories. | (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 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</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 undertakings established on their respective territories may 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 on | C – <i>dependent on agreement in lines 43/44</i> |

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| | | <i>established within their territories.</i> | 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. | |
| 14. | | | (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 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 | C - dependent on agreement in line 43 |

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| | | | 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. | |
| 15. | | Amendment 5 <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</i> | (5b) 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 | C GA provisionally acceptable (5b) 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 |

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| | | <p><i>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 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</i></p> | <p>accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council⁴, 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 (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</p> | <p>their Member State of establishment. In accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council⁴, 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 (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</p> |

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| | | <i>transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).</i> | <p>other than those issued by the Member States of establishment.</p> <hr/> <p>⁴ 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).</p> | <p>search in respect of vehicles with a registration number other than those issued by the Member States of establishment.</p> <hr/> <p>⁴ 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).</p> |
| 17. | | | (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 | <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</p> |

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| | | | <p>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 Council⁵</p> <p>⁵ 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> | <p>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 Council⁵</p> <p>⁵ 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</p> |

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| | | | p. 13 | 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. 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. | C – <i>dependent on agreement in line 46</i> |
| 19. | | Amendment 6 <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</i> | | C TM 7 October: first part incorporated in line 8, second part dropped |

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| | | <i>have guaranteed access to assets and direct support infrastructure in the country in which they are performing their operations.</i> | | |
| 21. | | Amendment 7 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 of that report. | (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 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</i> | (7) The implementation and effects of Directive 2006/1/EC should be monitored by the Commission and be documented by it in a report. That report should pay 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 | C – linked to line 59 <i>Compromise TM 7 October :</i> (7) The implementation and effects of Directive 2006/1/EC should be monitored by the Commission and be 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 impact <u>of this Directive</u> on road safety and on the environment through <u>changes in the age and type composition of the vehicle</u></i> |

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| | | area should be considered in light of that report. | 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. | <u>fleets, and on tax revenues, with particular regard to the justification of restrictions provided for in this Directive [refer to Article 3(2)].</u> <i>The report should also assess whether its implementation has entailed difficulties in relation to enforcement, including the enforcement of cabotage rules. The need for</i> 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 | | (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, | 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 |

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| | 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. | | in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in this Article , this Directive does not go beyond what is necessary in order to achieve those objectives. | 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 principle of proportionality 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 therefore be amended accordingly, | | (9) Directive 2006/1/EC should therefore be amended accordingly, | (9) Directive 2006/1/EC should therefore be amended accordingly, |

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| 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 part 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 part 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: |

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| 32. | | Amendment 8 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, <i>including operating standards and safety requirements</i> ;" | "(a) the vehicle is registered or put into circulation in compliance with the laws of any Member State 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 TM 7 October: together with a compromise on line 10 the Presidency compromise is acceptable: "(a) the vehicle is registered or put into circulation in compliance with the laws of any Member State and, if applicable, used in compliance with the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009; " |

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| 34. | | Amendment 9 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> |

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| 36. | | | (b) in paragraph 2, the introductory part is replaced by the following: | B |
| 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. | | 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. | <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 | <i>"Article 3</i> 1. Member States shall take the necessary measures to ensure that undertakings <i>established within their territories</i> may use hired vehicles for the | <i>"Article 3</i> 1. Member States shall take the necessary measures to ensure that undertakings established on their respective territories may use hired vehicles for the | A <i>GA provisionally acceptable</i> <i>"Article 3</i> 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 <i>Article 3 – paragraph 1 a (new)</i> | | |
| 42. | | "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: | 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, the 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 | C |

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| | | <i>given calendar year; in which case the contract of hire may be required not to last longer than the time limit set by the Member State;</i> | 30 consecutive days in any given calendar year; in that case the contract of hire may be required not to last longer than the time limit set by the Member State; | |
| 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) 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 | C |

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| | | | 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 <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</i> | c) limit the use of such vehicles for own account transport operations." | C |

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| | | <i>permissible laden weight of more than 6 tonnes."</i> | | |
| 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> | (2a) the following Article 3a is inserted: | <i>(2a) the following Article 3a is inserted</i> |
| 49. | | "Article 3a | "Article 3a | "Article 3a |
| 50. | | <p>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*.</p> <p>*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.</p> | <p>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</p> | <p>B Compromise TM 7 October :</p> <p>Member States shall take the necessary measures to ensure that the registration number of a hired vehicle <u>used by an operator which engages in the carriage of goods by road for hire and reward</u> is entered in the national electronic register referred to in Article 16 of Regulation (EC) 1071/2009.</p> |

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| | | | national electronic register referred to in Article 16 of 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 Compromise TM 7 October: 2. <i>Competent authorities of the Member States <u>shall cooperate closely and shall swiftly provide one another with mutual assistance and with any other relevant information in order to facilitate the implementation and enforcement of this Directive.</u> For this purpose, Member States <u>shall designate a national contact point responsible for the exchange of information with the other Member States.</u></i> |
| 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> | | 2a. <i>The exchange of information referred to in paragraph 1 shall take place through the message exchange system, namely the <u>European Registers of Road Transport Undertakings (ERRU)</u></i> |

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| | | ** <i>OJ L 316, 14.11.2012, p.1.</i> | | <p><u>as specified by Commission Regulation (EU) 2016/480.</u></p> <p><u>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.</u></p> <p><u>2c. Mutual administrative cooperation and assistance shall be provided free of charge.</u></p> <p><u>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</u></p> |

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| | | | | <u>of this Directive.</u> |
| 53. | | | <p>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.</p> | <p><i>GA acceptable, precision of the reference to be checked</i></p> <p>Member States shall take the necessary measures to ensure that the processing of the data referred to in <u>paragraph one</u> 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.</p> |
| 54. | | | <p>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</p> | <p>C</p> <p><i>GA provisionally acceptable</i></p> <p>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)</p> |

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| | | | <p>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.</p> | <p>subparagraph 2 of 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</p> |

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| | | | | Regulation (EC) 1071/2009. |
| 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 <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> |

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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 <i>GA acceptable at tech level</i> 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. | <i>"Article 5a</i> 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 | <i>"Article 5a</i> 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 | <i>"Article 5a</i> 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 <i>Compromise TM 7 October:</i> 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 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, and 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." * <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> | other than the Member State of establishment of the undertaking hiring the vehicle. That report 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." | vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. <i>The report shall pay particular attention to the impact on road safety, <u>on the environment</u>, 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 | C <i>GA could be acceptable because this is in line with ERRU.</i> |

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| | | | <p>165/2014 of the European Parliament and of the Council.*</p> <hr/> <p>* 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).</p> | |

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| 62. | | | <p>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.</p> <hr/> <p>** 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)."</p> | <p>C GA could be acceptable because this is in line with ERRU.</p> |

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| 63. | <i>Article 2</i> | <i>Article 2</i> | <i>Article 2</i> | <i>Article 2</i> |
| 64. | | Amendment 14 Article 2 – paragraph 1 – subparagraph 1 | | |
| 65. | <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP: please 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.</p> | <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [20 months after the date of entry into force of this Directive].</p> <p>They shall communicate to the Commission the text of those provisions without delay.</p> <p>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.</p> | <p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 21 August 2023 at the latest.</p> <p>They shall communicate to the Commission the text of those provisions without delay.</p> <p>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.</p> | <p>C</p> <p><i>TM 7 October: EP calculation acceptable, the resulting timeline must at least correspond to GA date</i></p> |

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| 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. |
| 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. |