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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
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
- Outcome of the European Parliament's first reading
(Strasbourg, 14 to 17 January 2019)

I. INTRODUCTION

The rapporteur, Cláudia MONTEIRO DE AGUIAR (EPP, PT), presented a report on the proposal for a Directive on behalf of the Committee on Transport and Tourism. The report contained fourteen amendments (amendments 1-14) to the proposal.

In addition, the S&D group tabled six amendments (amendments 27-32) and the GUE/NGL group five amendments (amendments 33-37).

II. VOTE

When it voted on 15 January 2019, the plenary adopted amendments 1-14 and 28-34 to the proposal for a Directive.

Amendment 27 has been declared inadmissible.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto¹.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

Use of vehicles hired without drivers for the carriage of goods by road *I**

European Parliament legislative resolution of 15 January 2019 on the 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 (COM(2017)0282 – C8-0172/2017 – 2017/0113(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0282),
 - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0172/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 6 December 2017²,
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0193/2018),
1. Adopts its position at first reading hereinafter set out³;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

² OJ C 129, 11.4.2018, p. 71.

³ This position replaces the amendments adopted on 14 June 2018 (Texts adopted, P8_TA(2018)0264).

Amendment 1

Proposal for a directive

Recital 2

Text proposed by the Commission

(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. Moreover, as hired vehicles tend to be younger than the average fleet, they *are also* safer and less polluting.

Amendment

(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 undertakings concerned. Moreover, since hired vehicles tend to be younger than the average fleet, they *may often be* safer and less polluting.

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Directive 2006/1/EC does not enable undertakings to fully benefit from the advantages of using hired vehicles. That Directive allows Member States to restrict the use by their undertakings of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account operations. Moreover, Member States are not required to allow the use of a hired vehicle on their respective territories if the vehicle has been registered or put into circulation in compliance with the laws in a Member State other than the one of establishment of the undertaking hiring it.

Amendment

(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 *established within their territories*, of hired vehicles with a maximum permissible laden weight of more than six tonnes for own account operations. Moreover, Member States are not required to allow the use on their respective territories of a hired vehicle that has been 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.

Amendment 3

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking duly established on the territory of another Member State, provided that the vehicle is registered and complies with operating standards and safety requirements, or put into circulation in compliance with the laws of any Member State and authorised to be operated by the Member State of establishment of the undertaking responsible.

Amendment 4

Proposal for a directive Recital 5

Text proposed by the Commission

Amendment

(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 ***for the purpose of avoiding*** fiscal distortions. Consequently, Member States should have the option to limit, ***subject to the conditions laid down in this Directive*** and within their respective territories, ***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 established within their territories.

Amendment 5

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) In order to enforce these measures, the information on the registration number of the hired vehicle should be provided in the Member States' national electronic registers as established by Regulation (EC) No 1071/2009. Competent authorities of the Member State of establishment that are being informed of the use of a vehicle which the operator has hired and which is registered or put into circulation in compliance with the laws in another Member State should inform the competent authorities of that other Member State thereof. Member States should use the Internal Market Information System (IMI) to that end.

Amendment 6

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) 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.

Amendment 7

Proposal for a directive Recital 7

Text proposed by the Commission

(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.

Amendment

(7) The implementation and effects of this Directive should be monitored by the Commission and be documented by it in a report 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 area should be considered in light of that report.

Amendment 8

Proposal for a directive Article 1 – paragraph 1 – point 1 – point a – point ii

Directive 2006/1/EC

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) the vehicle is registered or put into circulation in compliance with the laws of **a** Member State;

Amendment

(a) the vehicle is registered or put into circulation in compliance with the laws of **any** Member State, **including operating standards and safety requirements**;

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2006/1/EC

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the following paragraph 1a is inserted:

deleted

‘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. ’

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2006/1/EC

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that ***their*** undertakings may use hired vehicles for the carriage of goods by road under the same conditions as vehicles owned by them, provided that the conditions laid down in Article 2 are satisfied.

1. Member States shall take the necessary measures to ensure that undertakings ***established within their 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.

Amendment 11

Proposal for a directive Article 1 – paragraph 1 – point 2

Directive 2006/1/EC

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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:

(a) limit the time of use of the hired vehicle within its respective territory provided that it allows the use of the hired vehicle for at least four consecutive months any given calendar year; in which case the contract of hire may be required not to last longer than the time limit set by the Member State;

(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.”

Amendments 28 and 34

Proposal for a directive Article 1 – paragraph 1 – point 2

Directive 2006/1/EC

Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States may exclude from the provisions of paragraph 1 own account transport operations carried out by vehicles with a total permissible laden weight of more than 6 tonnes.

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2006/1/EC

Article 3 a (new)

Text proposed by the Commission

Amendment

(2 a) the following Article 3 a is inserted

“Article 3a

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*.

2. 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.

3. 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**.

** Referring to Article 16 of Regulation (No) 1071/2009 taking into account the extension of the information to be recorded as proposed by the Commission.*

*** OJ L 316, 14.11.2012, p.1.”*

Amendment 13

Proposal for a directive Article 1 – paragraph 1 – point 3

Directive 2006/1/EC

Article 5 a – paragraph 1

Text proposed by the Commission

By [OP: please insert the date calculated 5 years after the deadline for transposition of the Directive], the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. The report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. On the basis of this report, the Commission shall assess whether it is necessary to propose additional measures.

Amendment

By ... [3 years after the deadline for transposition of this amending Directive], the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. The report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. ***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.*** On the basis of this report, the Commission shall assess whether it is necessary to propose additional measures.

Amendment 14

Proposal for a directive Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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]**. They shall communicate to the Commission the text of those provisions without delay.